

Introduced: 5/12/75  
Referred: State Affairs  
and Finance

1 IN THE HOUSE

BY SPECKING AND BOWMAN

2 HOUSE BILL NO. 495

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle inspection; and  
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 28 is amended by adding a new chapter to read:

10 CHAPTER 12. MOTOR VEHICLE INSPECTION.

11 Sec. 28.12.010. UNLAWFUL TO DRIVE UNSAFE VEHICLE. No person may  
12 operate, drive or move a vehicle which is mechanically defective or in  
13 an unsafe condition upon a state highway, except as provided in this  
14 chapter.

15 Sec. 28.12.020. INSPECTION REQUIRED FOR SAFETY AND IDENTIFICATION.

16 (a) The department or its authorized representative may inspect a  
17 vehicle in the interest of the public health, safety, and general  
18 welfare, to insure compliance with this chapter and regulations adopted  
19 under AS 28.05.030(a)(4).

20 (b) The commissioner may, by regulation or reciprocal agreement  
21 with other jurisdictions, authorize the acceptance in this state of a  
22 certificate of inspection and approval issued in another jurisdiction  
23 having an inspection law substantially similar to the requirements of  
24 this chapter.

25 (c) The commissioner or his designee may extend the time for an  
26 inspection required by this chapter for not more than 60 days.

27 (d) The commissioner may extend the time within which a certifi-  
28 cate may be obtained by the resident owner of a vehicle which was not  
29 in this state during the time an inspection was required and may also

1 provide by regulation for inspection of a foreign vehicle on request  
2 of the owner or operator of the foreign vehicle.

3 (e) The commissioner may suspend or revoke the registration of a  
4 vehicle which he determines is mechanically unfit or unsafe to be  
5 operated or moved upon the highways, or which after notice is not  
6 equipped as required by regulations adopted under AS 28.05.030(a)(4),  
7 or for which a required certificate has not been obtained.

8 Sec. 28.12.030. OWNERS AND DRIVERS TO COMPLY WITH INSPECTION  
9 LAWS. No owner or driver may refuse to submit a vehicle to an inspec-  
10 tion and test that is authorized or required by the provisions of this  
11 chapter.

12 Sec. 28.12.040. PERIODIC INSPECTION REQUIRED. (a) Every vehicle  
13 registered in this state, except mobile homes not operated upon the  
14 highways, snowmobiles and other off-highway vehicles, shall be inspected  
15 at least once in every 12 month period, and an official certificate of  
16 inspection and approval shall be obtained for each vehicle.

17 (b) Inspections shall be conducted in accordance with standards  
18 of the United States of America Standards Institute, the United States  
19 Department of Transportation, or the Alaska Department of Environmental  
20 Conservation, as specified by the commissioner.

21 (c) The commissioner may require a portion of all registered  
22 vehicles to be inspected each calendar month so as to avoid unnecessary  
23 inconvenience and congestion at inspection stations.

24 (d) A vehicle required by law to be registered in this and  
25 another jurisdiction is exempt from periodic inspection in this state  
26 if the vehicle bears a valid inspection certificate issued by the  
27 other jurisdiction within the six months immediately preceding the  
28 application for registration.

29 (e) Regulations adopted under AS 28.05.030(a)(4) may be made

1 applicable to the state as a whole or may vary from area to area as  
2 may be appropriate to facilitate accomplishment of the purposes of  
3 this chapter and in order to allow for varying local conditions.

4 Sec. 28.12.050. INSPECTION BY OFFICERS. (a) A uniformed police  
5 officer, when conducting tests or inspections of vehicles or when he  
6 has reasonable cause to believe that a vehicle is unsafe or not properly  
7 equipped or that its equipment is not in proper adjustment or repair  
8 as required by this chapter or regulations adopted under AS 28.05.030-  
9 (a)(4), may require the driver of a vehicle to stop and submit the  
10 vehicle to an inspection or tests.

11 (b) When roadside tests or inspections are being conducted by  
12 uniformed police officers, a sign requiring a stop for the particular  
13 class or type of vehicle being tested or inspected shall be displayed.

14 (c) If a vehicle is found to be in unsafe condition or a required  
15 part or equipment is not present or in proper repair and adjustment,  
16 the officer shall give a written notice to the driver. The notice  
17 shall require that the vehicle be placed in safe condition and its  
18 equipment be put in proper repair and adjustment as soon as practicable  
19 and shall require that an official certificate of inspection and  
20 approval be obtained within 10 days unless otherwise specified.

21 (d) Unless otherwise specified in the notice required under (c)  
22 of this section, issuance of the prescribed notice prohibits further  
23 operation of the vehicle upon a highway or other vehicular way or  
24 area, except that the vehicle may be driven to a garage or other place  
25 of repair or adjustment, until the vehicle and its equipment have been  
26 placed in proper repair and adjustment or otherwise made to conform to  
27 the requirements of this chapter and regulations adopted under AS  
28 28.05.030(a)(4).

29 (e) In the event that the inspected vehicle is, in the reasonable

1 judgment of the officer, in a condition in which further operation  
2 would be hazardous, the officer may require that the vehicle not be  
3 operated under its own power or that it be driven to the nearest  
4 garage or other place of repair or adjustment.

5 Sec. 28.12.060. INSPECTION, REGISTRATION, AND TITLE. (a) No  
6 application for the yearly registration of a vehicle required to be  
7 inspected under this chapter may be accepted by the Department of  
8 Revenue unless the vehicle bears a current, valid inspection certificate.

9 (b) Within 90 days immediately preceding the issuance or transfer  
10 of title or initial registration in this state of a vehicle, including  
11 but not limited to a specially constructed or reconstructed vehicle,  
12 or preceding the initial registration of a vehicle purchased at an  
13 abandoned vehicle auction, an inspection shall be made under this  
14 chapter and the regulations adopted under AS 28.05.030(a)(4) to determine  
15 if the vehicle is mechanically safe and conforms to the description on  
16 the application for registration.

17 (c) No application for original title and registration or for  
18 transfer of title and registration of a vehicle required to be inspected  
19 under this chapter may be accepted by the Department of Revenue unless  
20 the vehicle has been inspected by a qualified motor vehicle inspector,  
21 within the 90-day period immediately preceding the date of application,  
22 as evidenced by a valid inspection certificate.

23 (d) Before selling or otherwise transferring ownership of a  
24 vehicle required to be inspected under this chapter, a motor vehicle  
25 dealer shall provide the buyer with written proof that the vehicle has  
26 been inspected by a licensed inspection station, other than the dealer,  
27 within the preceding 30 days. Failure to provide that proof to the  
28 buyer is a violation of this chapter.

29 Sec. 28.12.070. COMMISSIONER MAY ESTABLISH STATIONS. For the

1 purpose of making inspections and issuing official certificates of  
2 inspection as provided in this chapter, the commissioner may establish  
3 permanent or temporary stations and may provide equipment as considered  
4 necessary and suitable for the purposes of administering this chapter.  
5 The commissioner shall publicize the location and hours of operation  
6 of all stations or other places where inspections and certificates may  
7 be obtained.

8 Sec. 28.12.080. APPOINTMENT OF OFFICIAL INSPECTION STATIONS.

9 (a) The commissioner may develop procedures and adopt regulations for  
10 granting permits and establishing inspection stations to carry out the  
11 purpose of this chapter. The commissioner may issue permits to municipi-  
12 pal or privately-owned facilities that comply with the requirements of  
13 this chapter or regulations adopted under it or under AS 28.05.030(a)(4).  
14 Upon the issuance of a permit under this section, the commissioner  
15 shall designate the facility as an official state inspection station  
16 which may inspect vehicles and issue official certificates of inspection  
17 pursuant to the provisions of this chapter and applicable regulations.

18 (b) Application for a permit to operate an official state in-  
19 spection station shall be made on an official form and the permit may  
20 be issued only when the commissioner is satisfied that the station is  
21 properly equipped, has competent personnel to make inspections and  
22 adjustments, and that inspections will be conducted properly. Before  
23 issuing a permit, the commissioner shall require a bond or proof of  
24 insurance to provide compensation for any damage occurring to a vehicle  
25 during an inspection or adjustment due to negligence on the part of  
26 the applicant or its employees.

27 (c) The commissioner shall require the payment of an annual fee  
28 by official inspection stations not to exceed \$100, which fee shall  
29 accompany the application for permit. If a permit is not issued, one-

1 half of the fee shall be returned to the applicant. Official inspection  
2 certificates may be obtained from the department at a cost not to  
3 exceed \$2.50 per certificate. All fees collected by the department  
4 under this chapter shall be deposited in the general fund of the  
5 state. Unused certificates may be returned to the department for a  
6 credit or refund.

7 (d) The commissioner may issue, under the provisions of this  
8 chapter, to an individual who or organization which owns or operates  
9 five or more vehicles and otherwise meets the requirements of this  
10 chapter, a permit to inspect only the vehicles owned or operated by  
11 that permit holder.

12 (e) The commissioner shall inspect the stations to which a  
13 permit is issued under the provisions of this section and may suspend  
14 or revoke the permit issued to a station which he finds is not properly  
15 conducted or equipped or which has violated or failed to comply with  
16 the provisions of this chapter or for other good cause shown. The  
17 commissioner shall maintain a list of all stations holding permits and  
18 of those whose permits have been suspended or revoked. A suspended or  
19 revoked permit and all unused certificates of inspection shall be  
20 returned immediately to the department.

21 Sec. 28.12.090. OPERATION OF INSPECTION STATIONS; ISSUANCE OF  
22 INSPECTION CERTIFICATES. (a) No permit for an official inspection  
23 station may be transferred or used at a location other than the location  
24 designated in the permit. Each permit shall be posted in a conspicuous  
25 place at the designated location.

26 (b) An operator of an official inspection station shall issue a  
27 certificate of inspection and approval only after inspecting the  
28 vehicle and determining that the equipment required by the commissioner  
29 to be inspected is in good working order and adjustment. The original

1 copy of a certificate or other officially prescribed evidence of its  
2 issuance, shall at all times be displayed on the motor vehicle in  
3 accordance with sec. 110 of this chapter. The duplicate copy of each  
4 certificate shall be sent to the Department of Revenue when the motor  
5 vehicle is registered or re-registered or the title and registration  
6 are transferred as prescribed in sec. 60 of this chapter.

7 (c) A certificate of inspection and approval may be issued free  
8 of charge, or a fee of not more than \$10 may be charged for an inspection  
9 and issuance of the certificate.

10 (d) If repair or adjustment of a vehicle or its equipment is  
11 found necessary upon inspection, the owner of the vehicle may obtain  
12 repair or adjustment at a place of his choosing. If the vehicle is,  
13 of necessity, to be operated on a highway before repair or adjustment,  
14 an official certificate of rejection shall be issued which requires  
15 that the vehicle be placed in safe condition and its equipment in  
16 proper repair and adjustment as soon as practicable, and which requires  
17 that a certificate of inspection and approval be obtained within 10 days  
18 unless another time limit is specified. The owner or operator of a  
19 vehicle shall comply with the requirements of a rejection certificate  
20 issued to him and shall secure a certificate of inspection and approval  
21 within the specified time. A vehicle may not be operated on a highway  
22 or vehicular way of this state after the date specified in the rejection  
23 certificate. A fee shall be collected at the time of the original  
24 inspection, regardless of whether or not the inspected vehicle passes  
25 the inspection, and no additional fee may be charged if the vehicle is  
26 repaired and returned to the same inspection station within 10 days or  
27 within whatever other time limit may be specified on the rejection  
28 certificate.

29 (e) A record shall be made of every inspection and every certifi-

1 cate issued and the record shall be forwarded to the department in a  
2 manner and at a time the commissioner specifies.

3 Sec. 28.12.100. SIGNS OR POSTERS AT MOTOR VEHICLE INSPECTION  
4 STATIONS. (a) All signs or posters pertaining to the safety inspection  
5 program used by an official inspection station must be ones issued or  
6 approved by the department.

7 (b) All designated motor vehicle inspection stations shall post  
8 notification in a conspicuous manner stating whether or not repairs  
9 and adjustments which may be required by an inspector are available at  
10 the station. The notice shall also state that required repairs need  
11 not be made at that station.

12 Sec. 28.12.110. DISPLAY OF INSPECTION CERTIFICATES. Every  
13 vehicle inspected under the provisions of this chapter or regulations  
14 adopted under AS 28.05.030(a)(4) shall at all times display a certificate  
15 of inspection having a design approved by the commissioner and the  
16 certificate shall be mounted in the extreme lower left-hand corner of  
17 the front windshield.

18 Sec. 28.12.120. IMPROPER REPRESENTATION AS OFFICIAL STATION.  
19 (a) No person may in any manner represent or hold out a location as  
20 an official inspection station unless the station or location is  
21 operated by the department or is operating under a valid permit issued  
22 by the department.

23 (b) No person other than a duly authorized officer or employee  
24 of the official inspection station may issue a certificate of inspection  
25 and approval or a certificate of rejection.

26 (c) No unauthorized person may knowingly possess or dispense  
27 official certificates of inspection.

28 Sec. 28.12.130. FALSE CERTIFICATES. (a) No person may make,  
29 issue, or knowingly display on a vehicle an imitation or facsimile of

1 an official certificate of inspection.

2 (b) No person may display or cause or permit to be displayed  
3 upon a vehicle a certificate of inspection knowing the certificate to  
4 be fictitious or issued for another vehicle or issued without an  
5 inspection having been made.

6 Sec. 28.12.140. OTHER PROHIBITED PRACTICES. (a) No police  
7 officer or other person authorized by the department to conduct the  
8 inspections required by this chapter may order, direct, recommend, or  
9 influence the repair or adjustment of a vehicle or its equipment by a  
10 particular person, or perform repair or adjustment at a roadside  
11 inspection area for compensation, nor may a person solicit in any  
12 manner at a roadside inspection area or upon an adjacent highway the  
13 performance of any repair or adjustment.

14 (b) No person may repair or adjust a vehicle or vehicular equip-  
15 ment in a manner which is not in accordance with the regulations  
16 adopted under AS 28.05.030(a)(4) or standards of repair or adjustment  
17 established or approved by the commissioner, nor may a person provide  
18 another person with false evidence or a document indicating repair or  
19 adjustment which has not, in fact, been made.

20 Sec. 28.12.150. FALSE OR MISLEADING STATEMENTS. No person may,  
21 wilfully and with intent to conceal or misrepresent the identity or  
22 condition of a motor vehicle, make a false or misleading statement in  
23 connection with the inspection of a motor vehicle.

24 Sec. 28.12.160. PENALTIES. A person who is guilty of a violation  
25 of a provision of this chapter is, upon conviction, punishable by im-  
26 prisonment for not more than one year or by a fine of not more than  
27 \$1,000, or by both.

28 Sec. 28.12.170. DEFINITIONS. Unless the context requires other-  
29 wise

1 (1) "commissioner" means the commissioner of public safety;

2 (2) "department" means the Department of Public Safety;

3 (3) "highway" means the entire width between the boundary  
4 lines of every way that is publicly maintained when any part of it is  
5 open to the public for purposes of vehicular travel, except an area or  
6 way which is open to public use for limited forms of travel; the term  
7 does not include the Alaska State Marine Highway System;

8 (4) "vehicle" means a device used for transporting a person  
9 or property upon a highway, except devices moved or drawn by human or  
10 animal power;

11 (5) "vehicular way or area" means every way, path, or area  
12 including a highway, which is open to the public for purposes of  
13 pedestrian, bicycle, or vehicular operation or travel, except private  
14 property open to public use.

15 \* Sec. 2. AS 28.10.050(a) is amended by adding a new paragraph to read:

16 (6) for vehicles required to be inspected under AS 28.12, a  
17 copy of the certificate of inspection.

18 \* Sec. 3. AS 28.10.060 is amended to read:

19 Sec. 28.10.060. VEHICLES REGISTERED ELSEWHERE. Upon registering  
20 a vehicle registered in another state or country, the applicant shall  
21 surrender to the department all certificates of registration, or other  
22 evidence of registration which is in his possession or control.  
23 However, if in the course of interstate operation of a vehicle registered  
24 in another state it is desirable to retain registration of the vehicle  
25 in the other state, the applicant need not surrender the evidence of  
26 foreign registration but shall submit it for inspection, and the de-  
27 partment upon a proper showing shall register the vehicle. However,  
28 the department shall not issue a certificate of title for the vehicle.  
29 Each applicant shall obtain and submit a certificate of inspection as

1        required under AS 28.12 unless he has a valid and current inspection  
2        certificate from a state with which Alaska has a reciprocal agreement  
3        on recognition of inspection certificates. If the registered or legal  
4        owner cannot surrender the out-of-state title, or in the case of a  
5        nontitle state, the registration certificate, because of an encum-  
6        brance or otherwise, the department shall register the vehicle in the  
7        usual manner and shall mark the State of Alaska registration certificate  
8        "No Alaska Title Issued."

9        \* Sec. 4. AS 28.10.100 is amended by adding a new paragraph to read:

10                (5) that a valid certificate of inspection has not been  
11                presented to the department.

12        \* Sec. 5. AS 28.10.390 is amended to read:

13                Sec. 28.10.390. TRANSFER TO DEALER. When the owner of a regis-  
14                tered vehicle transfers or assigns his title or interest to a dealer,  
15                the transferor shall merely endorse the certificate of title. The  
16                dealer is not required to present the certificate of registration or  
17                certificate of title to the department, as provided in sec. 360 of  
18                this chapter, until the vehicle is transferred by the dealer. However,  
19                the dealer shall immediately notify the department that the vehicle  
20                has been transferred to him and shall, as required by ch. 12 of this  
21                title, transmit a copy of the certificate of inspection. .

22        \* Sec. 6. AS 28.35.210 is repealed.

23        \* Sec. 7. This Act takes effect July 1, 1975.  
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