

SENATE CS FOR CS FOR HOUSE BILL NO. 454 (TRANSPORTATION)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered: 4/15/92
Referred: L&C

Sponsor(s): REPRESENTATIVES LEMAN, Finkelstein, G.Phillips, Brown

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the transfer of ownership of a motor vehicle."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * Section 1. AS 45.45 is amended by adding new sections to read:

4 **ARTICLE 6A. MOTOR VEHICLE SALES.**

5 **Sec. 45.45.400. PROHIBITED TRANSFER IF POLLUTION CONTROL SYSTEM IS**
6 **ALTERED. (a) The owner of a motor vehicle who resides in an area that has an air pollution**
7 **program established under AS 46.03.210 or in a controlled area established by the Department**
8 **of Environmental Conservation under AS 46.03.220, or the owner's agent may not transfer,**
9 **assign, or sell the owner's title or interest in the vehicle if the owner or the owner's agent knows**
10 **or negligently fails to know that the vehicle's pollution control system has been altered or**
11 **removed, except that a pollution control system may be altered if the resulting pollution control**
12 **system has been approved by the state or by a municipality that has established an air pollution**
13 **control program under AS 46.03.210.**

14 (b) This section does not apply to a motor vehicle that

1 (1) when manufactured did not have a pollution control system; or
2 (2) is not registered in an area that has an air pollution control program
3 established under AS 46.03.210 or in a controlled area established by the Department of
4 Environmental Conservation under AS 46.03.220.

5 (c) A transfer, assignment, or sale in violation of this section is voidable by the
6 transferee, assignee, or buyer before another transfer, assignment, or sale of the motor vehicle
7 and the transferee, assignee, or buyer may recover from the transferor, assignor, or seller the
8 consideration paid for the vehicle upon tendering the vehicle to the transferor, assignor, or seller.

9 Sec. 45.45.410. PROHIBITED TRANSFER OF USED CARS. (a) A person engaged
10 in the business of selling used motor vehicles may not transfer or assign the owner's title or
11 interest in the used vehicle to a person who resides in a municipality that has an air pollution
12 control program established under AS 46.03.210 and who intends to use the vehicle in that
13 municipality, unless the vehicle has a certificate of compliance or noncompliance as required
14 under the air pollution control requirements applicable in that municipality.

15 (b) This section does not apply to a motor vehicle that when manufactured did not have
16 a pollution control system.

17 * Sec. 2. AS 45.50.471(b) is amended by adding a new paragraph to read:

18 (31) violating the provisions of AS 45.45.410.