

SCR

62

Delaying the implementation of a periodic motor vehicle inspection program in the state by annulling certain administrative regulations adopted by the Department of Public Safety.

# COMMITTEE REPORT

HOUSE

4/8/76

Mr. Speaker

Date

May 26, 1976

The Committee on JUDICIARY has had CS SCR 62 an

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR none AND THAT

CS FOR \_\_\_\_\_ DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>Tony Sheridan</u>	<u>NO REC</u>	_____
<u>Paul S. ...</u>	<u>" "</u>	_____
<u>Joseph ...</u>	<u>" "</u>	_____

Members NOT concurring in the Majority report:

_____	recommends: <u>NO REC</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

Tony Sheridan Chairman

Offered: 3/8/76  
Referred: Rules

Original sponsor: Huber and Kerttula

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE CONCURRENT RESOLUTION NO. 62 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 Delaying the implementation of a periodic  
6 motor vehicle inspection program in the  
7 state by annulling certain administrative  
8 regulations adopted by the Department of  
9 Public Safety.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 WHEREAS, under authority of AS 28.05.030(4) and AS 28.35.210, the Depart-  
12 ment of Public Safety has adopted regulations establishing a periodic motor  
13 vehicle safety program in response to federally mandated requirements; and

14 WHEREAS the announcement of the vehicle inspection program has produced  
15 widespread concern throughout the state that the objectives, procedures, and  
16 minimum requirements of the program had not been adequately studied or  
17 evaluated; and

18 WHEREAS, although the presence of mechanically defective vehicles on the  
19 state's roads and highways is recognized as a valid highway safety concern,  
20 the periodic inspection of motor vehicles has not been proved a valid method  
21 of ensuring that the state's roads and highways will be free from these  
22 vehicles; and

23 WHEREAS the Governor has rightfully acknowledged the necessity for delay  
24 in implementing the federally mandated vehicle inspection program in this  
25 state so that further study and evaluation may be undertaken to seek a course  
26 of action with respect to the effect of mechanically defective motor vehicles  
27 on the state's highway safety program and the implementation of periodic  
28 motor vehicle inspections that will best serve and protect the interests of  
29 Alaskans; and

1           WHEREAS under AS 44.62.320 the Legislature, by concurrent resolution  
2 adopted by a vote of a majority of the members in each of both houses, may  
3 annul a regulation of an agency or department, and the annulment of these  
4 administrative regulations is the only statutorily authorized procedure that  
5 will enable suspension of the periodic motor vehicle inspection program  
6 pending further evaluation of that program called for by the Governor and  
7 endorsed by the Legislature;

8           BE IT RESOLVED by the Alaska State Legislature that administrative  
9 regulations 13 AAC 06.060 - 13 AAC 06.090 are annulled; and be it

10           FURTHER RESOLVED that the Alaska State Legislature endorses the Gover-  
11 nor's action in suspending operation of the periodic motor vehicle  
12 inspection program while undertaking further study and evaluation of that  
13 program; and be it

14           FURTHER RESOLVED that the Governor is respectfully requested to direct  
15 the Department of Public Safety to strictly enforce the vehicle safety equip-  
16 ment requirements of the state Motor Vehicle Code (AS 28) and the regulations  
17 promulgated under it and is urged to accomplish and monitor improved vehi-  
18 cular safety under its existing enforcement procedures.

IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

A M E N D M E N T #1

TO: CSSCR 62am

On page 2, line 9, after "regulations", insert: "13 AAC 06.040(d),"

On page 2, line 9, strike out "13 AAC 06.090", and insert:

"13 AAC 06.080 and 13 AAC 06.090(c) - (e)"

Feb 20, 1976

Dear John -

I know you are as busy as a cat on a tin roof - so I have addressed an envelope and put in a paper for a quick scribbled reply -

What is the status of that lousy Auto Inspection Bill - ?

I hear about land withdrawals off shore leases, 200 mile limit etc etc - but in a way they are all pretty abstract -

This inspection is a gut issue with me -

If you have time just jot down a line or two o

All the best -

John M<sup>c</sup>Cauley  
1138 Park Drive

January 26, 1976

Senator John Huber  
Pouch V  
State Capitol  
Juneau 99811

Dear John:

I heard on the radio this morning that you are attempting to give the motor vehicle inspection law the deep-six--bravo !

Not only will the program cost the state a fortune to operate as it stands, but it is subject to all sorts of manipulation and favoritism. It hits the average citizen and gives special dispensations to others. It requires inspections of vehicles in urban areas but exempts "some remote areas" as determined by the Commissioner of Public Safety. How does he do this? You can get killed by a car with bum brakes in Angoon just as effectively as in Anchorage--although I'll grant you that your odds of survival would be more attractive in Angoon.

What is particularly annoying about the law is that it applies, initially, to "noncommercial vehicles in Anchorage, Fairbanks and Juneau that are under 10,000 pounds gross vehicle weight, such as passenger cars, station wagons, van and sports vehicles." Only later--and we don't know what "later" means--does it apply to "other areas and commercial and heavier vehicles, school buses, Etc." So the law does not apply to all of us equally--residents of Anchorage, Fairbanks and Juneau have to comply--but nobody else has to yet. Also, why should the state play favorites and let the trucking industry (particularly gravel trucks in Anchorage) get off the hook? And then there's the special consideration for so-called "fleet stations." They can inspect

vehicles owned or leased by an individual business--with the public stations for everybody else except governmental vehicles. Will the so-called "fleet" vehicle really get the same scrutiny as the car of the average citizen?

If I understand it correctly, some guy who owns a fleet of pizza trucks can inspect his own vehicles. Pretty convenient. Meanwhile, the average Joe has to get in line at the corner gas station and submit his vehicle to the mercy of some pump-jockey who might not know the steering wheel from the spare tire. Just think of all the opportunity this opens up for some hanky-panky.

I'm not against vehicle inspection per se--lord knows there's enough wrecks on our roads that need attention--but if the state is going to implement a mandatory inspection program, then it should equally apply to all of our citizens and all of our motor vehicles--regardless of whether or not you qualify as a "fleet" operator.

John, I have been editor of "Alaska Construction & Oil" magazine and of the weekly newsletter, "Alaska from the Inside." I would appreciate anything you might send my way for the newsletter, regarding legislation or anything in the political arena. I won't quote you if you wish.

Good luck in your efforts against the motor vehicle inspection farce. If anybody disagrees with you on this, let your St. Bernards bite them on the ass.

Sincerely,



Bob Yaskell  
P.O. Box 1096  
Anchorage 99510

Box 873  
Delta Junction, Alaska 99737  
February 12, 1976

Sen. John Huber  
Pouch V  
State Capitol Building  
Juneau, Alaska 99801

Dear Senator Huber,

Congratulations on fighting the auto inspection fiasco.

I am not alone in saying "we" are getting pretty sick and disgusted with all the federal government blackmail threatening to withhold funds for not complying with dictatorial rules. I wonder if any of the idiots down there realize just whose money they are trying to withhold.

Congratulations also to Sen. Kerttula. I hope you can make some progress on this.

Sincerely,

*Leigh B. Dennison*

Leigh B. Dennison

POB 80687

College, Alaska 99701

25 Jan. 1976

Senator John Huber  
The State Legislature  
Juneau, Alaska

Dear Senator Huber:

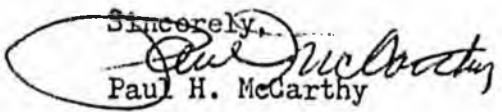
I applaud your efforts to eliminate mandatory state vehicle inspection for Alaska at this time. I would like to make several points in support of this proposed elimination.

First, I think a program of this magnitude and impact ought to be adopted only after review by the legislature rather than by Executive fiat. Also, I am unconvinced that Alaska needs this type of legislation at this time. It is my contention that the severe weather coupled with the good sense of most Alaskans dictates that they keep their vehicles in good condition. In spite of an inspection program there is no assurance that a careless car owner will maintain the vehicle the rest of the year.

Coming, some 12 years ago, from a state that did have vehicle inspection I see the program as a source of corruption and a rip-off of many car owners. The proposed fee can hardly insure more than the briefest of inspections particularly when most auto shops are now charging about \$ 25. per hour for shop time. Typically, some shops promote unneeded repairs while others quickly pass vehicles of steady customers.

Alaska, like most states ought to be at the point of examining the cost/benefit of federal programs that are being offered to us. While we do stand to lose some federal funding if we eliminate the inspection program I think it is about time we stop being "jerked" around by unwarranted federal demands. Ironically, it seems that we are hardly able to keep up with the roads we have, much less build additional ones. I am concerned that the inspection program will have no rational way of dealing with glass damage that just is a part of living and driving around Fairbanks. We will surely end up changing front windshields on an annual basis - a boon to glaziers, a hassle for the ordinary citizen and surely little contribution to safety.

Sincerely,

  
Paul H. McCarthy

cc. Fairbanks delegation

PHYSICAL PLANT

Work in the heating plant and borrowed  
a sheet of paper.



UNIVERSITY OF ALASKA  
FAIRBANKS, ALASKA 99701

Jan 31, 1976

Dear John

I wrote you about Jan 23rd or 24th voicing my objection to this auto inspection program. I am not convinced that it pays to write ones representatives because on Monday 26th there it was in the News-Miner - "Huber attacks auto inspections." You sure acted fast!

Seriously - I hope this nuisance law is repealed. I am shocked at our local government in Juneau - putting such a thing on us - who exactly is responsible for this? You know the arguments pro & con - so do I so I will not take up your time as I stated some of them in my first letter - I have never been so incensed as I am at this thing! Whoever has done this is like Faust selling his soul to the devil or Judas getting his 30 pieces of silver - Please keep on this thing - throw it back to Big Brother in Washington - No doubt you read the Jan 28th Editorial in the News-Miner. Keep up the good work! Mrs & Mrs John M. Cauley  
Fairbanks 1133 Park Drive

CRT MESSAGE REC'D 1/28/76 4:30 pm

TO: FAIRBANKS DELEGATION  
FROM: GERALD VOGELSANG, SR BOX 61148, FAIRBANKS, AK 99701

I AM NOT IN FAVOR OF ANY COMPULSORY AUTOMOBILE INSPECTION LAW IN ALASKA. I'VE PERSONALLY BEEN THROUGH IT IN WEST VIRGINIA SOME YEARS AGO, AND FOUND IT TO BE A BIG RIP-~~OF~~ NOT IN THE INTERESTS OF THE AUTOMOBILE OWNER.

GERALD VOGELSANG LA21

SR Box 20020  
Fairbanks, Ak. 99701  
February 9, 1976

Senator John Huber  
State Senate  
Pouch V  
Juneau, Alaska 99801

Dear Mr. Huber:

We support your stand on the Vehicle Inspection Act. In the event it cannot be defeated we would prefer a compromise where only the following would be inspected: brakes, lights, windshield wipers, steering, and perhaps tires. These items are directly associated with the safety of other motorists. We object to the principle behind all the other things to be inspected -- namely, that of protecting us from ourselves.

Sincerely

T. E. Osterkamp

*T. E. Osterkamp*  
Joan Osterkamp

*Joan Osterkamp*

109 Signatures

January 30, 1976

Ray Morgan  
1514 Cushman, RM 303  
Fairbanks, AK 99701

Senator John Huber  
Pouch V  
Juneau, AK 99701

Dear Senator Huber:

Enclosed you will find a petition that was not promoted to any large extent in Fairbanks, about twenty more copies are circulating. No one has refused to sign. We will forward the rest to you as soon as they are returned. We had a copy of the regulations attached to the petition. As for myself a three car family with five drivers, the regulation would put all three of my cars off the road, or force me to buy a new car(s), which I can not afford. None of us are pipeline workers but are caught in the inflation. One neighbor attempting to get some auto body work done, cannot find any shop who will do the work before April. We therefore urge you to do something to ammend the present regulations.

Sincerely,

*Ray Morgan*

Ray Morgan

9 SIGNATURES

Andrew Stoffa  
2003 Mercer St.  
Fairbanks, Alaska  
99701

Jan 27, 1976

Sen. John Huber  
Juneau, Alaska

Dear Senator,

We are in agreement with your attack on the auto inspection program. We have talked to many people and have yet to find anybody that was in favor of this program.

Sincerely Yours,  
Andrew Stoffa  
Charles Donahue  
William R. Redinger  
Brocko Hansen  
Howard Edmunds  
Cuncan J. MacDonald  
James Douglas  
W. G. Oskerman  
Paula P. P. P.

P.S. If we had enough time, we think we could probably get all of Fairbanks, Alaska

SR<sup>2</sup>, Box 31071  
Fairbanks, Alaska 99701  
November 22, 1975

Fred Brown, Rep.  
Box 1718, F  
Fairbanks, Alaska 99701

Dear Mr. Brown:

Inspection rip-off

P.O. Box 333  
Delta Junction, Alaska  
Nov. 13, 1975

Dear Editor:

I wish to congratulate you on the editorial opposing mandatory automobile inspection which recently appeared in the News-Miner.

This letter is to assure you, we 100 per cent of those with whom have discussed the matter also oppose the inspections and recognize it as the rip off that it is.

We all recognize that a vehicle certified in a safe condition during an inspection is as likely to suffer brake failure during the next few days as one that has not been inspected.

There are laws on the books now prohibiting the willful operation of vehicles known to be defective or unsafe.

If my elected representative in Juneau lets this automobile inspection become law then he is not representing me nor the vast majority of his constituents.

If he isn't representing us, then just who is he representing if he allows this rip off to become law?—

Lee McNeil

The above letter to the editor, published in the Thursday, November 20, 1975 edition of the Fairbanks Daily News-Miner represents my opinion exactly.

Furthermore, it is virtually impossible for a defective vehicle to "make it" for long in this hostile environment. We certainly have no need to imitate the blunders of the Lower 48 in this matter.

Sincerely,  
Rebecca E. Long

November 6, 1975

Mr. Mike Bradner  
Alaska House of Representatives  
Speaker of the House  
Box 2183  
Fairbanks, Alaska 99707

Dear Mr. Bradner:

After reading the copy of the proposed vehicle inspection program I find that some of the items are subjective to the judgement of the vehicle examiner and will cause the vehicle owners considerable hardship and money. These items include: steering and suspension, exhaust and muffler systems, exhaust emission system and body components. Furthermore, I find that since the procedures for inspection are not spelled out, garage owners could easily require vehicle owners unnecessary and costly "service" requirement changes.

It is my opinion that the other items are important for safe driving; however, I feel it quite redundant since vehicle motor laws already have on the statutes laws which prohibit operating vehicles without proper lights, mirrors, windshield wipers etc. and then - have to institute another set of requirements which are the same (in the proposed vehicle inspection) seems rather a lot of bureaucratic redundancy.

Another item I would like clarification on is the windshield and glass clause in the proposed inspection. Because of unpaved and poorly maintained roads in this state; and due to the extensive and often high speed traffic from heavy commercial vehicles, it is close to impossible for a person who drives anywhere other than city streets to maintain a crack or chip free windshield. The cost of annually replacing your vehicle(s) windshields would - as you can well see - amount to a considerable cost and would also give another opportunity for "price gouging" on the part of local vehicle maintenance businesses. Therefore, unless the state can (1) maintain adequate paved roads and (2) restrict heavy commercial traffic on these roads, I feel it is act of cruelty on the motoring public to enforce windshield codes.

The examination for these proposed safety items, if enforced, will be regulated by local garages in Fairbanks. It has been my experience, and that of my friends and associates, that most garages in this town are neither competent, nor are of a high enough integrity to judge vehicle inspection without making a high profit margin or "incorrect" diagnosis of vehicle needs. An example of my point is that I feel it is not safe to have your tire changed at many stations for fear that it will fall off as you proceed down the road - due of course to poor tightening of lug nuts (an experience I can personally attest to) - much less having these same garages interfere or "work" on my brakes.

Still another aspect of the proposed vehicle inspection that bothers me is that heavy commercial vehicles are excluded from these requirements when those vehicles are the very ones which usually cause serious/fatal type accidents; and the drivers are able to do very little about the maintenance of their vehicles since they are usually company owned. I would be very interested on obtaining any statistics you may have concerning these heavy commercial vehicles and accidents caused by them.

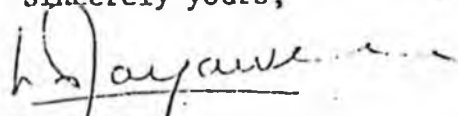
Page Two  
November 6, 1975

Finally, I feel the major causes of accidents with motor vehicles in Alaska is not with poor cars, but rather with poor environmental and physical conditions such as - snow, ice, icefog, and persons operating motor vehicles either recklessly or while intoxicated (OMVI).

I trust, therefore, that the state legislature will take proner action to stop yet another example of bureaucy that will cause undue hardship and expense on non-violator motorist... and that these legislatures will instead, seek to have present laws enforced which set vehicle requirement standards. I feel that if it is necessary to have such a regulation; then it is democratic to put it to the ballot and seek the judgement of the residents of Alaska. Residents should decide how many bad examples we are going to take from other states!

I will be looking forward to both your reply, and any further information you will be receiving on this proposed inspection.

Sincerely yours,



Dr./K.O.L.F. Jayaweera  
Geophysical Institute  
University of Alaska  
Fairbanks, Alaska 99701

KJ/rh  
CC:

Senators:

John Butrovich - 1039 Fifth Street, Fairbanks  
Terry Miller - P.O. Box 80869, College, Alaska  
John Hubner - Box 2591 - Fairbanks, Ak.

Representatives:

Fred Brown - Box 1718 - Fairbanks  
Steve Cowper - 210 Nerland Building, Fairbanks  
Glen Hackney - 1136 Sunset Drive - Fairbanks  
Tim Wallis - 318 Baranoff Street- Fairbanks  
Charlie Parr - 6½ Mile Chena Hot Springs Road - STR 50599 - Fairbanks

Governor:

Jay Hammond - Juneau Alaska

Mr. Ross Rommell - Alaska Traffic Safety Bureau - Pouch N - Juneau

IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

A M E N D M E N T #1

TO: CSSCR 62am

On page 2, line 9, after "regulations", insert: "13 AAC 06.040(d),"

On page 2, line 9, strike out "13 AAC 06.090", and insert:

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