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4 5 4

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 454

HISTORY IN THE HOUSE

1992
2/7
2/28
3/20
3/30
3/30
4/1
3/30
3/30
4/1
4/1

Read first time and referred to:
TRNSP, L&C

TRA RPT CS(TRA) New Title
5 DP 0 DNP 0 NR 0 AM
FN OFN Previous FN

L&C RPT CS(TRA) New Title
5 DP 0 DNP 0 NR 0 AM
FN OFN 2 Previous FN

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

Read second time
CS(TRA) Adopted

Amended
#1 #7
#2 #5
#3

Advanced

Read third time
Hold in 3rd Rd to 4/1/92 Calendar

Return to second for specific amendment

| | |
|-----------|-----------------|
| PASSED | EFD Same ___ or |
| Yeas 29 | Yeas |
| Nays 9 | Nays |
| Excused 2 | Excused |
| Absent 0 | Absent |

Intent adopted

Reconsideration
Reconsideration not taken up

| | |
|------------------|-----------------|
| PASSED ON RECON. | EFD Same ___ or |
| Yeas | Yeas |
| Nays | Nays |
| Excused | Excused |
| Absent | Absent |

Intent adopted

Reported correctly engrossed
Signed by Speaker, to the Senate

Kirsten Gray
Chief Clerk of the House

HISTORY IN THE SENATE

1992
4/2
4/15

Read first time and referred to:
TRA, L&C

TRA RPT CS 3 DP 1 NR 0 DNP 0 AM
New Title 204 Same Title Previous FN
FN OFN To L&C

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

Rules Calendar() CS AM Other
New Title Same Title Previous FN
FN OFN

Read second time

CS Adopted () New Title
Amended Advanced

Read third time

Letter of Intent adopted
Return to second for specific amendment

| | |
|---------|-----------------|
| PASSED | EFD Same ___ or |
| Yeas | Yeas |
| Nays | Nays |
| Excused | Excused |
| Absent | Absent |

Reconsideration
Reconsideration not taken up

| | |
|---------|-----------------|
| PASSED | EFD Same ___ or |
| Yeas | Yeas |
| Nays | Nays |
| Excused | Excused |
| Absent | Absent |

Reported correctly engrossed
Signed by President, to the House

Secretary of the Senate

FISCAL NOTE

No. 1

Bill Version: CSHB 454 (TRA)

(H) Publish Date: 2-28-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____
Title: Transfer of ownership of a motor
vehicle
Sponsor: Leman
Requestor: (H) Trans.

Department Affected: Environmental
Conservation
BRU: Environmental Quality
Component: Air Quality Management

COMPONENT SERIAL NO.

| | | | |
|---|---|---|---|
| 1 | 4 | 2 | 8 |
|---|---|---|---|

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|--------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
| FUND SOURCE: | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|------------|------------|------------|------------|------------|------------|
| GENERAL FUND | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| FUND SOURCE: | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Tampering with a vehicle's emission control device is a violation of federal and state law. Such vehicles emit a disproportionate share of air pollutants, adding to air quality problems. This bill will help keep these vehicles out of the chain of commerce.

Prepared by: Janice Adair
Division: Commissioner's Office

Phone: 465-5050
Date: 2/19/92

Approved by Commissioner: *Janice Adair*
Agency: Environmental Conservation

Date: 2/19/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 2

Bill Version: CSHB 454 (TRA)

(H) Publish Date: 2-28-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Public Safety

Title: "An Act relating to the transfer of BRU: Motor Vehicles

ownership of a motor vehicle" Component: Field Services

Sponsor: Representative Leman

Requestor: House Transportation COMPONENT SERIAL NO.

| | | | |
|--|---|---|---|
| | 5 | 0 | 2 |
|--|---|---|---|

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|-------------------------|-----|-----|-----|-----|-----|-----|
| REVENUE FUND SOURCE: | -0- | -0- | -0- | -0- | -0- | -0- |
|-------------------------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-----------------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER FUND SOURCE: | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Juanita Hensley Phone: 465-4335

Division: Motor Vehicles Date: 2/26/92

Approved by Commissioner: *Richard L. Burton* Richard L. Burton

Agency: Department of Public Safety Date: 2/26/92

Handwritten:
2/26/92

MUNICIPALITY OF ANCHORAGE
Memorandum

COPY

Date: February 25, 1992
To: Larry D. Crawford, Municipal Manager
From: Helen D. Beirne, Ph.D., Director, Health & Human Services
Subject: House Bill 454, "An Act relating to the transfer of ownership of a motor vehicle."

DHHS supports the passage of House Bill 454. Representative Lemson's office has contacted the I/M program and requested staff to testify at a teleconference scheduled for 8:30am on Thursday, February 27. Their testimony will reflect the following comments:

The premise behind this bill is to require the seller of a vehicle to disclose to the buyer whether or not the vehicle complies with the emissions requirements. The seller would provide either an I/M certificate of inspection obtained from a certified station or a certificate of noncompliance (probably be a DMV form) to the buyer.

Up to now these transactions occur from a "buyer beware" standpoint using the "as is" disclaimer on the vehicle's bill of sale. This practice releases the seller from any liability and allows many of these non-complying vehicles to be foisted upon unsuspecting buyers, most of which cannot afford the repairs required to bring these vehicles into compliance.

Through complaints received at the I/M office and vehicles tested at the referee facility, we regularly find persons caught in this situation and many choose to pass it on to another unsuspecting buyer.

We believe that enactment of this bill will sharply curtail this problem and encourage the repair or final disposition of the noncomplying vehicles.

cc: Lee Browning, P.E., Manager, Environmental Services

"Our Payoff is Clean Air"

COMMITTEE HEARING COMMENTS FROM I/M STAFF
February 27, 1992

COPY

House Bill 454

As a matter of practice, major automobile dealerships will accept a used vehicle in on trade in order to close a sale. The dealer will then determine if the trade-in is "re-saleable" on their lot. Generally, it is not profitable for the dealer to keep vehicles that require major repairs to the emissions systems and most often these vehicles are wholesaled out at a vehicle auction. That way they don't have to fix the emission systems or sale the vehicle on their lot.

The wholesale automobile auction is an area where implementation of House Bill 454 can benefit the state. One scenario that we have seen is that these noncomplying vehicles will (1) be purchased at the auction in Anchorage, (2) then be registered to an address outside of the I/M area to avoid the I&M test and the repair of the emission system, and (3) then retail the vehicle in Anchorage with current tags. This results in no effective repair to the vehicle emission system that would help our air quality. The new owner will operate the vehicle for up to a year before he finds out that the vehicle does not pass the I&M test because it needs emission repairs.

This practice is not limited to wholesale vehicle jobbers, but we find that individuals will use the same scenario to pawn off a vehicle that they do not consider worth repair. All too often the vehicle will end up with an unsuspecting buyer that doesn't know that the vehicle won't pass the I&M test and generally can't afford to fix the emissions. Sometimes their only recourse is to drive with expired plates or register to a false address to avoid meeting I&M requirements. Here again we have a vehicle that is continuing to grossly pollute our air.

Because most of these vehicles eventually end up at the Referee Facility we see this cycle repeated over and over. Until the vehicle is either repaired or taken off the road, we have made no improvement to the air quality.

We believe that House Bill 454 will go a long way to help in getting the vehicles fixed and clean up the air that we all have to breath.

"Our Payoff is Clean Air"

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

March 31, 1992

SUBJECT: Definition of "negligently" - (CSHB 454(TRA))

TO: Representative Loren Leman

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have asked what it means to act "negligently." The term generally refers to the failure to use reasonable care. Reasonable care is that amount of care that a reasonably prudent person would use under similar circumstances. A reasonably prudent person is not the exceptionally cautious or skillful individual, but a person of reasonable and ordinary carefulness. See Leigh v. Lundquist, 540 P.2d 492 (Alaska 1975).

However, if a person has superior knowledge, skill, or intelligence the person is required to use reasonable care expected from a person with those superior talents. For example, a person trained as an automobile mechanic, is expected to act with reasonable care consistent with a trained automobile mechanic. Likewise, a person with no special automotive skills is expected to use reasonable care of a person with no special automotive skills. Prosser, Torts, 4th Ed. sec. 32.

Please contact me if you have further questions.

MFF:pl
92-231.plm



REPRESENTATIVE LOREN LEMAN West Anchorage

5111 C Street Anchorage, AK 99503 561-7611 During Session P.O. Box V Juneau, AK 99811 465-2095

M E M O R A N D U M

DATE: April 15, 1992

TO: Senator Drue Pearce
Chairman, Senate Labor & Commerce Committee

FROM: Representative Loren Leman *Loren*

SUBJECT: Request for Hearing
CSHB 454 (TRANS): An Act Relating to the Transfer
of Ownership of a Motor Vehicle

=====

I request that you schedule SCS CSHB 454 (TRANS) for a hearing at your earliest convenience.

Attached are the following:

- o Sponsor Statement
- o Zero fiscal notes from Departments of Environmental Conservation and Public Safety
- o Backup information

The House Transportation and Labor and Commerce Committees each discharged this bill with five "do-pass" recommendations.

The House passed the bill 29 to 9 on April 1.

The Senate Transportation Committee discharged this bill on April 14 with three "do-pass" and one "no-rec".



REPRESENTATIVE LOREN LEMAN West Anchorage

3111 C Street Anchorage, AK 99503 561-7614 During Session: P.O. Box V Juneau, AK 99811 465-2095

SPONSOR STATEMENT

DATE: April 15, 1992
BY: Representative Loren Leman *Loren*
SUBJECT: SCS CSHB 454 (TRANS): An Act Relating to the
Transfer of Ownership of a Motor Vehicle

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SCS CSHB 454 (TRANS) is designed to provide consumer protection and improve air quality for residents of Anchorage and Fairbanks.

This legislation will void the sale of motor vehicles in certain cases if the vehicle's pollution control system has been tampered with or removed. The language closely follows federal regulations regarding pollution control devices, but improves protection of the consumer.

Additionally, SCS CSHB 454 will assist Anchorage and Fairbanks in meeting the federal Clean Air Act requirements for air quality. When a resident of these cities buys a car from a used car dealer, the dealer will be required to present a certificate of emission compliance or non-compliance.

The presence of emission inspection documents at the time of sale will help consumers living within I/M program areas to make educated decisions regarding the purchase of used vehicles. Used car businesses should be happy to document the proper performance of their autos.

Sale of non-compliance vehicles or "junk" cars for parts or restoration will not be prohibited. No increase in costs is expected for either the Municipality of Anchorage or City of Fairbanks as a result of SCS CSHB 454.

The bill has no impact on residents outside of Anchorage and Fairbanks.

The Division of Motor Vehicles, the Department of Environmental Conservation, and the Fairbanks and Anchorage Vehicle Inspection Programs support this legislation. I urge the passage of this bill.