

HB

454

SENATE COMMITTEE REPORT

DATE: 4/2/92

FURTHER: L&C

DATE TURNED INTO OFFICE: \_\_\_\_\_

Transportation Committee considered CS HB 454 (TRANSPORTATION) am

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

and recommends:

- replace with Senate CS For CS For HB 454 (Trans)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES:** Dept/Date

zero fiscal notes \_\_\_\_\_

fiscal notes \_\_\_\_\_

appropriation--no fiscal note

**PREVIOUS FISCAL NOTES:** Dept/Date

zero fiscal notes

Dept. Public Safety / 2/26/92

Dept. Environ. Conservation / 2/19/92

fiscal notes \_\_\_\_\_

**DO PASS:**

Shirley Craft

**OTHER RECOMMENDATIONS:**

Dick Stutz No Rec.

Chair: Signature and Recommendation

[Signature]

PUBLIC OPINION MESSAGE

DEAR: SENATOR MENARD

NAME: DAVE STRICKLAND

TITLE:

ADDRESS: 416 JUNEAU AVENUE

CITY: FAIRBANKS

ZIP: 99701

PHONE: 456-5147

BILL NO: HB 454

SUBJECT: BAN CAR SALE IF POLLUTION CONTROL ALTERED

MESSAGE: I WOULD LIKE TO EXPRESS MY STRONG OPPOSITION TO THIS BILL. A LARGE PERCENTAGE OF CAR OWNERS, INCLUDING MYSELF, ARE UNAWARE OF ANY MODIFICATIONS DONE TO THEIR VEHICLES. THIS WOULD IMPOSE A FINANCIAL AND TIME-CONSUMING BURDEN ON INNOCENT PEOPLE. EOM/MJO

POMID: 07122204

DATE: 92/04/10

TIME: 12:22:04

LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES SENATORS

BOYER

KOPONEN

M.W.MILLER

MOYER

SHARP

CRAFT

FRANK

SHULTZ

JONES

PEARCE



# 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 3, 1992  
BY: Representative Loren Leman  
SUBJECT: CSHB 454 (TRANSPORTATION) am: An Act Relating to  
the Transfer of Ownership of a Motor Vehicle  
=====

CSHB 454 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, 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 CSHB 454.

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.

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
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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						
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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
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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-
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REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
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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 initials*  
2/26/92

# 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

May 6, 1991

TO WHOM IT MAY CONCERN:

Emissions Conflict on '87 Escort

1. Purchased as used vehicle from Anchorage Chrysler, 2601 East 5th Ave, Anchorage. September 18, 1990 along with extended warrenty contract #05618486 for 2 years.
2. License <sup>duplicate</sup> renewed February 1, 1991 when emissions test was also due. Went to Y. & B Texaco 3304 Spenard Road about 12/19/90 to have headlight replaced and IM test. I.M. test for Municipality of Anchorage did not pass.
3. Made appointment with city referee to have car checked about 12/23/90. While at the referee, they told me that this Escort qualified for a recall and gave me copy of letter dated July 1989 from Dearborn Michigan on Emissions Recall 89E78 which should have gone to the previous owner or original owner. Referee also suggested I check previous emissions record with Department of Motor Vehicles, which I did next.
4. Motor Vehicles said the car passed emissions according to their records which seems strange to me since it was 2/90 after the letter and yet I had such detailed problems and experiences one year later.
5. Since car was purchased from Chrysler and I felt it their responsibility I took it to them 1/4/91. They sent me to a Ford Garage so I chose Worthington Ford, 1950 Gambell Street, Anchorage and thence work was Chrysler's problem, done by Ford.
6. From then on two service managers were involved: P. C. Gray (Asst. Service Manager with Chrysler) and Ray (Service man with Ford). When work was finally finished after day after day more parts needed replacing I was told some things were not covered by Chrysler warrenty and Ford recall amounting to \$110 and since I was a senior citizen I owed \$99.00 which I paid and took the car to the umpire again, where it passed.
7. However, two months later, April 5, 1991, I received a bill for \$299.54 balance on repair order #78371, completely by surprise.
8. I am now told by Dennis Stanley, Asst. Service Manager at Worthington Ford that Ray is no longer employed by them as of about the time this bill was made out, whether related or not I do not know.
9. P. C. Gray at Chrysler told me of his involvement with Ray and I enclose a photostat of the hassel he had getting approval and contact with Ray via phone calls, etc. and suggested I contact Nancy Dahle with Ford which I have not done, because everyone has an excuse of one kind or another.
10. I am transferring this to Better Business Bureau and possibly to Small claims Court to resolve the \$299.54 controversy. Also I am told that a bill is currently in the legislature to require used car dealers to prove with a live polutions test before sale of any vehicle. AMEN!

1 extended warrenty enclosed

2 Recall enclosed

3 CHRYSLER #49707 enclosed

4 #77961 } all enclosed FORD  
5 #51343 }  
6 #78371 } with attachments  
7 bill enclosed

#9a card enclosed

#9b card enclosed

8 phone record enclosed

4 again #77961 enclosed

ADDED ELEMENT PLEASE NOTE: Worthington work order 1/15/91 #77961 instructions were to do IM work first which was not done. I paid them \$162.00 to take car apart (no further work done yet) and then towed it to Chrysler since Head



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

### CONSTITUENT REQUEST/RESPONSE

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

Initial Contact: Kelley  
Assigned to: Kelley

PRECINCT: \_\_\_\_\_

NAME: Shurea, Jerry

ADDRESS: 3221 E. 43rd # B 99508

PHONE: 561-4864

*[Faint handwritten notes and a large diagonal scribble]*

\*\*\*\*\*  
REQUEST: (711 E. Northwest Lights Blvd)

Bought a car from Clinton Auto (Phil Clinton). He said it passed I.M., it didn't. She needs a new engine to pass. It also has a '76 engine in a '81 car which is illegal (according to the Referee Station.)

Wants to make this illegal, please pass a bill.

"as is"

\*\*\*\*\*  
RESPONSE:

John has Loren is drafting a bill related to Emission testing.

8/28/91 @ 5:45 - 220 w Shurea

\$1700

M.S.

offer an exchange w/ Clinton - he refused

she wants to testify in support of my bill

*[Handwritten signature]*

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INSTRUCTIONS:



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

### CONSTITUENT REQUEST/RESPONSE

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

Initial Contact: KIP  
Assigned to: KIP

PRECINCT: \_\_\_\_\_

DATE: 2/5/92  
TIME: 10:00

NAME: JOHN + JASON HOCKER

ADDRESS: 7400 DEBARR RD

PHONE: 337-3463

\*\*\*\*\*

REQUEST: Jason Hocker purchased auto from individual who represented that it would easily pass I/M. Auto failed after purchase. Jason discovered that different engine had been installed w/o catalytic converter and other pollution control

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RESPONSE:

devices. Repairs to meet I/M would cost over \$1000. Jason will have to sell car at substantial loss outside of I/M program area.

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INSTRUCTIONS:

Contact if HB454 is heard.