

HB

81

# ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA  
STATE CAPITOL  
JUNEAU, ALASKA  
99801-1182

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STATE AFFAIRS COMMITTEE

## Fax

To: Legislative Legal

From: Ginny Austerman *Ginny*

Fax: 2029

Date: April 8, 2003

Phone: 2450

Pages: one

Re: CS SB 83

CC:

Urgent  For Review  Please Comment  Please Reply

•Comments:

**House State Affairs has amended HB 81 (23-LS0176(H)) as follows:**

**Amendment # 1 – Page 4 Line 6 – after the word “fined” add “an amount not to exceed”**

**Page 5 Line 2 - after the word “fined” add “an amount not to exceed”**

**Amendment # 2 – Title Change**

**Page 1 Line 1 – after the word “emissions,” add “emission inspection decals, and fines”**

**Please complete the CS in final form as soon as possible.**

HSTA 4/8/03 mtg.

Amendment 1  
to HB 81

By Rep Gruenberg

p 4, line 6, after "fined" add  
"an amount not to  
exceed"

p 5, line 2, after "fined" add  
"an amount not to exceed"

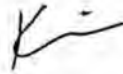


# REPRESENTATIVE KEVIN MEYER

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HOUSE DISTRICT 30

## MEMORANDUM

DATE: April 7, 2003  
TO: House State Affairs Committee Members  
FROM: Representative Kevin Meyer   
RE: HB 81 Motor Vehicle Emissions Inspection

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During the House Transportation Committee hearing on HB 81, several questions were asked pertaining to citations and fines collected for violating I/M program requirements. The Municipality of Anchorage Vehicle Inspection and Maintenance Program provided the following information.

In 2002, the Vehicle Inspection and Maintenance Program received approximately 6,800 complaints. After investigation, the program issued 4,709 notices of violation. Approximately 476, or 10%, of the notices of violation, were issued a citation. Through the investigation and notice process, 3,005 vehicles were brought into compliance. The I/M office received \$74,841 in fines and \$6,228 in other court fees.

I hope that this information is helpful. If you have any further questions regarding this information or HB 81, please feel free to contact me. I look forward to presenting this legislation to the House State Affairs Committee tomorrow, April 8.

HB 81 Motor Vehicle Emissions Inspection  
House State Affairs Committee  
April 8, 2003  
Public Testimony

1. Name: Tom Chapple  
Affiliation: Director, Division of Air and Water Quality  
Department of Environmental Conservation  
Location: Anchorage Legislative Information Office
  
2. Name: Cindy Heil  
Affiliation: Department of Environmental Conservation  
Location: Anchorage Legislative Information Office
  
3. Name: Chuck Hosack  
Affiliation: Deputy Director Division of Motor Vehicles  
Department of Administration  
Location: On-line
  
4. Name: James Armstrong  
Affiliation: AMATS Coordinator, Director of Transportation Planning  
Municipality of Anchorage  
Location: Anchorage Legislative Information Office
  
5. Name: Glenn Miller  
Affiliation: I/M Program Manager  
Fairbanks North Star Borough  
Location: Fairbanks Legislative Information Office



**HOUSE BILL NO. 81**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MEYER

Introduced: 2/7/03

Referred: Transportation, State Affairs

A BILL

FOR AN ACT ENTITLED

*#2*  
*sub-section - inspect in denver, as I find*

1 "An Act relating to motor vehicle emissions; and providing for an effective date."

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

3 \* **Section 1.** AS 28.10.041(a) is amended to read:

4 (a) The department may refuse to register a vehicle if

5 (1) the application contains a false or fraudulent statement;

6 (2) the applicant fails to furnish information required by the  
7 department;

8 (3) the applicant is not entitled to the issuance of a certificate of title or  
9 registration under this chapter;

10 (4) the vehicle is determined to be mechanically unsafe to be driven or  
11 moved on a highway, vehicular way or area, or other public property in the state;

12 (5) the department has reasonable grounds to believe that the vehicle  
13 was stolen or fraudulently acquired or that the granting of registration would be a  
14 fraud against the rightful owner or other person having a valid lien upon the vehicle;

15 (6) the registration of the vehicle has been suspended or revoked for

1 any reason under the laws of the state;

2 (7) the required fees or taxes have not been paid;

3 (8) the vehicle or applicant fails to comply with this chapter or  
4 regulations implementing this section;

5 (9) the vehicle is without a certificate of inspection required under  
6 AS 19.10.310;

7 (10) except for a vehicle to be registered under AS 28.10.152, the  
8 vehicle is subject to a state-approved emission inspection program adopted under  
9 AS 46.14.400 or 46.14.510, and the vehicle does not meet the standards of that  
10 program [, UNLESS THE VEHICLE USES A FUEL SOURCE THAT DOES NOT  
11 PRIMARILY EMIT CARBON MONOXIDE];

12 (11) the applicant fails to certify to the department the existence of a  
13 motor vehicle liability policy that complies with AS 28.22.101 for the vehicle being  
14 registered unless the owner of the vehicle qualifies as a self-insurer under  
15 AS 28.20.400 or is exempted from obtaining liability insurance under AS 28.22.011.

16 \* Sec. 2. AS 28.10.108(f) is amended to read:

17 (f) Upon request of the owner and payment of the proportionate prorated  
18 applicable fees, a vehicle registered under this section shall have its registration period  
19 extended in monthly increments to allow biennial registration to occur in the month of  
20 the owner's choice. except that registration may not extend beyond the expiration  
21 of an emissions inspection and maintenance certificate required for the vehicle.

22 Notwithstanding the other provisions of this chapter, upon request of the owner,  
23 payment of the annual fee set out in AS 28.10.421(h), payment of any annual vehicle  
24 registration tax due under AS 28.10.431(i), and, if applicable, payment of one-half of  
25 the biennial emission control inspection program fee imposed under AS 28.10.423, the  
26 department shall register a vehicle used for commercial purposes for a one-year  
27 period.

28 \* Sec. 3. AS 28.10.271(d) is amended to read:

29 (d) An emissions inspection and maintenance certificate

30 (1) shall be obtained when ownership of a vehicle subject to  
31 registration under this chapter is transferred if the

1 (A) transferee resides in an area designated by the Department  
2 of Environmental Conservation as an emissions inspection and maintenance  
3 area;

4 (B) [VEHICLE WAS MANUFACTURED IN 1987 OR  
5 EARLIER;

6 (C)] vehicle would be subject to an emissions inspection and  
7 maintenance program; and

8 (C) [(D)] vehicle

9 (i) has not been inspected for emissions, or the existing  
10 emissions inspection occurred more than two years ago; or

11 (ii) has a certificate of inspection, but the certificate  
12 shows that the vehicle is not in compliance with program  
13 requirements [AND MAINTENANCE CERTIFICATE IS MORE  
14 THAN 12 MONTHS OLD];

15 (2) need not be obtained under (1) of this subsection if, when  
16 ownership of vehicle is transferred,

17 (A) the transferor surrenders the vehicle's registration plates  
18 and all evidence of registration in the transferor's possession or control to the  
19 department; or

20 (B) the vehicle has a valid, existing emissions inspection and  
21 maintenance program seasonal waiver and the purchaser signs a seasonal  
22 waiver transfer acknowledgment form approved by the department.

23 \* **Sec. 4.** AS 45.45.400(a) is amended to read:

24 (a) A person engaged in the business of selling used motor vehicles may not  
25 transfer or assign the owner's title or interest in the used vehicle to a person who  
26 resides in an area subject to a state-approved emission inspection program established  
27 under AS 46.14.400 or 46.14.510 and who intends to use the vehicle in that area,  
28 unless the vehicle displays a valid emissions inspection decal, has a valid record of  
29 emissions inspection with the Department of Administration, or has a certificate  
30 of inspection, even though the certificate shows that the vehicle is not in  
31 compliance with program requirements [HAS A CERTIFICATE OF

1 COMPLIANCE OR NONCOMPLIANCE] as required under the air pollution control  
2 requirements applicable in that area.

3 \* Sec. 5. AS 46.14.490(j) is amended to read:

4 (j) A person who operates a motor vehicle in violation of emissions  
5 requirements imposed under this section is guilty of a violation and, upon conviction,  
6 shall be fined \$500 [\$200]. It is the intent of the legislature that money collected  
7 under this subsection be appropriated to promote air quality control programs in  
8 municipalities.

9 \* Sec. 6. AS 46.14.510(b) is amended to read:

10 (b) Unless otherwise exempted by law, a person shall maintain in operating  
11 condition any element of the air pollution control system or mechanism of a motor  
12 vehicle that the department, by regulation, requires to be maintained in or on the motor  
13 vehicle. [FAILURE TO MAINTAIN A REQUIRED SYSTEM OR MECHANISM  
14 IN OPERATING CONDITION SUBJECTS THE MOTOR VEHICLE'S  
15 REGISTRATION TO SUSPENSION OR CANCELLATION. A MOTOR VEHICLE  
16 WHOSE REGISTRATION HAS BEEN SUSPENDED OR CANCELED UNDER  
17 THIS SUBSECTION IS NOT ELIGIBLE FOR SUBSEQUENT REGISTRATION  
18 UNTIL THE OWNER OR OPERATOR OBTAINS CERTIFICATION FROM THE  
19 DEPARTMENT, BASED ON A DEMONSTRATION THAT THE AIR  
20 POLLUTION CONTROL SYSTEM OR MECHANISM IS RESTORED TO  
21 OPERATING CONDITION.]

22 \* Sec. 7. AS 46.14.510(c) is amended to read:

23 (c) The department shall consult with the Department of Administration  
24 regarding implementation of the motor vehicle pollution control program. The  
25 Department of Administration shall cooperate with the department in implementing  
26 the program. As a part of a motor vehicle pollution control program, the  
27 department or a municipality that enforces a motor vehicle pollution control  
28 program may determine if a vehicle is properly registered as required by law.

29 \* Sec. 8. AS 46.14.510(f) is amended to read:

30 (f) A person who fails to display an emissions inspection decal as required  
31 by law [OPERATES A MOTOR VEHICLE IN VIOLATION OF EMISSIONS

1           REQUIREMENTS IMPOSED UNDER THIS SECTION] is guilty of a violation and,  
2           upon conviction, shall be fined \$500 [\$200]. It is the intent of the legislature that  
3           money collected under this subsection be appropriated to control pollution from motor  
4           vehicle emissions.

5           \* Sec. 9. This Act takes effect July 1, 2003.

*Amendment #1*

# REPRESENTATIVE KEVIN MEYER

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## HOUSE DISTRICT 30

### House Bill 81

**“An Act relating to motor vehicle emissions; and providing for an effective date.”**

House Bill 81 streamlines existing motor vehicle emission statutes to improve compliance and enforcement, provide consistency between departments, provide relief from extraneous requirements, and protect consumers.

In areas that require motor vehicle emission programs, car owners have found several loopholes to evade programs and falsely register cars. Before a vehicle's registration can be renewed, a car must also have a current and valid emission inspection. A problem arises when the inspection expires and the registration is current. This creates a disconnect between the dates on the license plate and the certificate of inspection, and reduces the ability to enforce proper registration. HB 81 limits changes so that the emission inspection and the vehicle registration renewal date may be synchronized.

The same loopholes exist for title transfers. Before a title can be transferred for a 1987 or older vehicle, it must have an inspection dated within 12 months. When the title is transferred, often the registration is still current. When the new emission test is done for a title transfer, the vehicle has an inspection decal that is good for two years, but a registration that will expire in less than two years. HB 81 removes the requirement for yearly tests and synchronizes registration and emission inspections tests for all vehicles, regardless of age.

Enforcement of emission programs is an area of concern. The authority to enforce emission programs through registration renewal is within the Department of Administration. The entities responsible for administering the emission control programs, such as the Department of Environmental Conservation (DEC) and municipalities, do not have a direct mechanism to insure that vehicles are properly registered. HB 81 gives them that mechanism by extending the authority to enforce emission inspection requirements through proper registration to DEC and the municipalities that require such programs.

DEC has found that the current fine for a program violation is not a reasonable deterrent for egregious offenders. A \$200 fine seems manageable when costly repairs may provide an economic incentive to evade the program. Under Section 5, the fine is raised to \$500.

A consumer protection measure has been inserted into HB 81 in an effort to assist Alaskans who are shopping for a used automobile. HB 81 specifies that the used vehicle must display a valid emissions inspection decal, have a valid record of emissions inspection with the DMV, or have a certificate of inspection, even though the certificate may show that the vehicle is not in compliance with program requirements. Consumers can feel comfortable knowing to look for the inspection decal, and know that the vehicle has met program requirements and is contributing to quality air standards.

House Bill 81 is a comprehensive clean-up act. The provisions contained in HB 81 will close loopholes in current emission programs and requirements, extend authority to those entities who oversee emission programs, provide an increased deterrent for those individuals who choose to evade emission programs, and protect Alaskans who are looking to buy used vehicles.

Last Updated: 2/25/03

Email: Representative\_Kevin\_Meyer@legis.state.ak.us • Toll Free: (866) 465-4945

Session: State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-4945 Fax: (907) 465-3476

Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • Phone: (907) 269-0199 Fax: (907) 269-0197

# REPRESENTATIVE KEVIN MEYER

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## HOUSE DISTRICT 30

### Sectional Analysis

#### House Bill 81

**“An Act relating to motor vehicle emissions; and providing for an effective date.”**

**Section 1:** Repeals the requirement that alternatively fueled vehicles are exempt from meeting emissions requirements in order to be registered.

**Section 2:** Provides that a motor vehicle registration period cannot extend beyond the expiration of any applicable emissions inspection certificate.

**Section 3:** Amends provisions that specify when an emissions certificate is required if the ownership of a vehicle is transferred. Provides that all vehicles, regardless of the year manufactured, must have an emissions inspection that is two years old or younger in order for a title transfer to occur.

**Section 4:** Amends provisions relating to commercial sales of used motor vehicles. Specifies that the inspection decal must be displayed on the windshield of the vehicle, the inspection records must be on file with the Department of Administration, or, if the vehicle is not in compliance with program requirements, then the certificate of inspection needs to be on file with the commercial dealer. These requirements are to be met when a vehicle is sold and is intended to be used in an area with an emissions inspection program.

**Section 5:** Increases the fine for violating emissions requirements to \$500.

**Section 6:** Repeals language relating to suspension or cancellation of a motor vehicle's registration for failure to meet emissions requirements.

**Section 7:** Creates authority for a department or municipality that enforces a pollution control program to determine if a vehicle is properly registered.

**Section 8:** Increases the fine for failing to display an emissions inspection decal to \$500.

**Section 9:** Effective date.

Last Updated: 2/25/03

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 81  
 (H) Publish Date: 3/31/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An act relating to motor vehicle BRU Motor Vehicles  
emissions; and providing..... Component \_\_\_\_\_  
 Sponsor Representative Meyer  
 Requester (H) TRA Component No. 2348

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

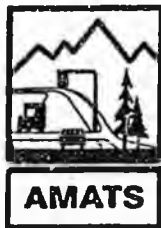
**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill will have no fiscal impact on DMV for implementation. The bill removes the requirement for redundant emission inspections relating to ownership changes. DMV will still require emission inspections prior to registration as it has in the past.

Prepared by: Charles R. Hosack Phone 269-5559  
 Division Motor Vehicles Date/Time 3/24/03  
 Approved by Mike Miller, Commissioner Date 3/31/2003  
 Agency Department of Administration



Anchorage  
Metropolitan  
Area  
Transportation  
Solutions

MUNICIPALITY OF ANCHORAGE  
Traffic Department  
*Transportation Planning Division*  
Permit Center, 4700 S. Bragaw Street, 2<sup>nd</sup> Floor  
P.O. Box 196650, Anchorage, AK 99519-6650  
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March 20, 2003

Representative Kevin Meyer  
State Capitol  
Juneau, AK 99801-1182

Dear Representative Meyer:

The Anchorage Metropolitan Area Transportation Solutions (AMATS) Policy Committee is offering this letter of support for House Bill 81, "An Act relating to motor vehicle emissions; and providing for an effective date." HB 81 streamlines motor vehicle emission statutes to provide relief from motor vehicle emission inspections and improve compliance with enforcement efforts.

The motor vehicle emissions program is one of Anchorage's key programs to maintain its air quality and allow continued progress in our transportation planning and construction. As Anchorage moves from improving its air quality into maintaining its air quality, the motor vehicle emission program must operate as efficiently as possible.

Your proposed bill will not only assist Anchorage in ensuring its enforcement efforts are productive but it will also assist in protecting its citizens from extraneous emission testing. Transportation planning and ensuring air quality conformity are the fundamental responsibilities of AMATS. Any bill, such as yours, that assists our mission is greatly appreciated.

Sincerely,

David R. Eberle, (Chair)  
Regional Director  
Alaska Department of Transportation and Public Facilities

George P. Wuerch  
Mayor  
Municipality of Anchorage

Tom Chapple  
Director of Air & Water Quality  
Alaska Department of Environmental Conservation

Dick Traini  
Chair  
Anchorage Municipal Assembly

Doug Van Etten  
Member  
Anchorage Municipal Assembly



# Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

March 17, 2003

Representative Keven Meyer  
State Capitol  
Juneau, Alaska 99801-1182

Re: House Bill 81

Dear Representative Meyer,

Thank you for the opportunity to comment on House Bill 81. The Fairbanks I/M Program supports legislation that streamlines the motor vehicle inspection process and registration renewals with retention of program integrity. H.B. 81 is certainly focused in this direction and therefore, the FNSB I/M Program is in support of this bill. To further simplify the proposed amendments I would like to offer the following suggestion.

I have reviewed the proposed amendments and have comment regarding the proposed changes to AS 28.10.271. This statute addresses change of ownership requirements. AS 28.10.271 contains an amendment that reads, "(ii) has a certificate of inspection, but the certificate shows that the vehicle is not in compliance with program requirements". An individual that has a non-complying vehicle (or complying vehicle) and wishes to transfer ownership can do so under AS 28.10.271(d) (2) (A) or (B) without the certificate of inspection. Therefore, I do not believe this amendment is needed.

Thank you for your work on this legislation. Our office has been serving motorists since 1985 and we have experienced many regulatory changes, which affect those consumers. Therefore, we are very pleased to see proposed amendments that will in effect, simplify the vehicle registration renewal process. Please call me at 459-1005 at your earliest convenience so I may concisely confer my thoughts.

Sincerely,

Glenn E. Miller  
FNSB I/M Program Manager

Cc:  
David Leone, Special Assistant to the Mayor  
Mayor Boyles, FNSB  
Linda Anderson, Govt. Consultant

RECEIVED

MAR 24 2003

#### **AS 28.10.041. Grounds for refusing registration**

- (a) The department may refuse to register a vehicle if
- (1) the application contains a false or fraudulent statement;
  - (2) the applicant fails to furnish information required by the department;
  - (3) the applicant is not entitled to the issuance of a certificate of title or registration under this chapter;
  - (4) the vehicle is determined to be mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in the state;
  - (5) the department has reasonable grounds to believe that the vehicle was stolen or fraudulently acquired or that the granting of registration would be a fraud against the rightful owner or other person having a valid lien upon the vehicle;
  - (6) the registration of the vehicle has been suspended or revoked for any reason under the laws of the state;
  - (7) the required fees or taxes have not been paid;
  - (8) the vehicle or applicant fails to comply with this chapter or regulations implementing this section;
  - (9) the vehicle is without a certificate of inspection required under AS 19.10.310 ;
  - (10) except for a vehicle to be registered under AS 28.10.152 , the vehicle is subject to a state-approved emission inspection program adopted under AS 46.14.400 or 46.14.510, and the vehicle does not meet the standards of that program, unless the vehicle uses a fuel source that does not primarily emit carbon monoxide;
  - (11) the applicant fails to certify to the department the existence of a motor vehicle liability policy that complies with AS 28.22.101 for the vehicle being registered unless the owner of the vehicle qualifies as a self-insurer under AS 28.20.400 or is exempted from obtaining liability insurance under AS 28.22.011 .
- (b) When the department refuses to register a vehicle, it shall immediately notify the applicant stating the reasons for the action and informing the applicant of the right to a hearing under AS 28.05.131 - 28.05.141.
- (c) Except for a vehicle to be registered under AS 28.10.152 , the department shall refuse to register a vehicle subject to the federal heavy vehicle use tax required by 26 U.S.C. 4481 (Internal Revenue Code of 1954) if the applicant fails to furnish proof, in the form prescribed by the United States Secretary of the Treasury, that the tax has been paid.
- (d) The department shall refuse to register a vehicle if the applicant fails to register the vehicle using the applicant's full first, middle, and last name or a business name.

#### **AS 28.10.108. Registration procedures**

- (a) Except for a vehicle registered under AS 28.10.152 , a vehicle required to be registered under this chapter shall be registered under the procedures set out in this section.
- (b) [Repealed, Sec. 29 ch 6 FSSLA 1996].
- (c) [Repealed, Sec. 29 ch 6 FSSLA 1996].

(d) A registered vehicle retains the same biennial expiration date regardless of the ownership of the vehicle.

(e) The registration of a vehicle expires on the last day of the month to which the vehicle is assigned.

(f) Upon request of the owner and payment of the proportionate prorated applicable fees, a vehicle registered under this section shall have its registration period extended in monthly increments to allow biennial registration to occur in the month of the owner's choice. Notwithstanding the other provisions of this chapter, upon request of the owner, payment of the annual fee set out in AS 28.10.421 (h), payment of any annual vehicle registration tax due under AS 28.10.431(1), and, if applicable, payment of one-half of the biennial emission control inspection program fee imposed under AS 28.10.423, the department shall register a vehicle used for commercial purposes for a one-year period.

(g) The department shall issue to the registered owner, upon receipt of the proper application and fees, registration plates, tabs and registration form displaying the month and year in which the registration expires.

(h) The department shall mail notice of registration expiration to the registered owner of record at the owner's mailing address as shown in the records of the department. An owner of a vehicle subject to registration who has received notice under this subsection may renew registration of the vehicle by returning the notice form, together with appropriate fees, to the department by mail postmarked no later than the fifth day of the registration renewal period shown upon the vehicle's current registration or notice form. Upon receipt of a timely postmarked registration renewal and the appropriate fees and taxes, the department shall renew the registration and mail the current registration card and registration plates or tabs to the owner at the owner's mailing address as shown in the department's records.

(i) If a vehicle is held for sale by a dealer, the requirement of registration and payment of fees and taxes does not apply until the vehicle is sold to a party other than another dealer. The exemption from payment of fees and taxes under this subsection applies only if

- (1) the dealer is registered with the state; and
- (2) the vehicle for which the exemption is sought can be shown to be part of the dealer's inventory at the time of exemption.

(j) The purchaser of a vehicle for which registration and taxes have been held in abeyance under (i) of this section shall register the vehicle within five working days of purchase and pay the prorated fees and taxes required by the department.

(k) The department shall prorate fees in monthly increments to allow for registration of vehicles in more or less than one-year periods when required by any provision of this section.

(1) Notwithstanding the other provisions of this section, the following vehicles are not required to be registered biennially and shall be registered one time only:

- (1) a vehicle qualifying for registration under AS 28.10.181 (d); or
- (2) a vehicle owned by a person who is 65 years of age or older; this paragraph only

applies to only one vehicle owned by the person who is 65 years of age or older.

**AS 28.10.271. Transfer of vehicle by owner**

(a) When the owner of a registered vehicle transfers or assigns the owner's title or interest in the vehicle, the registration of the vehicle expires; however, the registration plates remain on the vehicle except as otherwise provided in AS 28.10.181 .

(b) The owner shall, at the time of delivery of the vehicle, endorse an assignment and warranty of title to the transferee in the space provided on the certificate of title. The owner shall deliver the certificates of title and registration to the transferee at the time of delivery of the vehicle, except as otherwise provided in AS 28.10.291 .

(c) The owner shall notify the department of the transfer or assignment of the owner's title or interest in the vehicle within 10 days following transfer or assignment. This notification shall constitute a valid transfer under AS 28.10.321 and 28.10.361. The notice form to be provided by the department must include the following information:

- (1) name and address of owner;
- (2) name and address of transferee;
- (3) date of transfer or assignment; and
- (4) description and license number of vehicle.

(d) An emissions inspection and maintenance certificate

(1) shall be obtained when ownership of a vehicle subject to registration under this chapter is transferred if the

(A) transferee resides in an area designated by the Department of Environmental Conservation as an emissions inspection and maintenance area;

(B) vehicle was manufactured in 1987 or earlier;

(C) vehicle would be subject to an emissions inspection and maintenance program; and

(D) vehicle has not been inspected for emissions or the existing emissions inspection and maintenance certificate is more than 12 months old;

(2) need not be obtained under (1) of this subsection if, when ownership of vehicle is transferred,

(A) the transferor surrenders the vehicle's registration plates and all evidence of registration in the transferor's possession or control to the department; or

(B) the vehicle has a valid, existing emissions inspection and maintenance program seasonal waiver and the purchaser signs a seasonal waiver transfer acknowledgment form approved by the department.

**AS 45.45.400. Prohibited transfer of used motor vehicles**

(a) A person engaged in the business of selling used motor vehicles may not transfer or assign the owner's title or interest in the used vehicle to a person who resides in an area subject to a state-approved emission inspection program established under AS 46.14.400 or 46.14.510 and who intends to use the vehicle in that area, unless the vehicle has a certificate

of compliance or noncompliance as required under the air pollution control requirements applicable in that area.

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

#### **AS 46.14.400. Local air quality control programs**

(a) With the approval of the department, a municipality may establish and administer within its jurisdiction a local air quality control program that operates in lieu of and is consistent with all or part of the department's air quality program as established under this chapter. A first or second class borough may administer an air quality control program approved by the department under this subsection on an areawide basis and is not subject to the restrictions for acquiring additional areawide powers specified in AS 29.35.300 - 29.35.350. A third class borough may administer a local air quality control program approved by the department under this subsection only in a service area formed under AS 29.35.490 (b) or (c).

(b) With the approval of the department, two or more municipalities or other entities may create a local air quality district for the purpose of jointly administering a local air quality control program within the boundaries of the air quality district.

(c) If the department finds that the location, character, or extent of particular concentrations of population, air contaminant sources, the geographic, topographic, or meteorological considerations, or a combination of these factors make impracticable the maintenance of appropriate levels of air quality without an areawide air pollution control program, the department may determine the boundaries within which a local air quality control program is necessary and direct that a local air quality control program spanning those boundaries is the only acceptable alternative to direct state administration.

(d) A municipality or a local air quality district seeking department approval for a local air quality control program shall enter into a cooperative agreement with the department that is designed to avoid unnecessary duplication of responsibilities. The cooperative agreement must include provisions specifying

- (1) the respective duties and authority of the department and the municipality or local air quality district in the administration of the local air quality control program;
- (2) the authority of the municipality or the local air quality district to employ staff to administer the local air quality control program;
- (3) duties of staff employed under (2) of this subsection;
- (4) the procedures that must be followed by the municipality or local air quality district when requesting money from the clean air protection fund to cover the costs of implementing the municipality's or district's air quality program;
- (5) the procedures that will be used by the department in approving a request under (4) of this subsection and submitting it to the legislature for funding;
- (6) respective enforcement responsibilities of the department and the municipality or the local air quality district;
- (7) that if the municipality or local air quality control district seeks authority to take action under (f) of this section, the municipality or local air quality control district will use

procedures that are substantially equivalent to those required under AS 46.14.010 and 46.14.015.

(e) A local air quality control program shall provide for the exemption of a locally registered motor vehicle from motor vehicle emission requirements adopted under AS 46.14.510 if the motor vehicle is not used within the program's jurisdiction.

(f) A municipality or a local air quality district administering a program under this section shall administer its local air quality control program according to this chapter, regulations adopted under those sections, and its cooperative agreement under (d) of this section. A municipality or local air quality district's program may, upon a finding by the local agency and an affirmative agreement by the department, establish a more stringent requirement than the stationary source permit program authorized under this chapter if public health or air quality effects provide a reasonable basis to regulate the source with the additional or more stringent requirement and the municipality or district has used procedures substantially equivalent to those required under AS 46.14.010 - 46.14.015 before establishing the more stringent requirement. This subsection does not prohibit a municipality or local air quality control district from establishing a mobile source emissions program more stringent than the state program without making findings of public health or air quality effects or using procedures substantially equivalent to those required under AS 46.14.010 - 46.14.015. In this subsection, "mobile source" does not include tank vessels or other watercraft.

(g) A determination, order, permit, or permit action issued under a local air quality control program is considered to be a determination, order, permit, or permit action of the department.

(h) Notwithstanding any other law or rule of law, the department may not delegate or enable another department or government entity to establish fee rates or collect fees under AS 46.14.240 or 46.14.250.

(i) If a municipality or a local air quality district administering a program under this section requires emissions inspection for a motor vehicle, emission inspection may not be required more than once every two years.

(j) A person who operates a motor vehicle in violation of emissions requirements imposed under this section is guilty of a violation and upon conviction shall be fined \$200. It is the intent of the legislature that money collected under this subsection be appropriated to promote air quality control programs in municipalities.

#### **Sec. 46.14.510. Motor vehicle pollution**

(a) When the department determines that the state of knowledge and technology may allow or make appropriate the control of emissions from motor vehicles to further air quality control, the department may provide, by regulation, for the control of the emissions from motor vehicles. The regulations may prescribe requirements for the installation and use of equipment designed to reduce or eliminate emissions and for the proper maintenance of this equipment.

(b) Unless otherwise exempted by law, a person shall maintain in operating condition any element of the air pollution control system or mechanism of a motor vehicle that the department, by regulation, requires to be maintained in or on the motor vehicle. Failure to maintain a required system or mechanism in operating condition subjects the motor vehicle's registration to suspension or cancellation. A motor vehicle whose registration has been suspended or canceled under this subsection is not eligible for subsequent registration until the owner or operator obtains certification from the department, based on a demonstration that the air pollution control system or mechanism is restored to operating condition.

(c) The department shall consult with the Department of Administration regarding implementation of the motor vehicle pollution control program. The Department of Administration shall cooperate with the department in implementing the program.

(d) If the department adopts regulations requiring the maintenance of air pollution control systems or mechanisms in motor vehicles to control emissions from the vehicle, a motor vehicle subject to those regulations may not be issued a certificate of inspection unless the required air pollution control system or mechanism has been inspected in accordance with the standards, testing techniques, and instructions furnished by the department and the motor vehicle has been found to meet those standards. A valid certificate of inspection for the emission control system, if required by the department, must be presented to the Department of Administration before that department may register a motor vehicle.

(e) If the department adopts regulations requiring emissions inspection for a motor vehicle, the department may not require the vehicle be inspected more than once every two years.

(f) A person who operates a motor vehicle in violation of emissions requirements imposed under this section is guilty of a violation and upon conviction shall be fined \$200. It is the intent of the legislature that money collected under this subsection be appropriated to control pollution from motor vehicle emissions.

(g) In addition to the emission control inspection program fee imposed under AS 28.10.423, the department or a municipality may impose a fee upon a vehicle required to be inspected under a motor vehicle emission control program established under this chapter, but the fee may not exceed the actual costs of the department or the municipality in administering

- (1) the motor vehicle emission control inspection program; and
- (2) the related ambient air monitoring program.

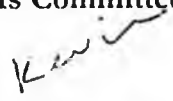
# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## MEMORANDUM

**DATE:** April 1, 2003

**TO:** Representative Bruce Weyhrauch  
Chairman, House State Affairs Committee

**FROM:** Representative Kevin Meyer 

**RE:** HB 81 Motor Vehicle Emissions Inspection

At your earliest convenience, please schedule HB 81 Motor Vehicle Emissions Inspection for a hearing in the House State Affairs Committee.

HB 81 streamlines existing motor vehicle emission statutes to improve compliance and enforcement, provide consistency between State departments, provide relief from extraneous requirements, and protect consumers.

Thank you for your time and consideration.