AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 15.80 AND 15.85 TO COMPLY WITH STATE I/M REGULATIONS AND TO COMPLY WITH DMV ELECTRONIC PROCEDURES.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 15.80.010 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

15.80.010 General provisions.

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C. Certificate of inspection. [BEGINNING ON OR AFTER JANUARY 1, 2000, TWO VERSIONS OF THE CERTIFICATE OF INSPECTION SHALL BE UTILIZED]:

1. [A] A windshield sticker which is affixed to the lower left side portion of the interior front windshield.

[A PAPER CERTIFICATE OF INSPECTION THAT IS PRINTED BY THE EIS AND VALIDATED IN A MANNER IDENTIFIED BY THE I/M PROGRAM ADMINISTRATOR.]

2. A certificate of inspection [AND] windshield sticker issued in accordance with the procedures specified in this chapter [THE I/M PROGRAM DESIGN], not more than ninety (90) days previous, shall be required prior to vehicle registration or vehicle registration renewal with the state division of motor vehicles for all vehicles subject to the requirements of this chapter [THE I/M PROGRAM DESIGN].

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Editor's note: AO 2000-92 (amended and approved 8-15-00) contains changes to this section conditioned and effective upon State approval.

AM 52-2006
Section 2. Anchorage Municipal Code section 15.80.020 is hereby amended to read as follows:

15.80.020 Referee station.

The I/M program [DESIGN IS TO PROVIDE THAT THE] referee station [ANTICIPATED IN THE I/M PROGRAM DESIGN] shall be offered for operation either directly or by the private sector.

(AO No. 84-110; AO No. 99-160, § 2, 1-11-00)

Section 3. Anchorage Municipal Code section 15.80.060 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

15.80.060 Waiver for seasonal use vehicles.

B. An application for a seasonal use waiver may be completed at the I/M program office and shall be signed by the applicant and notarized. Upon approval by the I/M program administrator's office of the seasonal use waiver application, the applicant shall be issued an I/M certificate of inspection seasonal waiver [AND A] windshield sticker.

(AO No. 93-222(S), § 1, 8-1-94; AO No. 95-118, § 1, 9-1-95; AO No. 99-132, § 2, 11-9-99; AO No. 99-160, § 6, 1-11-00)

Editor's note: AO 2000-92 § 3 (amended and approved 8-15-00) contains changes to this section conditioned and effective upon State approval.

Section 4. Anchorage Municipal Code section 15.85.210 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

15.85.210 Certificate of inspection [AND STICKER].

A. All vehicles requiring a certificate of inspection under section 15.85.220 shall obtain a certificate of inspection [(BOTH PAPER AND WINDSHIELD VERSIONS)] at least biennially. A certificate of inspection required under this chapter may be issued only by the I/M program administrator, the referee facility, or a station certified under section 15.85.420. [BEGINNING ON OR AFTER JANUARY 1, 2000, TWO VERSIONS OF THE CERTIFICATE OF INSPECTION WILL BE UTILIZED:

i. A VALID PAPER CERTIFICATE OF INSPECTION THAT:

A. IS PRINTED BY THE EIS AND VALIDATED IN A MANNER IDENTIFIED BY THE I/M PROGRAM ADMINISTRATOR,
B. IS SIGNED BY A CERTIFIED I/M MECHANIC WHO ATTESTS THAT HE/SHE HAS INSPECTED THE VEHICLE AND THAT THE VEHICLE HAS PASSED AN I/M TEST; AND

C. BEARS THE STATEMENT ABOVE THE MECHANIC'S SIGNATURE THAT FALSE STATEMENTS, REPRESENTATIONS, OR CERTIFICATIONS MAY BE PUNISHABLE BY LAW.

[2.] The certificate of inspection shall be a windshield sticker [WHICH IS] affixed to the lower left side portion of the interior front windshield of a vehicle that has passed an I/M test or has received an I/M waiver or I/M exemption.

B. Visual identification of certificate of inspection

1. The [WINDSHIELD VERSION OF THE] certificate of inspection:

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c. shall [MUST] be affixed on a vehicle at the time of inspection by the certified mechanic who performs the inspection and correspond to the valid electronic record [PAPER VERSION OF THE CERTIFICATE OF INSPECTION]; and

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2. The I/M program administrator shall:

   a. hold each certified station accountable for all [WINDSHIELD VERSIONS OF THE] certificates of inspection that were issued to that station by the municipality; and

   b. establish procedures in this chapter for appropriate enforcement action to be taken against a station for any windshield certificates of inspection that are missing and cannot be accounted for.

(AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 4, 8-15-00)

Editor's note: AO 2000-92 (amended and approved 8-15-00) contains changes to this section conditioned and effective upon State approval.

Section 5. Anchorage Municipal Code section 15.85.220 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

15.85.220 Vehicles requiring certificate of inspection.

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B. Exemptions. Notwithstanding the requirements of section 15.85.220A., the following vehicles are exempt from the requirements of the I/M program:
Vehicle Inspection and Maintenance Program

4. A model year 2004 or newer vehicle, except these vehicles shall have their first I/M inspection when the current calendar year equals the vehicle model year plus four years, and subsequent inspections every two years thereafter. [A MODEL YEAR VEHICLE EQUAL TO THE CURRENT CALENDAR YEAR OR THE CURRENT CALENDAR YEAR MINUS ONE. THEREFORE, IN CALENDAR YEAR 1997, MODEL YEAR 1997 AND MODEL YEAR 1996 (1997 - 1) VEHICLES ARE EXEMPT.]

C. Frequency of inspections. All non-exempt vehicles are required to be inspected in accordance with this chapter [I/M PROGRAM DESIGN].

1. Motorists operating non-exempt vehicles shall obtain a certificate of inspection [AND STICKER] not more than ninety (90) days prior to initial registration with DMV. Unless specifically approved by the program administrator, non-exempt vehicles shall obtain a certificate of inspection [AND STICKER] not more than ninety (90) days prior to the registration [RENEWAL] expiration date OR NOT MORE THAN ONE YEAR (365 DAYS) PRIOR TO CHANGE OF OWNERSHIP DATE.

2. Motorists operating non-exempt vehicles shall have their vehicles inspected at a certified station by a certified mechanic and shall obtain a valid certificate of inspection [AND STICKER] within thirty (30) days of entering the municipality.

3 [4]. Failure to comply with these emission inspection requirements may result in a fine of $50.00 to $1,000.00 as provided under section 15.05.120A of this title.

[A MOTOR VEHICLE DEALER MAY USE A CERTIFICATE OF INSPECTION THAT WAS ISSUED WITHIN THE PREVIOUS 12 MONTHS TO REGISTER A USED MOTOR VEHICLE IF:

A. THE DEALER USES THE CERTIFICATE TO REGISTER THE VEHICLE IN THE PURCHASER’S NAME;

B. AND THE CERTIFICATE WAS ISSUED WHILE THE VEHICLE WAS HELD IN THE DEALER’S INVENTORY FOR SALE.

C. AFTER THE VEHICLE IS REGISTERED UNDER THIS SUBSECTION, THE CERTIFICATE IS INVALID AND MAY NOT BE USED TO REGISTER THE VEHICLE AGAIN OR TO RENEW VEHICLE REGISTRATION.]

D. Transfer of ownership. Sellers of non-exempt vehicles [MODEL YEAR 1987 OR OLDER] are required to provide buyers of said vehicles with current I/M certificates
of inspection or noncompliance. Specifically:

1. Prior to the delivery of the vehicle to the buyer, the seller of a non-exempt vehicle shall provide [PRESENT] to the purchaser of the vehicle either:

   a. A current [VALID] I/M certificate of inspection issued not more than two [ONE] years prior to the date of sale and/or date of delivery to the purchaser; [,] or [:]

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2. Sellers of vehicles sold through an impound sale in accordance with AS 28.10.502, or sections 9.28.026 and 9.50.020 of this code, are exempt from the above I/M requirement provided:

   a. Vehicles are sold without license [CERTIFICATE] plates; [,] and[;]

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   (AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 5, 8-15-00)

Editor's note: AO 2000-92 (amended and approved 8-15-00) contains changes to this section conditioned and effective upon State approval.

Section 6. Anchorage Municipal Code Section 15.85.230 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

\[15.85.230\] Initial inspections.

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C. An initial inspection shall be performed at a certified I/M station on a vehicle [THAT IS] scheduled for an I/M test or [IS] within ninety (90) days of license or registration [CERTIFICATE] expiration before the vehicle is subjected to any emission-related repairs for which the charge is more than $30.

   (AO No. 99-160, § 7, 1-11-00)

Section 7. Anchorage Municipal Code section 15.85.235 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

\[15.85.235\] Special waivers.

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C. Outside Use [UUE]. Upon receipt of required documentation, the I/M program administrator may approve a waiver and issue a certificate of inspection for a vehicle [THAT IS] registered in, but not operated or located in, the I/M program area. A windshield sticker shall [WILL] not be issued in conjunction with an outside use
waiver. A waiver issued under this subsection shall be valid for one inspection cycle.

E. **Parts unavailability.** Upon receipt of required documentation, supplied by the station [WHICH] performing [ED] the I/M test and producing [ED] the estimate of repairs, the referee may approve a waiver and issue a certificate for a vehicle that cannot be repaired due to the unavailability of parts to repair the vehicle. A waiver issued under this subsection shall be valid for one inspection cycle [, AS SPECIFIED UNDER 18 AAC 52.070(D) AND 18 AAC 52.070(E)]. For a vehicle to qualify for a waiver under this subsection, the vehicle shall be referred [BY THE STATION] to the referee facility by means of a properly completed referee referral form.

(AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 6, 8-15-00).

Editor's note: AO 2000-92 (amended and approved 8-15-00) contains changes to this section conditioned and effective upon State approval.

Section 8. Anchorage Municipal Code section 15.85.270 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

15.85.270 **Definitions [TERMINOLOGY].**

Certificate of inspection means [A:] a [VALID PAPER VERSION USED FOR VEHICLE REGISTRATIONS AT DMV, A] windshield sticker [VERSION THAT REPRESENTS THE VISUAL IDENTIFICATION OF THE CERTIFICATE OF INSPECTION,] or an electronic file version of the certificate [THAT IS] automatically transferred to DMV for registration of the vehicle by phone or internet, issued to a motorist whose vehicle has received a waiver; or whose vehicle passed the required I/M test. The windshield sticker shall be affixed to the vehicle passing an I/M test or receiving a waiver. [THE VALID PAPER VERSION IS A FORM THAT:

1. IS PRINTED BY THE EIS AND VALIDATED IN A MANNER IDENTIFIED BY THE IMPLEMENTING AGENCY,
2. IS SIGNED BY A CERTIFIED MECHANIC WHO ATTESTS THAT HE OR SHE HAS INSPECTED THE VEHICLE AND THAT THE VEHICLE HAS PASSED AN I/M TEST, AND
3. BARES THE STATEMENT ABOVE THE MECHANIC'S SIGNATURE THAT FALSE STATEMENTS, REPRESENTATIONS, OR CERTIFICATIONS MAY BE PUNISHABLE BY LAW;]

B. THE WINDSHIELD VERSION IS TO BE AFFIXED TO THE VEHICLE THAT HAS PASSED AN I/M TEST OR HAS RECEIVED A WAIVER.]

Licensed [CERTIFICATED] (vehicle) means a vehicle assigned a unique license [CERTIFICATE] plate[S] [(TWO)] issued by DMV with a matching registration including
[THAT INCLUDES] a record of a current or expired license [CERTIFICATE] plate year tab number.

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OBD Test means an I/M inspection on a 1996 or newer model year vehicle equipped with a manufacturer-installed on-board diagnostic system.

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Registration or Registered (vehicle) means a registration record, computer or hard copy, issued by the State of Alaska Division of Motor Vehicles (DMV) from an application submitted by the vehicle owner. The record discloses information on the specific vehicle including, but not limited to, the license [CERTIFICATE] number, vehicle identification number, the registered owner(s) name, residence and mailing address and the expiration date [STATUS] of the license [CERTIFICATE] plates [EXPIRATION].

(AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 7, 8-15-00)

Editor's note: AO 2000-92 (amended and approved 8-15-00) contains changes to this section conditioned and effective upon State approval.

Section 9. Anchorage Municipal Code section 15.85.350 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

15.85.350 Program evaluation and reporting.

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C. The program administrator shall prepare and submit an annual report to the ADEC consistent with the reporting requirements of 18 AAC 52.037 [40[[K] AND 18 AAC 52.040(1)].

(AO No. 99-160, § 7, 1-11-00)

Section 10. Anchorage Municipal Code section 15.85.380 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

15.85.380 Certificates of inspection.

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E. Certified I/M stations shall sell replacement stickers for vehicles that have had the current [ORIGINAL] sticker destroyed. The certified I/M station shall [MUST] require proof that the current sticker has been destroyed. This proof may include pieces of the sticker with identifying numbers or a receipt showing the windshield has been replaced. After receiving satisfactory proof the mechanic shall follow the instructions on the EIS, issue the new sticker [AND PAPER CERTIFICATE], and
install the sticker on the windshield.

(AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 8, 8-15-00)

Editor's note: AO 2000-92 (amended and approved 8-15-00) contains changes to this section conditioned and effective upon State approval.

Section 11. Anchorage Municipal Code section 15.85.620 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

15.85.620 Preliminary inspection and safety check.

C. The owner or operator of an I/M station, or a certified I/M mechanic employed by the station, shall refer the following vehicles to the referee facility for inspection, or to verify qualification for a waiver under section 15.85.235:

6 [7]. a vehicle [THAT CAUSES THE EIS TO ABORT THE I/M TEST IF THE CONDITION THAT CAUSED AN ABORT APPEARS] is [TO BE DUE TO] incompatible with [INCOMPATIBILITY BETWEEN THE VEHICLE AND] the EIS.

[A USED VEHICLE THAT WAS PURCHASED FROM A PERSON ENGAGED IN THE BUSINESS OF SELLING USED VEHICLES AND THAT requires A TRANSFER OF OWNERSHIP UNDER AS 45.45.400(A); FOR A VEHICLE DESCRIBED IN THIS PARAGRAPH, THE CERTIFIED MECHANIC OR STATION SHALL REFER THE MOTORIST TO THE DEALER WHO SOLD THE VEHICLE;]

Section 12. Anchorage Municipal Code section 15.85.660 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

15.85.660 Maintenance and calibration.

A. A certified I/M station operator shall ensure [THAT] all equipment used in the performance of emission repairs is properly maintained. EIS's shall [MUST] be maintained and serviced by [UNDER A CONTRACT WITH] the vendor of the system or a third party approved by the vendor of the system.

(AO No. 99-160, § 7, 1-11-00)
Section 13. Anchorage Municipal Code section 15.85.740 is hereby amended to read as follows:

(remainder of the section is not affected and therefore not set out):

15.85.740 List of aftermarket parts.

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D. In addition to the listed aftermarket parts, certified I/M stations may use other aftermarket replacement parts that are functionally identical to the original equipment parts in all respects that in any way affect emissions. An example of such a part would be a replacement engine hose. Explicit approval of such a replacement part by either the CARB or the I/M program administrator is not required, although the CARB does require the manufacturers of such parts to maintain records such as test data to substantiate that the replacement parts are functionally identical to the original equipment parts.

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(AO No. 99-160, § 7, 1-11-00)

Section 14. This ordinance shall become effective immediately upon passage and approval by the Assembly, subject to approval of these Municipal I/M Program amendments by the State of Alaska, Department of Environmental Conservation.

PASSED AND APPROVED by the Assembly this 14th day of February, 2006.

Chair

ATTEST:

Municipal Clerk
MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2006-13  Title: An ordinance amending Anchorage Municipal Code Chapter 15.80 and 15.85 to comply with state I/M regulations and to comply with DMV electronic procedures

Sponsor: Mayor
Preparing Agency: Department of Health and Human Services
Others Impacted: DMV electronic procedures

PUBLIC SECTOR ECONOMIC EFFECTS:
As a result of this ordinance, in 2006 and in 2007 two-year old vehicles will not be I/M tested for the first time. Due to the mid-year implementation of changing I/M test frequency from annual to biennial in 1997, the number of vehicles tested in a typical even year is somewhat higher than in an odd year.

Reorganization of I/M and air quality staff as well as reduction in other direct and indirect charges will be necessary.

PRIVATE SECTOR ECONOMIC EFFECTS:
The I/M test industry will see similar reductions in number of vehicles to be I/M tested. There may also be decreases in numbers of repairs performed on new vehicles, however many new vehicle repairs will continue to be performed by dealers on vehicles still under warranty. Vehicle owners may defer routine maintenance.

 Owners of three and four most recent model year vehicles will save the cost of I/M tests and certificates. Should repairs and maintenance be deferred, those costs will also be saved.

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