

*Postponed indefinitely 11/27/07*

Submitted by: ASSEMBLY MEMBER Selkregg

Prepared by: Assembly Counsel

For reading: November 6, 2007

**ANCHORAGE, ALASKA**

**AO NO. 2007-159**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**  
2 **ANCHORAGE MUNICIPAL CODE CHAPTERS 15.80 AND 15.85, RELATING TO**  
3 **THE MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE (I/M)**  
4 **PROGRAM, TO MODIFY THE PROGRAM FROM BIENNIAL TO QUADRENNIAL**  
5 **INSPECTIONS, TO EXEMPT VEHICLE MODELS 25-YEARS-OLD OR GREATER,**  
6 **TO EXEMPT THE FIRST NEWEST 6 MODEL YEARS OF VEHICLES, TO ALLOW**  
7 **FOR CERTAIN ENGINE MODIFICATIONS, AND TO ESTABLISH AN EFFECTIVE**  
8 **DATE.**

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10 WHEREAS, since July 1985, the Municipality of Anchorage has been  
11 designated as the acting "implementing agency" and administrator for the Vehicle  
12 Inspection and Maintenance Program (I/M) under the State Air Quality Control  
13 Plan and State Implementation Plan (SIP), as authorized under AS 46.14.510  
14 and 18 AAC Chapter 52; and

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16 WHEREAS, under regulations promulgated by the Alaska Department of  
17 Environmental Conservation (ADEC), any amendment to the SIP as submitted by  
18 the ADEC to the Environmental Protection Agency (EPA) shall be reviewed and  
19 approved by the EPA; and

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21 WHEREAS, pursuant to 18 AAC 52.035(f), the Municipality must submit to  
22 the ADEC for its approval any amendment to the Municipality's I/M Program at  
23 least one year prior to the proposed implementation or amendment date; and

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25 WHEREAS, by letter of September 24, 2007, Brian Saylor, PhD, MPH,  
26 and Chairman of the Mayor's I/M Task Force, submitted a report to Mayor Begich  
27 with the task force recommendation to continue the I/M program in a modified  
28 form, to "reduce cost and increase convenience to Anchorage vehicle owners  
29 without unduly compromising the effectiveness of I/M in reducing air pollution";  
30 and

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32 WHEREAS, the proposed amendments incorporating recommendations of  
33 the Task Force will make no changes to the fee schedule;

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35 NOW THEREFORE, THE ANCHORAGE ASSEMBLY ORDAINS:

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37 **Section 1.** Anchorage Municipal Code section 15.80.010, General Provisions,  
38 is amended to read as follows:

**15.80.010 General provisions.**

A. *Inspection and maintenance required.* Every motorist operating [OF (SIC)] a vehicle registered, principally located or principally used within the municipality shall have each such vehicle inspected and maintained in accordance with the requirements specified in the I/M program design as amended by AO 96-154 and AO 99-160.

Note: Text of sections indexed available from the department of health and human services.

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(AO No. 84-110; AO No. 85-8; AO No. 87-27; AO No. 87-35; AO No. 88-154(S); AO No. 88-184; AO No. 93-216(S), § 1, 2-15-94; AO No. 94-195, § 1, 10-25-94; AO No. 96-137(S), §§ 1--6, 1-2-97; Ord. No. 96-154, § 1, 1-2-97; AO No. 99-160, § 1, 1-11-00; AO No. 2000-92, § 1, 8-15-00; AO No. 2003-44, § 1, 3-18-03; AO No. 2006-13, § 1, 2-14-06)

Editor's note: The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

**Section 2.** Anchorage Municipal Code section 15.85.100, Summary, is amended to read as follows: (*Section not amended is set out for context*)

**15.85.100 Summary.**

A. This chapter contains the requirements, specifications, and procedures for a motor vehicle emissions inspection and maintenance (I/M) program administered by the municipality under Chapter 15.80. The information contained herein is relatively technical in nature and is principally intended for use by the operators of certified I/M stations, certified mechanics, and departmental or contractor staff involved in administering the I/M program. Separate publications are available from the I/M program administration office that describes more concisely the requirements of the program for the general public. The basis for these requirements can also be found in state regulations under 18 AAC 52.

B. Under the I/M program, owners or operators of non-exempt vehicles are required to have their vehicles inspected for emissions problems at least quadrennially [BIENNIALY], upon initial registration of a used

vehicle in the state, or upon change of ownership if the vehicle is not currently in compliance. Vehicles must be I/M certified prior to an initial registration [OR RENEWAL OF REGISTRATION] by the state department of administration, division of motor vehicles (DMV). Vehicles must also be I/M certified prior to every other renewal of two-year registration by the state DMV.

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(AO No. 99-160, § 7, 1-11-00)

**Section 3.** Anchorage Municipal Code section 15.85.210, Certificate of Inspection, is amended to read as follows:

**15.85.210 Certificate of inspection.**

A. All vehicles requiring a certificate of inspection under Section 15.85.220 shall obtain a certificate of inspection at least quadrennially [BIENNIALY]. 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.

The certificate of inspection shall be a windshield sticker 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.

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AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 4, 8-15-00; AO No. 2006-13, § 4, 2-14-06)

**Section 4.** Anchorage Municipal Code section 15.85.220, Vehicles Requiring Certificate of Inspection, is amended to read as follows: (*Sections not amended are set out for context*)

**15.85.220 Vehicles requiring certificate of inspection.**

A. *Program area.* Vehicles subject to this I/M program are passenger cars and trucks registered, principally used, or principally located, within the following zip codes or any other zip codes assigned to the Municipality of Anchorage by the U.S. Postal Service:

TABLE INSET:

99501	99506	99511	99516	99521	99567
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99502	99507	99512	99517	99522	99577
99503	99508	99513	99518	99523	99587
99504	99509	99514	99519	99524	
99505	99510	99515	99520	99540	

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1. A person, including a person in military service, who temporarily resides in Alaska for more than 30 days and who owns or leases a vehicle that is principally located or operated in this I/M area, shall obtain a valid certificate of inspection for that vehicle, even if the vehicle is not required to be registered in Alaska. A temporary resident shall obtain the certificate of inspection within 30 days after entering the state. In addition to the requirements of this section, a motorist who lives in an area where a vehicle emissions inspection and maintenance program (I/M program) is implemented or administered, a motorist whose vehicle is principally located or operated in an I/M area, and a motorist who commutes into the municipality shall use specific maintenance practices for the motor vehicle ECS to reduce air pollution, including the practices described in this chapter.

2. Motorists operating vehicles not subject to the provisions of this section are encouraged to obtain an emission inspection, sticker and repairs as part of the regular maintenance performed on their vehicles.

3. Vehicles powered by diesel engines are required to have a windshield sticker only.

4. New vehicles as defined by B.4. of this section, are required to have windshield stickers

B. *Exemptions.* Notwithstanding the requirements of Section 15.85.220.A, the following vehicles are exempt from the requirements of the I/M program:

1. any vehicle with a model year 25 years or greater than the current calendar year. In calendar year 2010, 1985 and older model year vehicles are exempt from testing [1967 MODEL YEAR OR OLDER VEHICLE];

2. any vehicle not principally used or located in the municipality and not certificated by the state;

3. motorcycles, golf carts, ATV vehicles, snow machines, and mopeds;

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 six [FOUR] years, and subsequent inspections every four [TWO] years thereafter.

5. all vehicles above 12,000 pounds unladen weight.

6. vehicles that are not registered in the municipality and not operated or located in the municipality for more than 30 cumulative days during the vehicle's registration period.

7. any vehicle solely powered by electric battery.

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D. *Transfer of ownership.* Sellers of non-exempt vehicles 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 to the purchaser of the vehicle either:

a. A current I/M certificate of inspection issued not more than four [TWO] years prior to the date of sale and/or date of delivery to the purchaser; or

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(AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 5, 8-15-00; AO No. 2006-13, § 5, 2-14-06)

**Section 5.** Anchorage Municipal Code section 15.85.230, Initial Inspections, is amended to read as follows:

**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 scheduled for an I/M test or within 90 days of alternating license or registration expiration before the vehicle is subjected to any emission-related repairs for which the charge is more than \$30.00.

(AO No. 99-160, § 7, 1-11-00; AO No. 2006-13, § 6, 2-14-06)

**Section 6.** Anchorage Municipal Code section 15.85.390, Referee Facility, is amended to read as follows: (*Sections not amended are set out for context*)

**15.85.390 Referee facility.**

A. The I/M program administrator, shall provide a means to evaluate requests for repair cost waivers, to resolve disputes between motorists and repair stations, and to evaluate and determine whether retrofitted engines meet I/M requirements. If sufficient funding is available, the municipality may [SHALL] maintain and operate a vehicle test facility, hereinafter referred to as the referee facility, The referee facility may be operated directly or through a contractor.

1. The referee facility may [SHALL] be used to determine if a repair cost waiver or other special waiver should be issued for a vehicle, and to assist in the resolution of disputes between motorists and certified I/M stations.

2. The referee facility may [SHALL ALSO] be used to inspect vehicles that have been rejected from testing at certified I/M stations because of engine or fuel changes, and to provide other services to the general public as delegated by the program administrator. Subject to the approval of the program administrator, the referee facility may charge a fee of up to \$50.00 plus the cost of a certificate, if issued, for inspecting a vehicle not previously inspected.

3. The facility may [SHALL] be equipped with instrumentation and

other equipment and supplies necessary to determine whether a vehicle passes or fails an inspection test performed in accordance with Section 15.85.600.

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B. *Repair cost waiver.* Upon referral by a certified I/M station, a motorist may apply to the municipality or to the referee facility if it is in operation, for approval of a repair cost waiver for a vehicle, subject to the provisions of Section 15.85.240.B. Upon verification that all applicable requirements have been met, the referee facility may be used to [SHALL] approve a waiver and issue a certificate of inspection for the vehicle. The [REFEREE FACILITY SHALL MONITOR THE] yearly status of a vehicle receiving a repair cost waiver shall be monitored until the vehicle is brought into full compliance with I/M program requirements. The waiver is valid for one inspection cycle.

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D. *Motorist-disputed test results.*

1. In the case of a dispute between a motorist and a certified I/M station or certified I/M mechanic, the motorist should make an appointment with the municipality or, if in operation, [TO BRING A VEHICLE TO THE REFEREE FACILITY FOR AN EMISSION INSPECTION], to verify the results of an inspection performed at a certified I/M station.

a. If the referee facility is unable to perform an inspection on the vehicle, a special circumstances waiver may be issued for the vehicle, as provided in Section 15.85.235.B.

b. No waiver shall be issued to a vehicle that is untestable due to correctable defects such as a repairable water pump, fuel leak, or noisy engine condition. The motorist shall be required to repair such defects before the referee inspects [FACILITY PERFORMS AN EMISSION INSPECTION ON] the vehicle.

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G. *Engine switching.*

1. Upon motorist application, the municipality or the referee facility

1 shall issue a certificate of inspection for a vehicle that has been  
2 retrofitted with a replacement gasoline engine if the following  
3 requirements are met:  
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6 2. In lieu of meeting these requirements, a motorist may request to  
7 have the municipality or the referee perform a [SUBMIT THE  
8 RESULTS OF AN EMISSIONS TEST PERFORMED ON A  
9 RETROFITTED VEHICLE USING THE FEDERAL TEST  
10 PROCEDURE OR AN ALTERNATE] loaded mode mass emissions  
11 test on the vehicle, as [PROCEDURE PREVIOUSLY] approved by  
12 the program administrator. The test will be available at the  
13 municipality or the referee facility as long as the equipment is  
14 operational and funding is available for its use. The program  
15 administrator shall issue a certificate of inspection upon the  
16 submittal of adequate proof that the retrofitted vehicle has the same  
17 or lower mass emission rate as the engine-chassis configuration  
18 originally installed in the vehicle. A motorist may also submit the  
19 results of an emissions test performed on a retrofitted vehicle using  
20 the federal test procedure or an alternate loaded mass emissions  
21 test procedure previously approved by the program administrator.  
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24 H. *Engine modifications.*

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26 1. Engine modifications, including the use of aftermarket parts, are  
27 allowed provided that they are included on a list of approved parts  
28 or engine modifications adopted by the program administrator. A  
29 current copy of this list will be kept available for public review at the  
30 I/M program administration office. This list includes all modifications  
31 approved for use by the CARB, except those deleted by the  
32 program administrator due to cold temperature operational issues.  
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34 2. Application for the approval of modifications not included on the  
35 list can be made to CARB, subject to the approval of the I/M  
36 program administrator.  
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38 3. In lieu of meeting these requirements, a motorist may request to  
39 have the municipality or the referee perform a loaded mode mass  
40 emissions test on the vehicle, as approved by the program  
41 administrator. The test will be available at the municipality or the



referee facility as long as the equipment is operational and funding is available for its use. The program administrator shall issue a certificate of inspection upon the submittal of adequate proof that the modified vehicle has the same or lower mass emission rate as the engine-chassis configuration originally installed in the vehicle.

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(AO No. 99-160, § 7, 1-11-00)

**Section 7.** Anchorage Municipal Code section 15.85.620, Preliminary Inspection and Safety Check, is amended to read as follows:

**15.85.620 Preliminary inspection and safety check.**

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B. The owner or operator of the certified station, or a certified mechanic employed by the station shall inform the motorist that an inspection is not required for

1. a vehicle that is exempt under 15.85.220.B;
2. a vehicle with a registration renewal date more than 90 days in the future [, EXCEPT FOR CHANGE OF OWNERSHIP]; and
3. a vehicle that does not require an I/M test unless requested by the motorist or required by the I/M program administrator because of a pending enforcement action.

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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:

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5. a vehicle equipped with an engine other than the engine originally installed in the vehicle, except that:

[e-] [FOR A 1974 OR EARLIER MODEL YEAR VEHICLE WITH A DIFFERENT ENGINE, THAT VEHICLE MAY BE I/M-TESTED;]

(AO No. 99-160, § 7, 1-11-00; AO No. 2006-13, § 11, 2-14-06)

**Section 8.** Anchorage Municipal Code section 15.85.710, Visual and Functional Checks, is amended to read as follows:

**15.85.710 Visual and functional checks.**

A. [1975 AND LATER] 1995 and older model-year vehicles for which emission inspections are specified under Section 15.85.720 shall be visually inspected to determine whether vehicles that were originally factory-equipped with the following ECS components have such components properly installed and unmodified:

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B. In addition, 1995 and older [1975 AND LATER] model-year vehicles for which emission inspections are specified under Section 15.85.720 shall be functionally checked to determine whether the following components are correctly operating on those vehicles that were originally factory-equipped with such components:

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(AO No. 99-160, § 7, 1-11-00)

**Section 9.** The Department of Health and Human Services, through the I/M Administrator, shall submit approved amendments to the ADEC in accordance with applicable regulations of the Alaska Administrative Code.

**Section 10.** Sections 1 through 8 of this ordinance shall become effective the later of December 31, 2009, or thirty (30) days after ADEC provides written notice to the I/M Administrator that ADEC and EPA have duly accepted and approved these amendments.

**Section 11.** Sections 9 and 10 of this ordinance shall become effective immediately upon passage and approval by the Assembly.

1 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_ day of  
2 \_\_\_\_\_, 2007.

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8 Chair

9 ATTEST:

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11 \_\_\_\_\_  
12 Municipal Clerk