

**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**



**18 AAC 52
Emissions Inspection and Maintenance Requirements for Motor Vehicles**

**18 AAC 50
Air Quality Control**

Public Review Draft

June 8th, 2009

**Sarah Palin
Governor**

**Larry Hartig
Commissioner**

The lead in language of 18 AAC 50.030 is amended to read:

18 AAC 50.030. State air quality control plan. Volumes II and III of the *State Air Quality Control Plan* for implementing and enforcing the provisions of AS 46.14 and this chapter, as amended through **{Effective Date of Regulations}** [FEBRUARY 20, 2009], are adopted by reference. The plan includes the following documents which are also adopted by reference:

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 9/4/98, Register 147; am 1/1/2000; Register 152; am 12/30/2000; Register 156; am 9/21/2001, Register 159; am 1/27/2002, Register 161; am 3/2/2002, Register 161; am 5/3/2002, Register 162; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/1/2004, Register 171; am 12/14/2006, Register 180; am 12/30/2007, Register 184; am 5/17/2008, Register 186; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.020 AS 46.14.140

18 AAC 52.005 is amended to read:

- (c) In addition to the requirements of (a) of this section,
 - (1) a motorist described in (b) of this section shall
 - (A) have that motorist's motor vehicle inspected every two years as required by this chapter unless
 - (i) the requirement is waived under 18 AAC 52.060; or
 - (ii) the vehicle is a model year (MY) **2006** [2004] or newer; if the vehicle is a model year **2006 or** [2004 OF] or newer, the vehicle's first inspection is due when the current calendar year equals the vehicle model year plus **six** [FOUR] years; subsequent inspections are due every

two years after the year the vehicle's first inspection is due;

(f) The I/M requirements of this chapter do not apply to

- (1) a 1967 or older motor vehicle;
- (2) repealed 02/18/2006;
- (3) a gasoline-powered motor vehicle that has an unladen weight of 12,001 pounds or heavier;
- (4) a test vehicle for which the department has issued a written exemption;
- (5) a military tactical vehicle such as a tank;
- (6) a motorcycle, golf cart, all-terrain vehicle, snow machine, and motor-driven cycle (moped);
- (7) a motor vehicle that has been or will be in Alaska for less than 30 days; [OR]
- (8) an electric vehicle; [.]
- (9) a motor vehicle for which the Division of Motor Vehicles has issued historic vehicle plates for historic exhibition use; or**
- (10) a motor vehicle for which the Division of Motor Vehicles has issued custom collector plates.**

(Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/4/95, Register 133; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 02/18/2006, Register 177; am 5/17/2008, Register 186; am __/__/____, Register ____)

Authority: AS 46.03.010 AS 46.14.030 AS 46.14.510
AS 46.03.020

18 AAC 52.060 is amended to read:

(d) The implementing agency may grant a motorist a time extension not to exceed one inspection cycle to obtain needed repairs on a vehicle in the case of

(1) economic hardship when waiver requirements are not met; the implementing agency may grant only one time extension under this paragraph and shall revoke the extension if it is determined that the motorist no longer qualifies for an extension under this paragraph; the implementing agency may grant an economic hardship extension only if the motorist proves that

(A) the motorist's adjusted gross income, as computed for the preceding year and reported to the United States Department of the Treasury, Internal Revenue Service (IRS), is at or below the poverty level as determined under the United States Department of Health and Human Services poverty guidelines for this state published at **74 Fed. Reg. 4199-4201 (January 23, 2009)** [73 FED. REG. 3971 – 3972 (JANUARY 23, 2008)], adopted by reference in this chapter; for a time extension under this subparagraph, the motorist must submit a copy of the motorist's federal income tax return filed for the year preceding the extension request; or

(Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/4/95, Register 133; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 02/18/2006, Register 177; am 5/17/2008, Register 186; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.990 is amended to read:

(78) “new vehicle” means a vehicle

(A) that is a **2006** [2004] model year vehicle or newer; and

(B) with a model year number that is no lower than the number of the current calendar year minus four.

(79) “historic exhibition use” means an advertised show, parade or exhibition that is open to the public, to include the transport to or from said show, parade or exhibition.

(80) “historic vehicle plate” means a permanent registration plate or plates of distinctive design and color bearing no dates, numbered in a separate numerical sequence beginning with Historic Vehicle 1 (HV1) provided the vehicle was manufactured thirty or more years before the year of application and the vehicle owner has made an affidavit stating the vehicle will be driven or moved upon a highway for the primary purpose of historical exhibition use.

(81) “custom collector plate” means a special plate or plates issued by the Division of Motor Vehicles to a vehicle whose body and frame were manufactured before 1949 or a replica of a vehicle whose body and frame were manufactured before 1949 and that has been modified for safe road use; in this paragraph, “modified” includes a material alteration of the drive-train, suspension, brake system, or dimensions of the body per AS 28.05.106.

(Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 12/30/2000, Register 156; am 3/27/2002, Register 161; am 02/18/2006, Register 177; am __/__/____, Register ____)

Authority: AS 46.03.010 AS 46.14.030 AS 46.14.510
AS 46.03.020