

STATE OF ALASKA, DEPARTMENT OF LAW

November 17, 1994

BUSINESS ADVISORY

TO: All used motor vehicle dealers
All auto auctions
All other persons engaged in the business of selling used cars

The Alaska Attorney General's Office and the Better Business Bureau of Alaska, Inc. remind the above businesses that Alaska law requires a person in the business of selling used cars for use in the Anchorage or Fairbanks auto emission inspection areas to present -- prior to sale -- to the prospective purchaser, either a current auto emissions I/M Certificate of Inspection, or an I/M certificate of noncompliance. The intent of Alaska law is to ensure that consumers who are considering buying a car from a used car dealer be informed of the current emission status of the car they're considering buying before they actually make their purchase. The used car dealer is responsible for providing the inspection certificate to the prospective buyer.

The Alaska Attorney General's Office and the Better Business Bureau have received a steady stream of complaints from Anchorage and Fairbanks consumers who purchased, from motor vehicle dealers, used cars which have no current I/M certificate of compliance or noncompliance. Anchorage and Fairbanks consumers are unable to register their vehicles with the State Division of Motor Vehicles without a current I/M Certificate of Inspection.

Some used car dealers, as well as some auto auctions, have incorrectly claimed that consumers -- and not the dealers or auctions -- are responsible for obtaining the current I/M Certificate of Inspection. In some instances, consumers have been required to sign forms stating that the buyer is responsible for bringing the purchased vehicles into compliance with emissions requirements. Other dealers have incorrectly failed to provide consumers with any information whatsoever concerning the emissions status of used vehicles either at the time of sale or afterward. These practices are illegal under state and local laws.

Furthermore, an oral or written statement by a used car dealer or auto auction that a used vehicle does not comply with AS 45.45.400, ("Prohibited transfer of used cars"), fails to constitute compliance with state law. The bottom line is that the consumer must be clearly told -- in writing with either a certificate of compliance or noncompliance -- whether a used car offered for sale passes I/M. Consumer remedies may include money damages and contract rescission.

For further information concerning dealer obligations and consumer rights under state law governing emission inspection certificates, contact the Better Business Bureau at (907) 562-0704.