

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2339

By: Rhoads (Karroll)

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-117, as last amended by Section 53, Chapter 243, O.S.L. 1993 (47 O.S. Supp. 1993, Section 6-117), which relates to Department of Public Safety records; modifying the contents of the Department of Public Safety Revolving Fund; directing what portions of monies in the Department of Public Safety Revolving Fund shall be used for; amending 47 O.S. 1991, Sections 851, 852, 853, 854, as last amended by Section 10, Chapter 224, O.S.L. 1993, 855, as amended by Section 11, Chapter 224, O.S.L. 1993, 856, 856.1, as amended by Section 273, Chapter 145, O.S.L. 1993, 856.1A, 856.5, 858 and 858.1 (47 O.S. Supp. 1993, Section 854, 855 and 856.1), which relate to vehicle inspections; clarifying certain language; requiring vehicles to be in safe working condition; modifying notice requirements; modifying inspection time periods for certain vehicles; requiring approval of the Environmental Protection Agency; modifying type of equipment to be inspected; updating certain references; modifying vehicle inspection compensation structure for inspection stations; providing for issuance of inspection stickers;

directing certain portions of monies collected be deposited in the Department of Public Safety Revolving Fund; expressing legislative intent to use certain monies for Department of Public Safety salaries, equipment purchases and maintenance; modifying monetary charge for inspection sticker; providing for inspection sticker distribution and price; requiring certain report by the Department of Public Safety; repealing 47 O.S. 1991, Section 856.3, which relates to emission standards; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-117, as last amended by Section 53, Chapter 243, O.S.L. 1993 (47 O.S. Supp. 1993, Section 6-117), is amended to read as follows:

Section 6-117. (a) The Department of Public Safety shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial; and
2. All applications granted; and
3. The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action. Any notation of suspension of a license for reason of nonpayment of a fine shall be removed from the record after the licensee has paid the fine and has had his license reinstated.

(b) The Department shall also file all accident reports and abstracts of court records of convictions received by it pursuant to the laws of this state and maintain convenient records of such records and reports or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the Department of Public Safety upon any application for license or renewal of license and at other suitable times. Any abstract, index or other entry relating to a driving record according to the licensing authority in another state or a province of Canada may be posted upon the driving record of any resident of this state when notice thereof is received by documentation or by electronic transmission. The individual record of each licensee shall not include any accident reports and abstracts of court records involving an accident in which the individual licensee was not issued a citation or if a citation is issued and said licensee was not convicted.

(c) The Commissioner may cause any or all records kept by the Department of Public Safety to be photographed, microphotographed, photostated, or reproduced on film. Such film or reproducing material shall be of durable material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all detail.

(d) Such photostatic copy, photograph, microphotograph, or photographic film of the original records shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy thereof shall be deemed to be a transcript, exemplification, or certified copy of the original.

(e) If such photostatic copy, photograph, microphotograph, or reproductions on films shall be placed in conveniently accessible files and provisions made for preserving, examining, and using same, the Commissioner is empowered to authorize the disposal, archival storage, or destruction of such records or papers.

(f) Officers and employees of the Department designated by the Commissioner, for the purpose of administering the motor vehicle laws, are authorized to administer oaths and acknowledge signatures, and shall do so without fee.

(g) The Commissioner and such officers of the Department as he may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a certified copy of any record of the Department, charging a fee of Three Dollars (\$3.00) per sheet, photograph, or any part of a sheet or photograph of any such document or similar document so certified. The certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

(h) The Department of Public Safety or any motor license agent upon request shall prepare and furnish a summary to any person of the traffic record of any person subject to the provisions of the motor vehicle laws of this state. Said summary shall include the enumeration of any motor vehicle accidents, reference to convictions for violations of motor vehicle laws, and any action taken against the person's privilege to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. For each summary furnished by the Department of Public Safety, the Department shall collect the sum of Ten Dollars (\$10.00). For each summary furnished by a motor license agent, the agent shall collect the sum of Ten Dollars (\$10.00), Eight Dollars (\$8.00) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund in the State Treasury and Two

Dollars (\$2.00) of which shall be retained by the motor license agent.

(i) There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the Department of Public Safety Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all money received by the Department of Public Safety from sale of surplus property, insurance and other reimbursements for damaged property, for the services of highway patrol personnel as approved by the Department if such personnel are representing the Department or are in any uniform of the Department, turnpike enforcement, fees and costs paid by subscribers to the Oklahoma Law Enforcement Telecommunications Systems, refund of federal gasoline tax, court-ordered forfeitures, salvage vehicle inspection and certification fees, inspections fees provided for in subsection H of Section 1111 of this title, motor vehicle inspection fees provided for in Section 858 of this title, reimbursements by state agencies for the use of Department of Public Safety airplanes, fees for meals from users of the Robert R. Lester Law Enforcement Training Academy facilities and federal funds unless otherwise provided by federal law or regulation. Except as provided for in subsection (j) of this section, all monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Public Safety for the operating expenses of the Department and for vehicles, equipment, personnel and other operating expenses for turnpike enforcement. All monies accruing to the credit of the Department of Public Safety Revolving Fund from motor vehicle inspection fees as provided for in Section 858 of this title shall be appropriated, budgeted and expended only for Department of Public Safety employees' salaries or for equipment purchases and maintenance upon approval of the Legislature. Expenditures from said fund shall be made upon warrants issued by the State Treasurer

against claims filed as prescribed by law with the Director of State Finance for approval and payment.

(j) All monies accruing to the credit of the Department of Public Safety Revolving Fund from inspection fees provided for in subsection H of Section 1111 of this title shall be budgeted and expended solely for the purpose of inspections by the Department of Public Safety provided for in Section 1111 of this title and for contracting with local law enforcement agencies for conducting the inspections provided for in Section 1111 of this title.

(k) All monies received by the Commissioner of Public Safety, his officers and his employees shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as otherwise provided in this section.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 851, is amended to read as follows:

Section 851. No person shall ~~drive or move~~ operate or cause to be operated on any highway any motor vehicle, including motorcycles, trailers, semitrailers or pole trailers, as defined in this title, or any combination of vehicles, or ancient vehicles which are not used primarily incidental to historical or exhibition purposes only or which have been modified from their original state of manufacture by changes or modifications to the engine and/or chassis, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways of this state ~~or any combination thereof,~~ unless the equipment upon any and every said vehicle is in good working order and adjustment and safe mechanical condition as required in ~~Title 47 of the Oklahoma Statutes~~ this title and is in such safe mechanical condition as not to endanger the ~~driver~~ operator or ~~other~~ occupant of any vehicle or any other person upon the highway. Each such motor vehicle, except any commercial truck or truck-tractor registered pursuant to Section 1120 of this title which is engaged in interstate commerce, or any trailer or semitrailer registered

pursuant to Section 1133 of this title which is engaged in interstate commerce, shall bear ~~an~~ a current official inspection sticker.

The provisions of this section shall not apply to any manufactured home which requires a permit to be moved upon the highways of this state~~, nor shall the provisions of this section apply to any ancient vehicle as defined by Section 39.1 of Title 47 of the Oklahoma Statutes 1-101 of this title,~~ which has not been modified from its original state of manufacture. ~~Provided that ancient~~ Ancient vehicles shall be exempt from retrofitted pollution control devices.

Nothing in this section shall exempt any motor vehicle from the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, Section 230.1 et seq. of this title.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 852, is amended to read as follows:

Section 852. ~~(a)~~ A. The Commissioner of Public Safety, ~~members of the Oklahoma Highway Patrol, and such other~~ officers and employees of the Department of Public Safety as the Commissioner may designate, and any ~~sheriff, duly appointed deputy sheriff, and police~~ duly authorized peace officers of ~~regularly constituted police departments,~~ this state may at any time upon observation that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the ~~driver~~ operator of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

~~(b)~~ B. In the event such vehicle is found to be in an unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the ~~driver~~ operator and shall send a copy thereof to the Department of Public Safety. Said notice shall require that such

vehicle be placed in safe condition and its equipment in proper repair and adjustment, specifying the particulars with reference thereto and that a certificate of inspection and approval must be obtained within thirty (30) calendar days.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 853, is amended to read as follows:

Section 853. ~~(a)~~ A. No person ~~driving a~~ operating or causing to be operated any vehicle shall refuse to submit such vehicle to an inspection and test at an approved inspection station when required to do so by the Commissioner of Public Safety or an authorized officer or employee of the Department of Public Safety or any duly authorized peace officer of this state.

~~(b)~~ B. Every owner or ~~driver~~ operator, upon receiving a notice as provided in Section ~~2~~ 852 of this ~~act~~ title, shall comply therewith and shall within ~~fifteen (15)~~ thirty (30) calendar days, ~~excluding Saturdays, Sundays and legal holidays~~, secure an official certificate of inspection and approval which shall be issued in ~~triplicate, one~~ duplicate, the copy to be retained by the owner or ~~driver, one copy~~ operator and the original to be retained by the inspection station ~~and the original copy to be forwarded to the Department of Public Safety.~~ In lieu of compliance with this subsection the vehicle shall not be operated except as provided in subsection ~~(c)~~ C of this section.

~~(c)~~ C. No person shall operate or cause to be operated any vehicle after receiving a notice with reference thereto, as provided in Section 852 of this title, except as may be necessary to return such vehicle to the residence or place of business of the owner or ~~driver~~ operator if within a distance of one hundred fifty (150) miles, or to a garage, until said vehicle and its equipment have been placed in proper repair and adjustment and otherwise made to conform to the requirements of this ~~act~~ title.

~~(d)~~ D. In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose, but, in any event, an official certificate of inspection and approval must be obtained, otherwise such vehicle shall not be operated upon the highways of this state.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 854, as last amended by Section 10, Chapter 224, O.S.L. 1993 (47 O.S. Supp. 1993, Section 854), is amended to read as follows:

Section 854. ~~(a) The Commissioner~~ A. Beginning January 1, 1995:

1. Each vehicle inspected with an even-numbered model year shall receive a one-year inspection sticker, which shall expire in 1996 in the same month as such sticker was issued in 1995; and

2. Each vehicle inspected with an odd-numbered model year shall receive a two-year inspection sticker, which shall expire in 1997 in the same month as such sticker was issued in 1995.

B. Beginning January 1, 1996, the Department of Public Safety shall require that every motor vehicle, and trailer, other than a semitrailer and or a pole trailer, as defined herein in this title, registered or operated in this state, be inspected once a year every two (2) years at official inspection stations as provided in Section 851 et seq. of this act title, and that an official certificate of inspection and approval be obtained for each such vehicle; provided, however, that motor Trucks, truck-tractors, semitrailers and pole trailers registered and operated in this state shall be inspected once a year. Motor carriers and express companies operating under the jurisdiction of the Interstate Commerce Commission, and/or the Department of Transportation and interstate and/or intrastate owners and/or operators of commercial, private or public fleets of vehicles maintaining inspection and repair facilities which meet standards established by the Commissioner Department of Public Safety, may be

authorized by the ~~Commissioner~~ Department to perform such inspections in such carriers' own maintenance shops, without bond, on vehicles owned or operated by them. ~~The conversion equipment on any such vehicles fueled by alternative fuels as defined in Section 130.2 of Title 74 of the Oklahoma Statutes, shall be inspected once a year.~~ Any station, facility or conversion center which converts motor vehicles to have the capability of being fueled by alternative fuels as defined by Section 130.2 of Title 74 of the Oklahoma Statutes may be authorized by the ~~Commissioner~~ Department of Public Safety to perform inspections as provided for in this act.

C. The two-year inspection program provided for in subsections A and B of this section as it applies to inspections done pursuant to Section 856.1 of this title shall be implemented upon approval of such programs by the federal Environmental Protection Agency. The vehicle inspection program as it applied to inspections done pursuant to Section 856.1 of this title shall remain on an annual basis until the Department of Public Safety receives such approval.

D. Such inspections shall be made and such certificates obtained with respect to the mechanism and equipment of every such vehicle as shall be designated by the ~~Commissioner~~ Department of Public Safety.

E. Except for vehicles sold dealer to dealer, every vehicle when sold by a dealer must have been inspected and must meet the standards of inspection as provided in Section 851 et seq. of this act title and must display a current inspection sticker.

F. The ~~Commissioner~~ Department of Public Safety is hereby authorized and directed to make necessary rules ~~and regulations~~ for the administration and enforcement of Section 851 et seq. of this act title and to designate any period or periods of time during which owners of any vehicles, subject to this section, shall display upon such vehicle, except those vehicles exempted pursuant to Section 851 of this title, certificates of inspection and approval

or shall produce the same upon demand of any officer or employee of the Department of Public Safety designated by the ~~Commissioner~~ Department of Public Safety or any ~~police or~~ duly authorized peace officer ~~when authorized by said Commissioner of this state.~~ As a part of such rules ~~and regulations,~~ the ~~Commissioner~~ Department of Public Safety shall include the requirement that every person subject to the in-lieu-of-tax fee under Section 723 of Title 68 of the Oklahoma Statutes display a current Oklahoma Tax Commission decal on the vehicle as described in Section 723 of Title 68 of the Oklahoma Statutes and that proper display of the decal shall be a requirement for the issuance of an official certificate of inspection and approval for any vehicle using an alternative fuel as defined in Section 130.2 of Title 74 of the Oklahoma Statutes.

~~(b)~~ G. The ~~Commissioner~~ Department of Public Safety may authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to Section 851 et seq. of this act title and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this state during the time an inspection was required.

~~(c)~~ H. The ~~Commissioner~~ Department of Public Safety may suspend the registration of any vehicle which ~~he~~ the Department determines is in such unsafe condition as to constitute a menace to safety or which after notice and demand is not equipped as required in Section 851 et seq. of this act title or for which a required certificate has not been obtained. Any person who shall have his vehicle registration suspended under the provisions of this section shall immediately forward his registration to the Department.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 855, as amended by Section 11, Chapter 224, O.S.L. 1993 (47 O.S. Supp. 1993, Section 855), is amended to read as follows:

Section 855. ~~(a)~~ A. The ~~Commissioner~~ Department of Public Safety shall designate official inspection stations and shall issue permits for and furnish instructions and all necessary forms to said official inspection stations for the inspection of vehicles as required and the issuance of official certificates of inspection and approval. Said permits shall be renewed annually.

~~(b)~~ B. Application for a permit as an official inspection station shall be made upon an official form and shall be granted only when the ~~Commissioner~~ Department of Public Safety, after appropriate inquiry and investigation, is satisfied that the station is equipped in accordance with the requirements as prescribed by the ~~Commissioner~~ Department and is convinced that the owner-operator is of good character and has competent personnel to make such inspections and adjustments and will be properly conducted. Applications for a permit for an official inspection station, including applications for a permit for an official inspection station from an alternative fuel conversion center or facility, shall be accompanied by a fee of Twenty-five Dollars (\$25.00). Each annual renewal thereafter shall be Five Dollars (\$5.00). Applications for a permit for an official inspection station for operators of commercial, public, or private fleets of vehicles shall be accompanied by a fee of Fifteen Dollars (\$15.00), each annual renewal thereafter shall be Five Dollars (\$5.00). The ~~Commissioner~~ Department shall refund said fee if applicant fails to qualify for a permit or renewal under this section.

~~(c)~~ C. The ~~Commissioner~~ Department of Public Safety shall properly supervise and cause inspections to be made of such stations and shall suspend or revoke and require the surrender of the permit issued to a station which is not properly equipped or conducted. The ~~Commissioner~~ Department shall maintain and post at ~~the~~ its office ~~of the Department of Public Safety~~ lists of all stations holding permits and those stations whose permits have been revoked.

~~(d)~~ D. No permit shall be revoked or suspended except upon notice to the holder and after an opportunity to be heard by the ~~Commissioner~~ Department. A permit may be temporarily suspended without notice pending any investigation or hearing. Whenever any permit has been revoked, no permit shall be reissued to an applicant until after the expiration of a period of one (1) year from the date of such revocation.

~~(e)~~ E. Funds collected pursuant to the provisions of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

SECTION 7. AMENDATORY 47 O.S. 1991, Section 856, is amended to read as follows:

Section 856. ~~(a)~~ A. No permit for an official station shall be assigned or transferred or used at any location other than therein designated and every said permit shall be posted in a conspicuous place at the location designated.

Upon payment of the first annual fee for an inspection permit by an approved inspection station, the Department of Public Safety shall issue to the station a uniform official inspection station sign to be posted in a conspicuous place at the inspection station. The official inspection station sign issued by the Department of Public Safety shall be the only sign used by inspection stations designating state approval.

Approved application for a renewal permit by the Department of Public Safety shall give an inspection station the authority to continue to use the sign. Upon suspension or revocation of an inspection permit or failure to qualify for a renewal permit or refusal to make application for a renewal permit the sign shall be surrendered to the Department of Public Safety.

~~(b)~~ B. The person operating an official inspection station shall issue a certificate of inspection and approval upon official forms, which shall be numbered serially and furnished by the

Department of Public Safety, to the owner of a vehicle upon inspecting such vehicle and determining that its equipment required under the provisions of Section 851 et seq. of this act title is in good condition and proper adjustment, otherwise no certificate shall be issued. When required by the ~~Commissioner of Public Safety Department~~, records and reports shall be made by official inspection stations on every inspection and every certificate so issued.

~~(c)~~ C. Each official inspection station shall examine and test the following vehicle mechanical equipment on each inspection; brakes, steering, front and rear wheel suspension, exhaust systems, wheels and tires, windshield wipers, horn or warning device, including proper adjustment of turn signals, windshield and other glass, and lighting equipment. In addition, when required, emission control equipment shall also be inspected pursuant to Section 856.1 et seq. of this title.

~~(d)~~ D. Each official inspection station shall check to determine if the vehicle has a current vehicle license plate or license registration decal. If the vehicle does not display a plate or decal or if the plate or decal is expired, no certificate of inspection and approval shall be issued. If the vehicle is returned to the inspecting station within thirty (30) calendar days and bears a current vehicle license plate or license registration decal, the inspecting station shall issue a certificate of inspection and approval without additional fee.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 856.1, as amended by Section 273, Chapter 145, O.S.L. 1993 (47 O.S. Supp. 1993, Section 856.1), is amended to read as follows:

Section 856.1 A. 1. Any person who owns and ~~drives~~ operates or causes to be operated a motor vehicle ~~as that term is defined by the Motor Vehicle License and Registration Act,~~ and resides within a county with a population of five hundred thousand (500,000) or more according to the ~~1980~~ latest Federal Decennial Census where there

exists a U.S. Environmental Protection Agency designated air quality nonattainment area for auto-related pollutants, or resides within a twenty-five (25) mile radius of the centroid of the area of such a county, shall have said vehicle inspected within that area and shall maintain on the vehicle in good working order the federally required emission control equipment required by the ~~Commissioner~~ Department of Public Safety pursuant to recommendations of the Department of Environmental Quality. When any portion of a municipality is included within said twenty-five (25) mile radius, the entire municipality shall be subject to the provisions of Section 851 et seq. of this chapter title.

2. ~~On and after January 1, 1986, any~~ Any person who owns and ~~drives~~ operates or causes to be operated a motor vehicle ~~as that term is defined by the Motor Vehicle License and Registration Act,~~ and resides within a county with a population of less than five hundred thousand (500,000) according to the ~~1980~~ latest Federal Decennial Census where there exists a U.S. Environmental Protection Agency designated air quality nonattainment area for auto-related pollutants, or resides within a metropolitan transportation study area as that term is defined by the Department of Transportation and approved by the United States Department of Transportation which includes said county, shall have said vehicle inspected within that area and shall maintain on the vehicle in good working order the federally required emission control equipment required by the ~~Commissioner~~ Department of Public Safety pursuant to recommendations of the Department of Environmental Quality. When any portion of a municipality is included within said metropolitan transportation study area, the entire municipality shall be subject to the provisions of Section 851 et seq. of this chapter title.

B. The ~~Commissioner~~ Department of Public Safety shall require a visual inspection of the federally required emission control equipment required on vehicles by the provisions of subsection A of

this section in counties where there exists a U.S. Environmental Protection Agency designated air quality nonattainment area for auto-related pollutants.

C. In addition to the vehicle mechanical equipment required to be inspected pursuant to the provisions of Section 856 of ~~Title 47 of the Oklahoma Statutes~~ this title, each person operating an official inspection station shall visually inspect the original manufacturer's automotive emission control equipment or proper replacements for said equipment installed on vehicles when required by the ~~Commissioner~~ Department of Public Safety pursuant to the provisions of subsection B of this section.

D. Any inspection of automotive emission control equipment required pursuant to the provisions of this section shall apply to emission control equipment installed on vehicles of a model year required by the ~~Commissioner~~ Department of Public Safety pursuant to recommendations of the Department of Environmental Quality as is necessary to accommodate the resolution of the defined air pollution problem of the specific nonattainment area.

E. The provisions of this section shall not be construed to apply to:

1. Trucks or truck-tractors owned and operated by one or more farmers and used primarily for farm use, and not for commercial or industrial purposes, or trucks or truck-tractors used primarily for the transportation of logs, ties, stave bolts, and posts direct from the forest to mill, first market, or railroad shipping points, which are licensed pursuant to law; or

2. Motor vehicles or motor vehicle engines for which liquefied petroleum gas is used as a fuel.

SECTION 9. AMENDATORY 47 O.S. 1991, Section 856.1A, is amended to read as follows:

Section 856.1A The emission control requirements set forth under Section 856.1 of ~~Title 47 of the Oklahoma Statutes~~ this title

shall not terminate, but shall continue in effect as maintenance requirements upon the redesignation of any U.S. Environmental Protection Agency designated air quality nonattainment area for auto-related pollutants to the status of attainment.

SECTION 10. AMENDATORY 47 O.S. 1991, Section 856.5, is amended to read as follows:

Section 856.5 The Department of Public Safety shall furnish to every official vehicle inspection station required to perform the emission control inspection pursuant to the provisions of Section 856.1 of ~~Title 47 of the Oklahoma Statutes~~ this title, all equipment, and ~~supplies and inspection stickers~~ required for the emission control inspection without cost to such station. ~~Official vehicle inspection stations performing the mechanical inspection and the emission control inspection pursuant to the provisions of Sections 851 through 860 of Title 47 of the Oklahoma Statutes shall retain as compensation all of the five-dollar fee provided for in Section 858 of Title 47 of the Oklahoma Statutes.~~

SECTION 11. AMENDATORY 47 O.S. 1991, Section 858, is amended to read as follows:

Section 858. ~~Official~~ A. 1. For each one-year inspection sticker issued pursuant to Section 854 of this title, official inspection stations shall charge and collect Five Dollars (\$5.00) for each vehicle inspected pursuant to the provisions of ~~Sections~~ Section 851 through 860 of this title.

~~1.~~ 2. Stations inspecting the performing vehicle mechanical equipment inspections or vehicle emission control mechanical equipment inspections pursuant to Section 851 et seq. of this title shall obtain from the Commissioner Department of Public Safety an ample quantity of serially numbered decalomania-type stickers. Stations performing vehicle mechanical equipment inspections shall receive the stickers at a cost to the inspection station of One Dollar (\$1.00) each. Stations performing vehicle emission control

mechanical equipment inspections shall receive the stickers without cost to the station. Any quantity of unused approved stickers may be returned to the Commissioner of Public Safety Department for a credit or refund. The Commissioner of Public Safety Department shall remit to the State Treasurer for each inspection sticker delivered to the inspection station at the time of issuance:

- a. fifty cents (\$0.50) to be credited to the General Revenue Fund Department of Public Safety Revolving Fund in the State Treasury the sum of fifty cents (\$0.50) for each inspection sticker delivered to said inspection station at the time of issuance. The Commissioner of Public Safety shall deposit. It is the intent of the Legislature that such monies be used for Department of Public Safety employees' salaries and for equipment purchases and maintenance after authorization from the Legislature, and
- b. fifty cents (\$0.50) to be credited to the Oklahoma Law Enforcement Retirement Fund the sum of fifty cents (\$0.50) for each inspection sticker delivered to said inspection stations.

B. 1. For each two-year inspection sticker issued pursuant to Section 854 of this title, official inspection stations shall charge and collect Ten Dollars (\$10.00) for each vehicle inspected pursuant to the provisions of Section 851 et seq. of this title.

2. Stations performing vehicle mechanical equipment inspection or vehicle emission control mechanical equipment inspections pursuant to Section 851 et seq. of this title shall obtain from the Department of Public Safety an ample quantity of serially numbered decalcomania-type stickers. Stations performing vehicle mechanical equipment inspections shall receive the stickers at a cost to the inspection station of Five Dollars and fifty cents (\$5.50) each. Stations performing vehicle emission control mechanical equipment

inspections shall receive the stickers at a cost to the inspection station of Four Dollars and fifty cents (\$4.50) each. Any quantity of unused approved stickers may be returned to the Department for a credit or refund. The Department shall remit to the State Treasurer for each inspection sticker delivered to the inspection station at the time of issuance:

- a. Four Dollars and fifty cents (\$4.50) of the fee from stations that perform vehicle mechanical equipment inspections and Three Dollars and fifty cents (\$3.50) of the fee from stations that perform vehicle emission control mechanical equipment inspections to be credited to the Department of Public Safety Revolving Fund in the State Treasury. It is the intent of the Legislature that such monies be used for Department of Public Safety employees' salaries and for equipment purchases and maintenance after authorization from the Legislature, and
- b. One Dollar (\$1.00) to be credited to the Oklahoma Law Enforcement Retirement Fund.

~~2.~~ C. Stations performing emission control vehicle mechanical equipment inspections pursuant to Section 851 et seq. of this title, in counties where there exists U.S. Environmental Protection Agency designated air quality nonattainment area for auto-related pollutants, shall obtain an ample quantity of the inspection stickers from the Department without cost to the inspection station.

~~3.~~ D. Each inspection station shall keep an accurate record of the serially numbered decalcomania-type inspection stickers. Such record shall designate to whom issued or rejected, and list thereon the name of the workman performing the final inspection on each inspected vehicle ~~or trailer.~~

E. The Department of Public Safety shall submit by July 31 of each fiscal year a report detailing expenditures of all fees

collected pursuant to this section to the Speaker of the House of Representatives, to the President Pro Tempore of the Senate, and to the Governor.

SECTION 12. AMENDATORY 47 O.S. 1991, Section 858.1, is amended to read as follows:

Section 858.1 Except vehicles sold dealer to dealer, every vehicle, except wrecked, antique or classic vehicles not ~~driven~~ operated on the public roadway, and which have been certified as such under oath by the owner, when sold by a licensed dealer, must have been inspected and must meet the standards of inspection as provided in Section 851 et seq. of this act title and must display a current official inspection sticker.

SECTION 13. REPEALER 47 O.S. 1991, Section 856.3, is hereby repealed.

SECTION 14. This act shall become effective July 1, 1994.

SECTION 15. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-7854 AJW