

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2441

By: Rice

AS INTRODUCED

An Act relating to environment; requiring the Department of Environmental Quality to establish a motor vehicle emissions inspection and maintenance program; establishing implementation date; stating purpose of the program; authorizing the Environmental Quality Board to promulgate certain rules; establishing areas subject to the program; requiring vehicles in established areas to comply with certain standards; requiring certain inspections; exempting certain vehicles from program requirements; requiring a verification process; applying program to certain dealers; providing for an inspection fee; establishing maximum fee; allowing use of certain amount for certain costs; authorizing Department to enter into certain agreements; providing for termination of agreement under certain circumstances; providing for assumption of certain duties by the Department; repealing 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), which relates to visual inspections of motor vehicle emission control equipment; providing for codification; and providing effective dates.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-5-201 of Title 27A, unless there is created a duplication in numbering, reads as follows:

On or before January 1, 1996, the Department of Environmental Quality shall establish a biennial motor vehicle emissions inspection and maintenance program for vehicles registered in the areas of the state defined in Section 2 of this act. The program shall be implemented on or before January 1, 1998. The purpose of the program is to reduce the motor vehicle emissions in those areas which exceed or are in jeopardy of exceeding the National Ambient Air Quality Standards set forth in the Federal Clean Air Act for ozone, carbon monoxide or other automobile related pollutants. Upon recommendations of the Air Quality Council, the Environmental Quality Board shall promulgate rules necessary to establish the motor vehicle emissions inspection and maintenance program.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-5-202 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The motor vehicle emissions inspection and maintenance program shall require any person who owns and drives a motor vehicle as that term is defined by the Motor Vehicle License and Registration Act, Section 1101 et seq. of Title 47 of the Oklahoma Statutes, and resides within a county with a population of five hundred thousand (500,000) or more according to the 1990 Federal Decennial Census where there exists or has existed a U.S. Environmental Protection Agency designated air quality nonattainment area for auto-related pollutants, or resides within a twenty-five-mile radius of the centroid of the area of such a county, shall have

said vehicle emissions inspected within that area and shall maintain the vehicle in such condition required by the standards established by the Department. When any portion of a municipality is included within the twenty-five-mile radius, the entire municipality shall be subject to the requirements of the program.

B. The motor vehicle emissions inspection and maintenance program shall require any person who owns and drives a motor vehicle as that term is defined by the Motor Vehicle License and Registration Act, Section 1101 et seq. of Title 47 of the Oklahoma Statutes, and resides within a county with a population of five hundred thousand (500,000) or more according to the 1990 Federal Decennial Census where there exists or has existed 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 emissions inspected within that area and shall maintain the vehicle in such condition required by the standards established by the Department. When any portion of a municipality is included within the metropolitan transportation study area, the entire municipality shall be subject to the requirements of the program.

C. The motor vehicle emissions inspection and maintenance program shall include both an emissions inspection and visual inspection of the federally required automotive emission control equipment.

D. The motor vehicle emissions inspection and maintenance program shall not be applied to the following vehicles:

1. Vehicles exhibiting and properly registered with a farm tag by the Oklahoma Tax Commission; and

2. Trucks or truck-tractors used primarily for the transportation of lags, ties, stave bolts, and posts direct from the

forest to mill, first market, or railroad shipping points, which are licensed pursuant to law.

E. The motor vehicle emissions inspection and maintenance program shall establish a verification process, whereby no vehicle registered in the areas defined in subsection A and B of this section shall be registered without verification of successful completion of the emissions and visual inspection. The program shall apply to automobile dealers who are licensed to sell motor vehicles by the state and whose place of business is located in a vehicle emissions control area. The dealer shall not deliver any vehicle to a retail purchaser until the vehicle passes the inspection required under the program. The Oklahoma Tax Commission shall promulgate rules necessary to enforce the verification requirements of the program.

F. The Department of Environmental Quality shall establish an inspection fee for the biennial inspection of vehicles required by the motor vehicle emissions inspection and maintenance program. The fee shall not exceed fifteen dollars (\$15.00). The Department may use not more than fifty cents (\$.50) from the inspection fee for administrative costs associated with the program.

G. The Department of Environmental Quality is authorized to enter into an emissions inspection agreement with one or more independent contractors, subject to public bidding, to provide for the construction, equipment establishment, maintenance and operation of any emissions inspection stations that may be necessary to operate the program. The agreement shall provide for termination within one (1) year if federal law or regulations are enacted mandating a vehicle inspection program for the vehicle emissions control areas defined in this section.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-5-203 of Title 27A, unless there is created a duplication in numbering, reads as follows:

On and after January 1, 1998, the Department of Environmental Quality shall assume the responsibilities for visual inspection of emissions control equipment currently administered and enforced by the Commissioner of Public Safety as provided by Section 856.1 of Title 47 of the Oklahoma Statutes.

SECTION 4. REPEALER 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 hereby repealed.

SECTION 5. Section 4 of this act shall become effective January 1, 1998.

SECTION 6. Sections 1 through 3 of this act shall become effective September 1, 1994.

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