

SHORT TITLE: Environment and natural resources; creating the Oklahoma Mobile Source Emissions Control Act; codification; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 170

By: Long (Lewis)

AS INTRODUCED

An Act relating to environment and natural resources; creating the Oklahoma Mobile Source Emissions Control Act; providing short title; stating purpose; defining terms; requiring the Environmental Quality Board to adopt certain standards and conditions by certain date; requiring public hearing and recommendation by certain council; authorizing Board to adopt rules establishing standards for fuel additives and prohibiting use of certain fuels; allowing Board to prohibit removal of or tampering with certain control systems; authorizing certain cities or counties to enter into agreement with certain independent contractors to operate mobile source emission control programs; stating requirements for contractors; allowing cities or counties to charge certain inspection fee; stating certain provisions of agreement with independent contractor; authorizing city or county to issue certain certificates; authorizing fleet owners or lessees to establish a fleet inspection station; stating requirements for fleet inspection station permit; providing for codification; and declaring an emergency.

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 2-15-101 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Mobile Source Emissions Control Act. The purpose of this act is to authorize local governments to establish programs that reduce vehicle emissions in counties with a population greater than five hundred thousand (500,000) according to the latest decennial census.

B. Sections 1 through 6 of this act shall be known and may be cited as the "Oklahoma Mobile Source Emissions Control Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-15-102 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. For the purposes of the Oklahoma Mobile Source Emissions Control Act:

1. "Board" means the Environmental Quality Board;

2. "Compliance certificate" means an official emission inspection certificate issued by the Department, appropriate governmental entity, contractor, or fleet operator authorized by the Board, indicating that a vehicle has been tested and complies with all applicable emission standards;

3. "Department" means the Department of Environmental Quality;

4. "Fleet emissions inspection station" means any inspection facility operated under a permit issued to a qualified fleet owner or lessee;

5. "Independent contractor" means any person, business, firm, governmental agency, partnership, or corporation with whom the city or county may negotiate an agreement providing for construction,

equipment, maintenance, personnel, management, and operation of an official emission inspection station;

6. "Exemption certificate" means an official exemption certificate issued by the appropriate governmental entity, contractor, or fleet operator authorized by the Board indicating that a vehicle is exempt from certain requirements;

7. "Official inspection station" means a vehicle emission inspection facility whether placed in a permanent structure or in a mobile unit for conveyance among various locations within the state, to conduct emission inspections of vehicles; and

8. "Vehicle" means any automobile, truck, truck-tractor, self-propelled motor bus or motor-driven vehicle registered or to be registered in this state and used upon the public highways of this state for the purpose of transporting persons or property, except:

- a. vehicles exhibiting and properly registered with a farm tag by the Oklahoma Tax Commission,
- b. 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 Oklahoma law, and
- c. antique vehicles and off-road vehicles.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-15-103 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Board shall, after conducting a public hearing and upon recommendation by the Air Quality Council, adopt emission standards which may vary by type of emissions test and by model year, class of vehicle, engine type or size, and may provide for the exemption of certain classes of vehicles. The standards for each type of emissions test shall apply uniformly to all geographic areas in which the test is used.

B. The Board shall adopt a testing fee schedule with fees adequate to cover the reasonable cost of a mobile source emission control program.

C. The Board shall adopt conditions for compliance certificates and exemption certificates. The Board may also require minimum repairs to a failed vehicle prior to an exemption certificate being issued.

D. On or before January 1, 1996, all standards, rules and procedures required by this act shall be proposed to the Board for approval.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-15-104 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. After approval of the governing body, a county with a population of over five hundred thousand (500,000) or a city located within a county with a population over five hundred thousand (500,000), according to the latest decennial census, may enter into an agreement with an independent contractor to operate a mobile source emission control program. The city or county may operate a vehicle emission control program, provided that the contract requires the contractor to:

1. Obtain approved machinery, tools, and equipment approved by the Board and adequate to conduct the required emission inspections;

2. Provide for a sufficient number of facilities to ensure a reasonable waiting time for vehicles to be inspected with such reasonable time to be established by the Board;

3. Employ properly trained and certified personnel to perform the necessary inspection;

4. Adopt standards, failure rates, vehicles required to be inspected, waiver requirements, and recheck requirements at least as stringent as those adopted by the Board; and

5. Provide information required by the Board concerning the implementation, administration, and operation of the vehicle emission control program.

B. Any city or county which chooses to operate a vehicle emission control program may charge an inspection fee. The fee shall not be different from the fee set by the Board. There shall be established an emission inspection account in the county or city, unless an independent contractor is authorized pursuant to rules of the Board to collect inspection fees. All fees collected shall be audited as part of the annual city or county audit.

C. Any city or county operating a vehicle emission control program pursuant to this section may enter into a contract with one or more independent contractors subject to rules of the Board to provide for construction, equipment establishment, maintenance and operation of inspection stations.

D. The agreement authorized by this section shall contain provisions relating to the following:

1. The city or county shall not be required to purchase any asset or assume any liability if the agreement is not renewed;

2. The contractor is authorized to collect the inspection fee for a test in the amount fixed by the governing body of the city or county, as authorized by this act;

3. The city or county shall be reimbursed by the contractor an amount sufficient to fund that portion of the program carried out by city or county employees;

4. Reports and documentation shall be submitted to the city, county or Department if required, concerning the operation of the vehicle emission control program;

5. The city, county or Department has discretion to investigate the operation of the vehicle emission control program as the conditions and circumstances of the operation may indicate, and that the city or county may revoke the contract if it finds the stations

are not operated in accordance with this act or the contractor has failed or refused to submit records or documentation required by this act;

6. The agreement shall provide for termination within one (1) year if federal or state laws or regulations are enacted mandating vehicle emission control programs for the city or county; and

7. The agreement may contain any provisions deemed necessary by the city or county for the administration or enforcement of the legislation.

E. The city or county may issue compliance and exemption certificates as authorized by Section 3 of this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-15-105 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Any registered owner or lessee of a fleet of vehicles may apply to the appropriate governmental entity for a permit to establish, at his own expense, a fleet emissions inspection station. A fleet emissions inspection station permit shall not be issued until it is determined the applicant:

1. Maintains an established place of business or facility for the repair and maintenance of the applicant's fleet of vehicles;

2. Has obtained machinery, tools, and equipment approved by the Board and adequate to conduct the required emissions inspections;

3. Employs properly trained and certified personnel to perform the necessary labor; and

4. Will maintain complete records of all inspections performed and repairs made and provide the information or data to the appropriate governmental entity and the Board upon request.

B. An operator of a fleet emissions inspection station holding a valid permit shall, upon filing an application in the manner and form prescribed by the Board, receive a sufficient number of certificate forms for each vehicle in the applicant's fleet. No

inspection certificate shall be issued to any fleet vehicle until it has been inspected and found to comply with all the standards that the vehicle would be required to meet at any nonfleet official inspection station.

C. No holder of a fleet emissions inspection station permit shall inspect or certify any vehicle for which the permittee is not the registered owner or lessee.

D. The holder of a fleet emissions inspection station permit shall pay to the appropriate governmental agency a fee in an amount to be established by Board rule.

E. The holder of a fleet emissions inspection station permit shall report annually to the city, county or Department the number of vehicles in the fleet, the number of vehicles inspected and the number of certificates issued.

SECTION 6. 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.

45-1-0521

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