

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1117

By: Turner

AS INTRODUCED

An Act relating to motor vehicles; providing for licensure and training of vehicle inspectors; providing for promulgation of rules; authorizing certain agreements; establishing procedures for suspension or revocation of license; amending 47 O.S. 1991, Section 856.1, as last amended by Section 1, Chapter 243, O.S.L. 1996 (47 O.S. Supp. 1998, Section 856.1), which relates to emission control equipment; modifying training provisions; providing for codification; and providing an effective date.

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 855.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. 1. The Commissioner of Public Safety shall designate official inspectors and shall issue licenses for and furnish instructions and all necessary forms to said official inspectors for the inspection of vehicles and the issuance of official certificates of inspection or rejection.

2. Application for a license as an official inspector shall be made upon an official form and shall be granted only when the Commissioner of Public Safety, after appropriate training, examination and investigation, is satisfied that the applicant is eligible in accordance with the requirements as prescribed by the Commissioner to make such inspections. The Commissioner shall prescribe by rule the training requirements for all official inspectors, and the applicant shall complete all training requirements, including any subsequent additional training

requirements which the Commissioner deems necessary for licensed official inspectors.

3. The Commissioner and the Oklahoma Department of Vocational and Technical Education may enter into an interlocal agreement to carry out the requirements of this subsection.

B. Any employee of a 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 to perform inspections as provided in Chapter 70 of Title 47 of the Oklahoma Statutes. Subject to the application requirements specified in this section, the Commissioner of Public Safety shall issue an official inspector license to any such person who qualifies for a license as an official inspector.

C. The Commissioner of Public Safety shall properly supervise and cause inspections to be made of the performance of persons licensed under this section and shall suspend or revoke and require the surrender of the license issued to the person who is not properly conducting inspections.

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

SECTION 2. AMENDATORY 47 O.S. 1991, Section 856.1, as last amended by Section 1, Chapter 243, O.S.L. 1996 (47 O.S. Supp. 1998, Section 856.1), is amended to read as follows:

Section 856.1 A. 1. Any person who owns and drives a ~~motor~~ vehicle as that term is defined by the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title, and resides

within a county with a population of five hundred thousand (500,000) or more according to the 1980 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 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 this chapter.

2. ~~On and after January 1, 1986, any~~ Any person who owns and drives a ~~motor~~ vehicle, as that term is defined by the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title, and resides within a county with a population of less than five hundred thousand (500,000) according to the 1980 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 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 this chapter.

B. The Commissioner 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 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 of Public Safety pursuant to the provisions of subsection B of this section.

D. It is the intent of the Legislature that local governmental entities implement federal mandates in a manner that:

1. Is the least disruptive for local businesses; and
2. Permits local governmental entities to have control in lieu of federal intervention.

When there is a violation, as that term is defined by the United States Environmental Protection Agency, of the National Ambient Air Quality Standard for ozone in a metropolitan transportation study area described in subsection A of this section, the Oklahoma Department of Environmental Quality shall notify the Department of Public Safety and the Metropolitan Planning Organization (MPO), otherwise known as the Local Councils of Government (COG). The MPO shall notify all local governments in the metropolitan study area in which the violation has occurred. Municipal and county governments in such a metropolitan transportation study area may by ordinance or resolution include the gas cap integrity test in the annual vehicle inspection. For the purposes of including a gas cap integrity test in the annual vehicle inspection, resolutions by counties shall have the same force and effect as ordinances by municipalities. The municipalities or counties shall contract with the MPO to provide all equipment and training required for gas cap integrity testing

for the entire area described in subsection A of this section in which a violation of the National Ambient Air Quality Standard for ozone has occurred. The gas cap integrity testing shall begin no later than January 1 of the second year following the violation of air quality standards.

When all the municipal and county governments in the transportation study area in which the violation has occurred adopt ordinances or resolutions including the gas cap integrity test in the annual vehicle inspection, the Commissioner of Public Safety by rule shall require that gas cap integrity testing be performed by official inspection stations designated by the Department of Public Safety and that the testing be performed at the same time as the annual vehicle emissions inspection required under subsections A, B and C of this section. Certificates of inspection and approval, as required by subsection D of Section 854 of this title for emissions inspections, shall also be used to indicate compliance with gas cap integrity testing.

E. No official inspection station shall be required to purchase equipment to implement provisions of this section. ~~Training shall be provided at no cost to the official inspection station.~~ An official inspection station may retain, as determined by the MPO, a reasonable portion of any monies collected as compensation for providing the gas cap integrity tests. The remainder of any monies collected for providing the gas cap integrity test shall be remitted to the MPO for the area in violation and shall be used for expenses related to the provision of the gas cap integrity testing, including purchasing and maintaining test equipment, providing training to inspection officials, performing program audits and improving air quality in the area of violation. The Department of Public Safety shall not be responsible for collecting any monies for the gas cap integrity test. This section shall not modify the amount of monies

required to be remitted to the Commissioner of Public Safety by official inspection stations pursuant to Section 858 of this title.

F. The provisions of subsection D of this section shall not apply to vehicles which were manufactured prior to 1979 or to motor vehicles manufactured in the current model year that meet all Environmental Protection Agency standards. Active duty military personnel permanently assigned to a duty station outside of the State of Oklahoma, but still claiming Oklahoma residency, may register their vehicles in Oklahoma without a vehicle inspection if the state they reside in does not require a vehicle inspection.

G. The Metropolitan Planning Organization shall take steps to ensure that the price of gas caps remains stable. This could include, but is not limited to, publishing the price of gas caps for selected car models before and after the initiation of any testing or the signing of voluntary agreements with parts retailers.

H. 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 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.

I. 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 3. This act shall become effective November 1, 1999.

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