

EHB 1117

1 THE STATE SENATE
2 Monday, March 29, 1999

3 ENGROSSED

4 House Bill No. 1117

5 ENGROSSED HOUSE BILL NO. 1117 - By: TURNER of the House and HENRY of
6 the Senate.

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

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 855.1 of Title 47, unless there
19 is created a duplication in numbering, reads as follows:

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

25 2. Application for a license as an official inspector shall be
26 made upon an official form and shall be granted only when the
27 Commissioner of Public Safety, after appropriate training,
28 examination and investigation, is satisfied that the applicant is

1 eligible in accordance with the requirements as prescribed by the
2 Commissioner to make such inspections. The Commissioner shall
3 prescribe by rule the training requirements for all official
4 inspectors, and the applicant shall complete all training
5 requirements, including any subsequent additional training
6 requirements which the Commissioner deems necessary for licensed
7 official inspectors.

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

11 B. Any employee of a station, facility or conversion center
12 which converts motor vehicles to have the capability of being fueled
13 by alternative fuels, as defined by Section 130.2 of Title 74 of the
14 Oklahoma Statutes, may be authorized by the Commissioner to perform
15 inspections as provided in Chapter 70 of Title 47 of the Oklahoma
16 Statutes. Subject to the application requirements specified in this
17 section, the Commissioner of Public Safety shall issue an official
18 inspector license to any such person who qualifies for a license as
19 an official inspector.

20 C. The Commissioner of Public Safety shall properly supervise
21 and cause inspections to be made of the performance of persons
22 licensed under this section and shall suspend or revoke and require

1 the surrender of the license issued to the person who is not
2 properly conducting inspections.

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

10 SECTION 2. AMENDATORY 47 O.S. 1991, Section 856.1, as
11 last amended by Section 1, Chapter 243, O.S.L. 1996 (47 O.S. Supp.
12 1998, Section 856.1), is amended to read as follows:

13 Section 856.1 A. 1. Any person who owns and drives a ~~motor~~
14 vehicle as that term is defined by the Oklahoma Vehicle License and
15 Registration Act, Section 1101 et seq. of this title, and resides
16 within a county with a population of five hundred thousand (500,000)
17 or more according to the 1980 Federal Decennial Census where there
18 exists a U.S. Environmental Protection Agency designated air quality
19 nonattainment area for auto-related pollutants, or resides within a
20 twenty-five (25) mile radius of the centroid of the area of such a
21 county, shall have said vehicle inspected within that area and shall
22 maintain on the vehicle in good working order the federally required
23 emission control equipment required by the Commissioner of Public

1 Safety pursuant to recommendations of the Department of
2 Environmental Quality. When any portion of a municipality is
3 included within said twenty-five (25) mile radius, the entire
4 municipality shall be subject to the provisions of this chapter.

5 2. ~~On and after January 1, 1986, any~~ Any person who owns and
6 drives a ~~motor~~ vehicle, as that term is defined by the Oklahoma
7 Vehicle License and Registration Act, Section 1101 et seq. of this
8 title, and resides within a county with a population of less than
9 five hundred thousand (500,000) according to the 1980 Federal
10 Decennial Census where there exists a U.S. Environmental Protection
11 Agency designated air quality nonattainment area for auto-related
12 pollutants, or resides within a metropolitan transportation study
13 area as that term is defined by the Department of Transportation and
14 approved by the United States Department of Transportation which
15 includes said county, shall have said vehicle inspected within that
16 area and shall maintain on the vehicle in good working order the
17 federally required emission control equipment required by the
18 Commissioner of Public Safety pursuant to recommendations of the
19 Department of Environmental Quality. When any portion of a
20 municipality is included within said metropolitan transportation
21 study area, the entire municipality shall be subject to the
22 provisions of this chapter.

1 B. The Commissioner of Public Safety shall require a visual
2 inspection of the federally required emission control equipment
3 required on vehicles by the provisions of subsection A of this
4 section in counties where there exists a U.S. Environmental
5 Protection Agency designated air quality nonattainment area for
6 auto-related pollutants.

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

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

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

19 When there is a violation, as that term is defined by the United
20 States Environmental Protection Agency, of the National Ambient Air
21 Quality Standard for ozone in a metropolitan transportation study
22 area described in subsection A of this section, the Oklahoma
23 Department of Environmental Quality shall notify the Department of

1 Public Safety and the Metropolitan Planning Organization (MPO),
2 otherwise known as the Local Councils of Government (COG). The MPO
3 shall notify all local governments in the metropolitan study area in
4 which the violation has occurred. Municipal and county governments
5 in such a metropolitan transportation study area may by ordinance or
6 resolution include the gas cap integrity test in the annual vehicle
7 inspection. For the purposes of including a gas cap integrity test
8 in the annual vehicle inspection, resolutions by counties shall have
9 the same force and effect as ordinances by municipalities. The
10 municipalities or counties shall contract with the MPO to provide
11 all equipment and training required for gas cap integrity testing
12 for the entire area described in subsection A of this section in
13 which a violation of the National Ambient Air Quality Standard for
14 ozone has occurred. The gas cap integrity testing shall begin no
15 later than January 1 of the second year following the violation of
16 air quality standards.

17 When all the municipal and county governments in the
18 transportation study area in which the violation has occurred adopt
19 ordinances or resolutions including the gas cap integrity test in
20 the annual vehicle inspection, the Commissioner of Public Safety by
21 rule shall require that gas cap integrity testing be performed by
22 official inspection stations designated by the Department of Public
23 Safety and that the testing be performed at the same time as the

1 annual vehicle emissions inspection required under subsections A, B
2 and C of this section. Certificates of inspection and approval, as
3 required by subsection D of Section 854 of this title for emissions
4 inspections, shall also be used to indicate compliance with gas cap
5 integrity testing.

6 E. No official inspection station shall be required to purchase
7 equipment to implement provisions of this section. ~~Training shall~~
8 ~~be provided at no cost to the official inspection station.~~ An
9 official inspection station may retain, as determined by the MPO, a
10 reasonable portion of any monies collected as compensation for
11 providing the gas cap integrity tests. The remainder of any monies
12 collected for providing the gas cap integrity test shall be remitted
13 to the MPO for the area in violation and shall be used for expenses
14 related to the provision of the gas cap integrity testing, including
15 purchasing and maintaining test equipment, providing training to
16 inspection officials, performing program audits and improving air
17 quality in the area of violation. The Department of Public Safety
18 shall not be responsible for collecting any monies for the gas cap
19 integrity test. This section shall not modify the amount of monies
20 required to be remitted to the Commissioner of Public Safety by
21 official inspection stations pursuant to Section 858 of this title.

22 F. The provisions of subsection D of this section shall not
23 apply to vehicles which were manufactured prior to 1979 or to motor

1 vehicles manufactured in the current model year that meet all
2 Environmental Protection Agency standards. Active duty military
3 personnel permanently assigned to a duty station outside of the
4 State of Oklahoma, but still claiming Oklahoma residency, may
5 register their vehicles in Oklahoma without a vehicle inspection if
6 the state they reside in does not require a vehicle inspection.

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

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

19 I. The provisions of this section shall not be construed to
20 apply to:

21 1. Trucks or truck-tractors owned and operated by one or more
22 farmers and used primarily for farm use, and not for commercial or
23 industrial purposes, or trucks or truck-tractors used primarily for

1 the transportation of logs, ties, stave bolts, and posts direct from
2 the forest to mill, first market, or railroad shipping points, which
3 are licensed pursuant to law; or

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

6 SECTION 3. This act shall become effective November 1, 1999.

7 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
8 PUBLIC SAFETY, dated 3-23-99 - DO PASS.