

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1144

By: Sullivan (Leonard)

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 858, as last amended by Section 2, Chapter 179, O.S.L. 1997, and 859, as last amended by Section 4, Chapter 158, O.S.L. 1998 (47 O.S. Supp. 2000, Sections 858 and 859), which relate to vehicle inspections; modifying fee; requiring posting of certain notices; modifying amount to be deposited in certain fund; prohibiting possession of stickers under certain circumstances; 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 858, as last amended by Section 2, Chapter 179, O.S.L. 1997 (47 O.S. Supp. 2000, Section 858), is amended to read as follows:

Section 858. A. 1. Official inspection stations ~~shall~~ may charge ~~and collect Five Dollars (\$5.00)~~ a fee not to exceed Twelve Dollars (\$12.00) for each vehicle inspected pursuant to the provisions of Sections 851 through 860 of this title. Each station shall post in at least three conspicuous places at the station easily readable notices stating the inspection fee charged by the station, which shall read in substantial form: "Inspection fee is (fee amount)". The required notices shall be posted in a conspicuous position clearly visible to a person:

- a. approaching the station from the public street, road, or highway on which the station fronts,
- b. entering the station and in proximity to where the person will be waiting while the inspection is conducted, and

c. in proximity to the cash register or to the store employee who will be collecting the fee.

2. The inspection shall be offered as a single service by the station. In addition, the inspection may be offered as a part of a predetermined combination of services offered by the station or as a discounted service when other services, as determined and specified by the station, are purchased.

3. Any inspection fee stated in the notices, as required in paragraph 1 of this subsection, or in an advertisement shall be construed to be the permanent fee charged for the inspection or for the inspection in combination with other specified services unless the notice or advertisement contains an easily readable statement defining the time period for which the inspection fee or discounted inspection fee is applicable. The statement shall read, in substantial form and as applicable, as follows:

- a. "Inspection fee of (fee amount) is good through (final effective date).",
- b. "Includes inspection fee of (fee amount), good through (final effective date).", or
- c. "(Percent or amount of discount) off of regular inspection fee of (fee amount), good through (final effective date)."

4. A station may decrease the fee it charges for inspections at any time upon posting the notices required in paragraph 1 of this subsection.

5. A station may increase the fee it charges for inspections, but shall not in any case charge more than the maximum fee authorized in paragraph 1 of this subsection, by providing a minimum of two (2) months notice to the public. Such notice shall be in the form of at least three notices posted beside or in conjunction with the notices required in paragraph 1 of this subsection, which shall read in substantial form: "Inspection fee will increase from

(current fee amount) to (increased fee amount) on (effective date of increased fee amount)."

B. Stations shall obtain from the Commissioner of Public Safety an ample quantity of serially numbered decalcomania-type stickers at a cost to the inspection station of ~~One Dollar (\$1.00)~~ Three Dollars (\$3.00) each. Any quantity of unused approved stickers may be returned to the Commissioner for a credit or refund. The Commissioner, for each inspection sticker delivered to an inspection station, shall:

1. Remit to the State Treasurer to be credited to the General Revenue Fund in the State Treasury the sum of fifty cents (\$0.50); ~~and~~

2. Deposit to the Department of Public Safety Revolving Fund the sum of Two Dollars (\$2.00); and

3. Deposit to the Oklahoma Law Enforcement Retirement Fund the sum of fifty cents (\$0.50). ~~Provided, however, for the fiscal year beginning July 1, 1997, and for each fiscal year thereafter, the~~ The Commissioner shall deposit to the Department of Public Safety Patrol Vehicle Revolving Fund, as created pursuant to this act, the first Five Hundred Thousand Dollars (\$500,000.00) of such monies collected for each inspection sticker as hereinbefore mentioned, for the purpose of purchasing patrol vehicles.

C. 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 inspector performing the final inspection on each inspected vehicle or trailer.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 859, as last amended by Section 4, Chapter 158, O.S.L. 1998 (47 O.S. Supp. 2000, Section 859), is amended to read as follows:

Section 859. A. No person shall in any manner represent any place as an official inspection station unless such station is

operating under a valid permit and plainly displaying an official inspection station sign issued by the Department of Public Safety.

B. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

C. No person shall display or cause or permit to be displayed upon any vehicle that is equipped to be fueled with alternative fuels any certificate of inspection and approval that has not been validly issued by an official inspection station as required by Section 854 of this title.

D. It shall be unlawful for any person to possess any sticker provided for in Section 851 et seq. of this title unless such sticker is:

1. Properly affixed to the vehicle for which it was issued;
2. In the lawful possession of the owner or an authorized employee or representative of the owner, as verified by the records of the Department, of the vehicle inspection station to which that sticker was issued while the owner, employee, or representative is:
 - a. in transit to deliver that sticker to the official inspection station, or
 - b. on the premises of the official inspection station; or
3. In the lawful possession of an employee of the Department.

It shall not be a defense in a prosecution for a violation of this subsection that the accused did not steal the sticker or the accused has not offered that sticker for sale, trade, or barter or for any other exchange with or without remuneration.

SECTION 3. This act shall become effective July 1, 2001.

SECTION 4. 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.

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