

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2961

By: Tibbs

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; enacting the
8 Oklahoma Motor Vehicle Inspection Act; requiring
9 mechanical inspection of motor vehicles, motorcycles,
10 trailers, semitrailers, pole trailers, and ancient
11 vehicles; prohibiting the operation of unsafe motor
12 vehicles on streets and highways; requiring certain
13 motor vehicles to bear official inspection sticker;
14 providing for exceptions; requiring annual inspection
15 for modified ancient vehicles; defining term;
16 conferring authority upon the Commissioner of Public
17 Safety and other law enforcement agencies to stop
18 vehicles for inspection; providing notice of unsafe
19 or ill-equipped vehicle; providing requirements and
20 time limitations to comply with notice; establishing
21 number of days for compliance and allowable mileage
22 before repair; regulating and providing for the
23 designation of official inspection stations;
24 providing for inspection of vehicles fueled by
alternative fuels; requiring inspection of new and
used vehicles prior to sale; conferring authority
upon the Commissioner of Public Safety to promulgate
rules necessary for administration and enforcement of
motor vehicle inspections; requiring certain decals
to be part of the inspection; providing exception for
out-of-state inspection certificate; providing
authority to suspend registration of unsafe vehicles;
designating official inspection stations;
establishing certain requirements for inspection
permits; establishing permit and renewal fees;
providing alternative fuel conversion centers to
perform motor vehicle inspections; conferring
authority upon the Commissioner of Public Safety to
supervise, suspend, or revoke inspection station
permits; providing notice and hearing for revoked or
suspended permits; providing exception for temporary

1 suspensions; designating where funds collected will
2 be remitted and credited; providing uniform official
3 inspection station signs; requiring inspectors to
4 check and test certain equipment; designating and
5 establishing certain requirements and training for
6 official inspectors; conferring authority upon the
7 Commissioner of Public Safety to supervise, suspend,
8 or revoke inspector licenses; providing notice and
9 hearing for revoked or suspended licenses; providing
10 exception for temporary suspensions; providing for
11 emission control equipment; requiring inspection of
12 emission control equipment on certain vehicles;
13 authorizing the implementation of gas cap integrity
14 tests upon violation of the National Ambient Air
15 Quality Standards; designating monies collected;
16 providing exceptions to gas cap integrity test;
17 allowing for continuation of emission control
18 requirements; providing for promulgation of rules and
19 regulations for administration and enforcement of the
20 Oklahoma Motor Carrier Safety and Hazardous Materials
21 Transportation Act; providing owners an appeals
22 process for rejected vehicles; designating where
23 monies, fees and revenues are to be remitted;
24 establishing charge for inspections; designating
certain funds and deposit of monies collected for
inspection stickers; requiring records; prescribing
violations and penalties; 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 871 of Title 47, unless there is
created a duplication in numbering, reads as follows:

Sections 1 through 16 of this act shall be known and may be
cited as the "Oklahoma Motor Vehicle Inspection Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 872 of Title 47, unless there is
3 created a duplication in numbering, reads as follows:

4 A. Except as otherwise provided for in subsections B and C of
5 this section, no person shall drive or move on any highway any motor
6 vehicle including, but not limited to, motorcycles, trailers,
7 semitrailers or pole trailers, or ancient vehicles which are not
8 used primarily incidental to historical or exhibition purposes,
9 which are licensed by the Oklahoma Tax Commission and operated on
10 the streets or highways of this state or any combination thereof,
11 unless the equipment upon the vehicle is in good working order and
12 adjustment as required in Title 47 of the Oklahoma Statutes and is
13 in such safe mechanical condition as not to endanger the driver or
14 occupant of any other vehicle upon the highway. Each motor vehicle,
15 except any commercial truck or truck-tractor registered pursuant to
16 Section 1120 of Title 47 of the Oklahoma Statutes which is engaged
17 in interstate commerce, or any trailer or semitrailer registered
18 pursuant to Section 1133 of Title 47 of the Oklahoma Statutes which
19 is engaged in interstate commerce, shall bear an official inspection
20 sticker.

21 B. The provisions of this section shall not apply to:

22 1. Any manufactured home which requires a permit to be moved
23 upon the highways of this state;

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1 2. Any ancient vehicle as defined by Section 1-101.1 of Title
2 47 of the Oklahoma Statutes, which has not been modified from its
3 original state of manufacture; or

4 3. Any modified ancient vehicle which has been inspected as
5 required by subsection C of this section.

6 C. 1. No person shall drive or move on any roadway any
7 modified ancient vehicle unless the vehicle has been inspected in
8 accordance with subsection A of this section or has been inspected
9 annually in accordance with this subsection.

10 2. A modified ancient vehicle may be inspected pursuant to
11 standards issued by the National Street Rod Association and the
12 Department of Public Safety. The inspection shall be conducted
13 annually by an inspector certified by the National Street Rod
14 Association. Upon successful completion of the inspection, the
15 Department shall issue to the owner of the vehicle a Certificate of
16 Exemption which shall be carried in the vehicle at all times it is
17 driven or moved on any roadway of this state. The certificate shall
18 be submitted to any law enforcement officer upon request. The
19 certificate shall serve as proof that the requirement for a state
20 inspection and official inspection sticker as prescribed in
21 subsection A of this section has been waived for the vehicle and
22 that the vehicle has been inspected pursuant to this subsection.
23 The Department shall promulgate rules to implement and administer
24 the provisions of this subsection.

1 D. As used in this section, "modified ancient vehicle" means
2 any vehicle manufactured in 1948 or earlier which has been modified
3 or modernized from its original state of manufacture.

4 E. Nothing in this section shall exempt any motor vehicle from
5 the provisions of the Oklahoma Motor Carrier Safety and Hazardous
6 Materials Transportation Act.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 873 of Title 47, unless there is
9 created a duplication in numbering, reads as follows:

10 A. The Commissioner of Public Safety, members of the Oklahoma
11 Highway Patrol, and such other officers and employees of the
12 Department of Public Safety as the Commissioner may designate, and
13 any sheriff, duly appointed deputy sheriff, and police officers of
14 regularly constituted police departments may, at any time upon
15 observation that a vehicle is unsafe or not equipped as required by
16 law, or that its equipment is not in proper adjustment or repair,
17 require the driver of the vehicle to stop and submit the vehicle to
18 an inspection and the test with reference thereto as may be
19 appropriate.

20 B. In the event the vehicle is found to be in an unsafe
21 condition or any required part or equipment is not present or is not
22 in proper repair and adjustment, the officer shall give a written
23 notice to the driver and shall send a copy of the notice to the
24 Department of Public Safety. The notice shall require that the

1 vehicle be placed in safe condition and its equipment in proper
2 repair and adjustment, specifying the particulars with reference
3 thereto and that a certificate of inspection and approval must be
4 obtained within thirty (30) calendar days.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 874 of Title 47, unless there is
7 created a duplication in numbering, reads as follows:

8 A. No person driving a vehicle shall refuse to submit the
9 vehicle to an inspection and test at an approved inspection station
10 when required to do so by the Commissioner of Public Safety or an
11 authorized officer or employee of the Department of Public Safety.

12 B. Every owner or driver, upon receiving a notice as provided
13 in Section 3 of this act, shall within fifteen (15) days, excluding
14 Saturdays, Sundays, and legal holidays, secure an official
15 certificate of inspection and approval which shall be issued in
16 triplicate, one copy to be retained by the owner or driver, one copy
17 by the inspection station, and the original copy to be forwarded to
18 the Department of Public Safety. In lieu of compliance with this
19 subsection, the vehicle shall not be operated except as provided in
20 subsection C of this section.

21 C. No person shall operate any vehicle after receiving a notice
22 with reference thereto, as provided, except as may be necessary to
23 return the vehicle to the residence or place of business of the
24 owner or driver, if within a distance of one hundred fifty (150)

1 miles, or to a garage, until the vehicle and its equipment have been
2 placed in proper repair and adjustment and otherwise made to conform
3 with the requirements of the Oklahoma Motor Vehicle Inspection Act.

4 D. If, upon inspection, repair, or adjustment of any vehicle or
5 its equipment is found necessary, the owner of the vehicle may
6 obtain the repair or adjustment at any place the owner may choose.
7 In any event, an official certificate of inspection and approval
8 must be obtained; otherwise, the vehicle shall not be operated upon
9 the highways of this state.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 875 of Title 47, unless there is
12 created a duplication in numbering, reads as follows:

13 A. 1. The Commissioner of Public Safety shall require that
14 every motor vehicle, trailer, semitrailer, and pole trailer,
15 registered or operated in this state, be inspected once a year at
16 official inspection stations as provided in the Oklahoma Motor
17 Vehicle Inspection Act, and that an official certificate of
18 inspection and approval be obtained for each such vehicle.

19 2. Vehicles owned or operated by a fire department may have the
20 inspection performed at the fire station location or the principal
21 location of the fire vehicle.

22 3. Motor carriers and express companies operating under the
23 jurisdiction of the Interstate Commerce Commission, or the
24 Department of Transportation and interstate or intrastate owners or

1 operators of commercial, private, or public fleets of vehicles
2 maintaining inspection and repair facilities which meet standards
3 established by the Commissioner, may be authorized by the
4 Commissioner to perform the inspections in the maintenance shops of
5 the carrier or express company, without bond, on vehicles owned or
6 operated by the carrier or express company.

7 B. The inspections shall be made and the certificates obtained
8 with respect to the mechanism and equipment of every such vehicle as
9 shall be designated by the Commissioner. An inspection shall not be
10 done and a certificate shall not be issued pursuant to the
11 provisions of the Oklahoma Motor Vehicle Inspection Act for a
12 vehicle which does not display a current Oklahoma license plate and
13 decal, unless the vehicle is owned by a member of the Armed Forces
14 of the United States assigned to duty in this state in compliance
15 with official military or naval orders or the spouse of such a
16 member of the Armed Forces. The Department of Public Safety and the
17 Oklahoma Tax Commission shall promulgate rules to provide for the
18 inspection of rebuilt vehicles pursuant to the provisions of Section
19 1111 of Title 47 of the Oklahoma Statutes prior to registration
20 pursuant to the Oklahoma Vehicle License and Registration Act.

21 C. The Commissioner shall require that the owner of every motor
22 vehicle equipped to be fueled by an alternative fuel obtain the
23 annual inspection required by subsection A of this section from an
24 official inspection station.

1 D. 1. Except for vehicles sold dealer to dealer, and wrecked,
2 antique, or classic vehicles not driven on the public roadway which
3 have been certified as such under oath by the owner, every vehicle
4 when sold by a licensed dealer shall have been inspected and shall
5 meet the standards of inspection as provided in the Oklahoma Motor
6 Vehicle Inspection Act and shall display a current inspection
7 sticker.

8 2. Every vehicle which has the capability of being fueled by an
9 alternative fuel, as defined by Section 130.2 of Title 74 of the
10 Oklahoma Statutes, shall meet the standards of inspection as
11 provided in the Oklahoma Motor Vehicle Inspection Act and shall
12 display a current inspection sticker.

13 E. The Commissioner shall promulgate rules for the
14 administration and enforcement of the Oklahoma Motor Vehicle
15 Inspection Act and designate any period or periods of time during
16 which owners of any vehicles, subject to this section, shall display
17 upon the vehicle, except those vehicles exempted pursuant to Section
18 2 of this act, certificates of inspection and approval or shall
19 produce the same upon demand of any officer or employee of the
20 Department designated by the Commissioner or any police or peace
21 officer when authorized by the Commissioner. As a part of the
22 rules, the Commissioner shall include the requirement that every
23 person subject to the in-lieu-of-tax fee under Section 723 of Title
24 68 of the Oklahoma Statutes display a current Tax Commission decal

1 on the vehicle as described in Section 723 of Title 68 of the
2 Oklahoma Statutes and that proper display of the decal shall be a
3 requirement for the issuance of an official certificate of
4 inspection and approval for any vehicle using an alternative fuel as
5 defined in Section 130.2 of Title 74 of the Oklahoma Statutes.

6 F. The Commissioner may authorize the acceptance in this state
7 of a certificate of inspection and approval issued in another state
8 having an inspection law similar to the Oklahoma Motor Vehicle
9 Inspection Act and may extend the time within which a certificate
10 shall be obtained by the resident owner of a vehicle which was not
11 in this state during the time an inspection was required.

12 G. The Commissioner may suspend the registration of any vehicle
13 which the Commissioner determines is in such unsafe condition as to
14 constitute a menace to safety or which after notice and demand is
15 not equipped as required in the Oklahoma Motor Vehicle Inspection
16 Act or for which a required certificate has not been obtained. Any
17 person who has a vehicle registration suspended under the provisions
18 of this section shall immediately forward the vehicle registration
19 to the Department of Public Safety.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 876 of Title 47, unless there is
22 created a duplication in numbering, reads as follows:

23 A. The Commissioner of Public Safety shall designate official
24 inspection stations and shall issue permits for and furnish

1 instructions and all necessary forms to the official inspection
2 stations for the inspection of vehicles as required and the issuance
3 of official certificates of inspection and approval. The permits
4 shall be renewed annually.

5 B. Application for a permit as an official inspection station
6 shall be made upon an official form and shall be granted only when
7 the Commissioner of Public Safety, after appropriate inquiry and
8 investigation, is satisfied that the station is equipped in
9 accordance with the requirements as prescribed by the Commissioner
10 and is convinced that the owner-operator is of good character and
11 has competent personnel to make the inspections and adjustments and
12 that the inspections will be properly conducted. Applications for a
13 permit for an official inspection station shall be accompanied by a
14 fee of Twenty-five Dollars (\$25.00). Each annual renewal thereafter
15 shall be Five Dollars (\$5.00). Applications for a permit for an
16 official inspection station for operators of commercial, public, or
17 private fleets of vehicles shall be accompanied by a fee of Fifteen
18 Dollars (\$15.00) and each annual renewal thereafter shall be Five
19 Dollars (\$5.00). The Commissioner shall refund the fee if the
20 applicant fails to qualify for a permit or renewal under this
21 section.

22 C. Any station, facility, or conversion center which converts
23 motor vehicles to have the capability of being fueled by alternative
24 fuels, as defined by Section 130.2 of Title 74 of the Oklahoma

1 Statutes, may be authorized by the Commissioner to perform
2 inspections provided for in the Oklahoma Motor Vehicle Inspection
3 Act. Subject to the application requirements specified in this
4 section, the Commissioner of Public Safety shall issue an official
5 inspection station permit to any such station, facility, or
6 conversion center which qualifies for a permit as an official
7 inspection station.

8 D. The Commissioner of Public Safety shall properly supervise
9 and cause inspections to be made of the stations and shall suspend
10 or revoke the permit and require the surrender of such permit issued
11 to a station which is not properly equipped or conducted. The
12 Commissioner shall maintain and post at the office of the Department
13 of Public Safety lists of all stations holding permits and those
14 stations whose permits have been revoked.

15 E. No permit shall be revoked or suspended except upon notice
16 to the holder and after an opportunity to be heard by the
17 Commissioner. A permit may be temporarily suspended without notice
18 pending any investigation or hearing. Whenever any permit has been
19 revoked, no permit shall be reissued to an applicant until after the
20 expiration of a period of one (1) year from the date of the
21 revocation.

22 F. Funds collected pursuant to the provisions of this section
23 shall be remitted to the State Treasurer to be credited to the
24 General Revenue Fund of the State Treasury.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 877 of Title 47, unless there is
3 created a duplication in numbering, reads as follows:

4 A. 1. No permit for an official station shall be assigned or
5 transferred or used at any location other than the location
6 designated in the permit. The permit shall be posted in a
7 conspicuous place at the location designated.

8 2. Upon payment of the first annual fee for an inspection
9 permit by an approved inspection station, the Department of Public
10 Safety shall issue to the station a uniform official inspection
11 station sign to be posted in a conspicuous place at the inspection
12 station. The official inspection station sign issued by the
13 Department of Public Safety shall be the only sign used by
14 inspection stations designating state approval.

15 3. Approved application for a renewal permit by the Department
16 of Public Safety shall give an inspection station the authority to
17 continue to use the sign. Upon suspension or revocation of an
18 inspection permit, failure to qualify for a renewal permit or
19 refusal to make application for a renewal permit, the sign shall be
20 surrendered to the Department of Public Safety.

21 B. The person operating an official inspection station shall
22 issue a certificate of inspection and approval upon official forms,
23 which shall be numbered serially and furnished by the Department of
24 Public Safety, to the owner of a vehicle upon inspecting the vehicle

1 and determining that its equipment is in good condition and proper
2 adjustment as required by the Oklahoma Motor Vehicle Inspection Act;
3 otherwise, no certificate shall be issued. When required by the
4 Commissioner of Public Safety, records and reports shall be made by
5 official inspection stations on every inspection and every
6 certificate issued.

7 C. Each official inspection station shall examine and test the
8 following vehicle mechanical equipment on each inspection: brakes,
9 steering, front and rear wheel suspension, exhaust systems, wheels
10 and tires, windshield wipers, horn or warning device, including
11 proper adjustment of turn signals, windshield and other glass, and
12 lighting equipment.

13 D. Each official inspection station shall check to determine if
14 the vehicle has a current vehicle license plate or license
15 registration decal. If the vehicle does not display a plate or
16 decal or if the plate or decal is expired, no certificate of
17 inspection and approval shall be issued. If the vehicle is returned
18 to the inspecting station within thirty (30) calendar days and bears
19 a current vehicle license plate or license registration decal, the
20 inspecting station shall issue a certificate of inspection and
21 approval without additional fee.

22 E. With respect to any vehicle equipped to be fueled by
23 alternative fuels, as defined in Section 130.2 of Title 74 of the
24 Oklahoma Statutes, each official inspection station shall visually

1 check, in addition to all other items required by this section,
2 alternative fuel equipment specified in any rules the Commissioner
3 of Public Safety may promulgate.

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 878 of Title 47, unless there is
6 created a duplication in numbering, reads as follows:

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

12 2. Application for a license as an official inspector shall be
13 made upon an official form and shall be granted only when the
14 Commissioner of Public Safety, after appropriate training,
15 examination, and investigation, is satisfied that the applicant is
16 eligible in accordance with the requirements prescribed by the
17 Commissioner to make such inspections. The Commissioner shall
18 prescribe by rule the training requirements for all official
19 inspectors, and the applicant shall complete all training
20 requirements, including any subsequent additional training
21 requirements which the Commissioner deems necessary for licensed
22 official inspectors.

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1 3. The Commissioner and the Oklahoma Department of Career and
2 Technology Education may enter into an interlocal agreement to
3 implement the requirements of this subsection.

4 B. Any employee of a station, facility, or conversion center
5 which converts motor vehicles to have the capability of being fueled
6 by alternative fuels, as defined by Section 130.2 of Title 74 of the
7 Oklahoma Statutes, may be authorized by the Commissioner to perform
8 inspections as provided in the Oklahoma Motor Vehicle Inspection
9 Act. Subject to the application requirements specified in this
10 section, the Commissioner of Public Safety shall issue an official
11 inspector license to any person who qualifies for a license as an
12 official inspector.

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

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

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 879 of Title 47, unless there is
3 created a duplication in numbering, reads as follows:

4 A. 1. Any person who owns and drives a vehicle, as that term
5 is defined by the Oklahoma Vehicle License and Registration Act, and
6 resides within a county with a population of five hundred thousand
7 (500,000) or more according to the latest Federal Decennial Census
8 where there exists a U.S. Environmental Protection Agency-designated
9 air quality nonattainment area for auto-related pollutants, or
10 resides within a twenty-five-mile radius of the centroid of the area
11 of such a county, shall have the vehicle inspected within that area
12 and shall maintain on the vehicle in good working order the
13 federally required emission control equipment required by the
14 Commissioner of Public Safety pursuant to recommendations of the
15 Department of Environmental Quality. When any portion of a
16 municipality is included within the twenty-five-mile radius, the
17 entire municipality shall be subject to the provisions of this
18 section.

19 2. Any person who owns and drives a vehicle, as that term is
20 defined by the Oklahoma Vehicle License and Registration Act, and
21 resides within a county with a population of less than five hundred
22 thousand (500,000) according to the latest Federal Decennial Census
23 where there exists a U.S. Environmental Protection Agency-designated
24 air quality nonattainment area for auto-related pollutants, or

1 resides within a metropolitan transportation study area, as that
2 term is defined by the Department of Transportation and approved by
3 the United States Department of Transportation, which includes the
4 county, shall have the vehicle inspected within that area and shall
5 maintain on the vehicle in good working order the federally required
6 emission control equipment required by the Commissioner of Public
7 Safety pursuant to recommendations of the Department of
8 Environmental Quality. When any portion of a municipality is
9 included within the metropolitan transportation study area, the
10 entire municipality shall be subject to the provisions of this
11 section.

12 B. The Commissioner of Public Safety shall require a visual
13 inspection of the federally required emission control equipment
14 required on vehicles by the provisions of subsection A of this
15 section in counties where there exists a U.S. Environmental
16 Protection Agency-designated air quality nonattainment area for
17 auto-related pollutants.

18 C. In addition to the vehicle mechanical equipment required to
19 be inspected pursuant to the provisions of Section 7 of this act,
20 each person operating an official inspection station shall visually
21 inspect the original automotive emission control equipment of a
22 manufacturer or proper replacements for the equipment installed on
23 vehicles when required by the Commissioner of Public Safety pursuant
24 to the provisions of subsection B of this section.

1 D. 1. It is the intent of the Legislature that local
2 governmental entities implement federal mandates in a manner that:

3 a. is the least disruptive for local businesses, and

4 b. permits local governmental entities to have control in
5 lieu of federal intervention.

6 2. When there is a violation, as that term is defined by the
7 United States Environmental Protection Agency, of the National
8 Ambient Air Quality Standards for ozone in a metropolitan
9 transportation study area described in subsection A of this section,
10 the Department of Environmental Quality shall notify the Department
11 of Public Safety and the Metropolitan Planning Organization (MPO),
12 otherwise known as the Local Councils of Government (LCOG). The MPO
13 shall notify all local governments in the metropolitan study area in
14 which the violation has occurred. Municipal and county governments
15 in such a metropolitan transportation study area may, by ordinance
16 or resolution, include the gas cap integrity test in the annual
17 vehicle inspection. For the purposes of including a gas cap
18 integrity test in the annual vehicle inspection, resolutions by
19 counties shall have the same force and effect as ordinances by
20 municipalities. The municipalities or counties shall contract with
21 the MPO to provide all equipment and training required for gas cap
22 integrity testing for the entire area described in subsection A of
23 this section in which a violation of the National Ambient Air
24 Quality Standard for ozone has occurred. The gas cap integrity

1 testing shall begin no later than January 1 of the second year
2 following the violation of air quality standards.

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

14 E. No official inspection station shall be required to purchase
15 equipment to implement provisions of this section. An official
16 inspection station may retain, as determined by the Metropolitan
17 Planning Organization, a reasonable portion of any monies collected
18 as compensation for providing the gas cap integrity tests. The
19 remainder of any monies collected for providing the gas cap
20 integrity test shall be remitted to the Metropolitan Planning
21 Organization for the area in violation and shall be used for
22 expenses related to the provision of the gas cap integrity testing,
23 including purchasing and maintaining test equipment, providing
24 training to inspection officials, performing program audits, and

1 improving air quality in the area of violation. The Department of
2 Public Safety shall not be responsible for collecting any monies for
3 the gas cap integrity test. This section shall not modify the
4 amount of monies required to be remitted to the Commissioner of
5 Public Safety by official inspection stations pursuant to Section 14
6 of this act.

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

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

20 H. Any inspection of automotive emission control equipment
21 required pursuant to the provisions of this section shall apply to
22 emission control equipment installed on vehicles of a model year
23 required by the Commissioner of Public Safety pursuant to
24 recommendations of the Department of Environmental Quality as is

1 necessary to accommodate the resolution of the defined air pollution
2 problem of the specific nonattainment area.

3 I. The provisions of this section shall not be construed to
4 apply to:

5 1. Trucks or truck-tractors owned and operated by one or more
6 farmers and used primarily for farm use, and not for commercial or
7 industrial purposes, or trucks or truck-tractors used primarily for
8 the transportation of logs, ties, stave bolts, and posts direct from
9 the forest to mill, first market, or railroad shipping points, which
10 are licensed pursuant to law; or

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

13 SECTION 10. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 880 of Title 47, unless there is
15 created a duplication in numbering, reads as follows:

16 The emission control requirements, set forth under Section 9 of
17 this act, shall not terminate but shall continue in effect as
18 maintenance requirements upon the redesignation of any U.S.
19 Environmental Protection Agency-designated air quality nonattainment
20 area for auto-related pollutants to the status of attainment.

21 SECTION 11. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 881 of Title 47, unless there is
23 created a duplication in numbering, reads as follows:

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1 The Commissioner of Public Safety shall promulgate necessary
2 rules for the administration and enforcement of the Oklahoma Motor
3 Carrier Safety and Hazardous Materials Transportation Act pursuant
4 to recommendations of the Department of Environmental Quality.

5 SECTION 12. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 882 of Title 47, unless there is
7 created a duplication in numbering, reads as follows:

8 A. Vehicles rejected for any item during the vehicle emission
9 inspection shall have thirty (30) calendar days in which to correct
10 the defect. The vehicle may be presented for reinspection to the
11 original inspection station one time for reinspection of the
12 rejected item or items.

13 B. When a vehicle has been rejected for any item during the
14 vehicle emission inspection, the owner shall have seven (7) days to
15 appeal the rejection to the Department of Public Safety, Vehicle
16 Inspection Division in writing. The appeal shall be resolved prior
17 to the thirty (30) calendar days allowed on the rejection
18 certificate. The Department shall inspect the appealed item or
19 items, and the finding of the Department shall be final.

20 SECTION 13. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 883 of Title 47, unless there is
22 created a duplication in numbering, reads as follows:

23 All monies, fees, and revenues accruing to the state pursuant to
24 the provisions of Section 14 of this act shall be remitted to the

1 State Treasurer to be credited to the General Revenue Fund of the
2 State Treasury.

3 SECTION 14. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 884 of Title 47, unless there is
5 created a duplication in numbering, reads as follows:

6 A. Official inspection stations shall charge and collect Ten
7 Dollars (\$10.00) for each vehicle inspected pursuant to the
8 provisions of the Oklahoma Motor Vehicle Inspection Act.

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

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

18 2. Deposit to the Oklahoma Law Enforcement Retirement Fund the
19 sum of fifty cents (\$0.50).

20 C. Each inspection station shall keep an accurate record of the
21 serially numbered decalcomania-type inspection stickers. The record
22 shall designate to whom the stickers were issued or rejected, and
23 shall list the name of the inspector performing the final inspection
24 on each inspected vehicle or trailer.

1 SECTION 15. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 885 of Title 47, unless there is
3 created a duplication in numbering, reads as follows:

4 A. No person shall in any manner represent any place as an
5 official inspection station unless the station is operating under a
6 valid permit and plainly displaying an official inspection station
7 sign issued by the Department of Public Safety.

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

12 C. No person shall display or cause or permit to be displayed
13 upon any vehicle that is equipped to be fueled with alternative
14 fuels, as defined by Section 130.2 of Title 74 of the Oklahoma
15 Statutes, any certificate of inspection and approval that has not
16 been validly issued by an official inspection station as required by
17 Section 5 of this act.

18 SECTION 16. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 886 of Title 47, unless there is
20 created a duplication in numbering, reads as follows:

21 A. Any person who violates the provisions of Sections 2 through
22 8 and 14 through 15 of this act shall, upon conviction, be subject
23 to imprisonment in the county jail for not more than thirty (30)
24

1 days or a fine of not more than Five Hundred Dollars (\$500.00), or
2 both such imprisonment and fine.

3 B. Any person who violates the provisions of Sections 9 through
4 12 of this act shall, upon conviction thereof, be subject to a fine
5 of Twenty-five Dollars (\$25.00). Any person producing proof in
6 court that the provisions of said sections of law have been complied
7 with shall be entitled to dismissal of the charge upon payment of
8 court costs.

9 SECTION 17. This act shall become effective January 1, 2009.

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