

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1516

By: Rabon

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; prohibiting
8 operation of a motor vehicle that is not in good
9 working order; requiring inspection sticker;
10 providing exceptions; requiring inspection of certain
11 ancient vehicles; providing exemption certificate
12 process for certain ancient vehicles; defining term;
13 prohibiting exemption from Oklahoma Motor Carrier
14 Safety and Hazardous Materials Transportation Act;
15 authorizing certain law enforcement officials to
16 require inspection of certain vehicles; directing
17 certain notice be issued requiring certain repair,
18 adjustment, and inspection; prohibiting refusal of
19 inspection; directing compliance to certain notice;
20 prohibiting motor vehicle operation after receipt of
21 certain notice; requiring official certificate of
22 inspection; requiring annual inspection and
23 certificate of inspection; allowing inspection of
24 fire department vehicles at certain fire stations;
allowing certain motor carriers to perform
inspections in certain maintenance shops; requiring
current license plate and decal for inspection;
providing military exception; providing for
inspection of rebuilt vehicles; requiring annual
inspection for alternate fuel vehicles; requiring
inspection of vehicles sold by dealers; directing
inspection standards for alternate fuel vehicles;
authorizing Commissioner of Department of Public
Safety to promulgate administrative and enforcement
rules; directing inclusion of certain requirements in
rules; authorizing Commissioner to accept certain
certificates from other states; authorizing
Commissioner to suspend registration of certain
vehicles; requiring submission of registration to
Department; directing Commissioner to designate
certain stations and issue certain permits;

1 prescribing application process for certain permit;
2 establishing fees; allowing Commissioner to authorize
3 certain stations for inspections and issue permits to
4 such stations; directing Commissioner to inspect and
5 revoke permits of certain stations; requiring notice
6 to holder before revocation of permit; allowing
7 temporary suspension of permit without notice;
8 specifying period of revocation; directing certain
9 funds to state General Revenue Fund; directing
10 Commissioner to designate and issue licenses to
11 certain inspectors; prescribing application process
12 for certain license; directing Commissioner to
13 prescribe certain training requirements; allowing
14 interlocal agreement between Commissioner and
15 Oklahoma Department of Career and Technology
16 Education; allowing Commissioner to authorize persons
17 with certain mechanical capabilities to perform
18 certain inspections; requiring Commissioner to issue
19 certain licenses to such persons; requiring
20 Commissioner to inspect performance and revoke
21 license of certain persons; requiring notice to
22 holder before revocation of license; allowing
23 temporary suspension of license without notice;
24 specifying period of revocation; requiring posting of
 certain permit in conspicuous place at designated
 location; providing for issuance of official
 inspection station sign; directing usage of certain
 sign upon renewal, suspension, or revocation;
 requiring usage of certain official forms; requiring
 certain records and reports; requiring inspection of
 certain equipment; directing inspection according to
 determination of current license plate and decal;
 requiring inspection of alternate fuels equipment of
 certain vehicles; requiring inspection of certain
 vehicles within specific areas; requiring certain
 emission control equipment on certain vehicles;
 authorizing Commissioner to require visual inspection
 of certain equipment; requiring inspectors to
 visually inspect certain equipment; expressing
 certain legislative intent; prescribing process for
 certain air standard violation; prescribing
 provisions for certain inspection stations following
 air standard violation; providing exceptions to air
 standard violation process; allowing certain
 inspection exception to certain military personnel;
 directing Metropolitan Planning Organization to
 ensure gas cap stability; specifying equipment

1 subject to certain emission control inspections;
2 providing exceptions; providing for continuation of
3 certain emission control requirements; directing
4 Commissioner to make certain rules regarding the
5 Oklahoma Motor Carrier Safety and Hazardous Materials
6 Transportation Act; providing time period for
7 correction of certain rejected vehicles; specifying
8 time period for appeal of certain rejection;
9 specifying time period for resolution of certain
10 appeal; directing certain monies to State Treasurer;
11 specifying certain inspection fee; specifying cost of
12 certain decals; allowing certain refund; directing
13 certain remittance to State Treasurer; directing
14 certain deposit to Oklahoma Law Enforcement
15 Retirement Fund; directing certain monies to the
16 purchase of patrol vehicles; requiring stations to
17 keep certain records; prohibiting false
18 representation of official inspection station;
19 prohibiting knowing display of invalid certification;
20 prohibiting display of invalid certificate on
21 alternate fuel vehicles; providing penalties;
22 providing for codification; and providing an
23 effective date.

24 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 862 of Title 47, unless there is
created a duplication in numbering, reads as follows:

A. Except as otherwise provided for in subsections B and C of
this section, no person shall drive or move on any highway any motor
vehicle, including, but not limited to, motorcycles or ancient
vehicles which are not used primarily incidental to historical or
exhibition purposes only, which are licensed by the Oklahoma Tax
Commission and operated on the streets or highways of this state or

1 any combination thereof, unless the equipment upon the vehicle is in
2 good working order and adjustment as required in Title 47 of the
3 Oklahoma Statutes and is in such safe mechanical condition as not to
4 endanger the driver or other occupant of any vehicle upon the
5 highway. Each such motor vehicle, except any commercial truck or
6 truck-tractor registered pursuant to Section 1120 of Title 47 of the
7 Oklahoma Statutes which is engaged in interstate commerce, or any
8 trailer or semitrailer registered pursuant to Section 1133 of Title
9 47 of the Oklahoma Statutes which is engaged in interstate commerce,
10 shall bear an official inspection sticker.

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

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

14 2. Any ancient vehicle as defined by Section 1-101.1 of Title
15 47 of the Oklahoma Statutes, which has not been modified from its
16 original state of manufacture. Provided, ancient vehicles shall be
17 exempt from retrofitted pollution control devices; or

18 3. Any modified ancient vehicle which has been inspected as
19 required by subsection C of this section. For purposes of this
20 section, "modified ancient vehicle" shall mean any vehicle
21 manufactured in 1975 or earlier which has been modified or
22 modernized from its original state of manufacture.

23 C. 1. No person shall drive or move on any roadway any
24 modified ancient vehicle unless the vehicle has been inspected in

1 accordance with subsection A of this section or has been inspected
2 annually in accordance with this subsection.

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

18 D. Nothing in this section shall exempt any motor vehicle from
19 the provisions of the Oklahoma Motor Carrier Safety and Hazardous
20 Materials Transportation Act.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 863 of Title 47, unless there is
23 created a duplication in numbering, reads as follows:

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1 A. The Commissioner of Public Safety, members of the Oklahoma
2 Highway Patrol, and such other officers and employees of the
3 Department of Public Safety as the Commissioner may designate, and
4 any sheriff, duly appointed deputy sheriff, and police officers of
5 regularly-constituted police departments, may at any time upon
6 observation that a vehicle is unsafe or not equipped as required by
7 law, or that its equipment is not in proper adjustment or repair,
8 require the driver of such vehicle to stop and submit such vehicle
9 to an inspection and such test with reference thereto as may be
10 appropriate.

11 B. In the event such vehicle is found to be in an unsafe
12 condition or any required part or equipment is not present or is not
13 in proper repair and adjustment, the officer shall give a written
14 notice to the driver and shall send a copy thereof to the Department
15 of Public Safety. Said notice shall require that such vehicle be
16 placed in safe condition and its equipment in proper repair and
17 adjustment, specifying the particulars with reference thereto and
18 that a certificate of inspection and approval must be obtained
19 within thirty (30) calendar days.

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 864 of Title 47, unless there is
22 created a duplication in numbering, reads as follows:

23 A. No person driving a vehicle shall refuse to submit such
24 vehicle to an inspection and test at an approved inspection station

1 when required to do so by the Commissioner of Public Safety or an
2 authorized officer or employee of the Department of Public Safety.

3 B. Every owner or driver, upon receiving a notice as provided
4 in Section 2 of this act, shall comply therewith and shall within
5 fifteen (15) days, excluding Saturdays, Sundays and legal holidays,
6 secure an official certificate of inspection and approval which
7 shall be issued in triplicate, one copy to be retained by the owner
8 or driver, one copy by the inspection station and the original copy
9 to be forwarded to the Department of Public Safety. In lieu of
10 compliance with this subsection, the vehicle shall not be operated
11 except as provided in subsection C of this section.

12 C. No person shall operate any vehicle after receiving a notice
13 with reference thereto, as provided, except as may be necessary to
14 return such vehicle to the residence or place of business of the
15 owner or driver, if within a distance of one hundred fifty (150)
16 miles, or to a garage, until said vehicle and its equipment have
17 been placed in proper repair and adjustment and otherwise made to
18 conform to the requirements of this act.

19 D. In the event repair or adjustment of any vehicle or its
20 equipment is found necessary upon inspection, the owner of said
21 vehicle may obtain such repair or adjustment at any place the owner
22 may choose, but, in any event, an official certificate of inspection
23 and approval must be obtained, otherwise such vehicle shall not be
24 operated upon the highways of this state.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 865 of Title 47, unless there is
3 created a duplication in numbering, reads as follows:

4 A. 1. The Commissioner of Public Safety shall require that
5 every motor vehicle, trailer, semitrailer, and pole trailer,
6 registered or operated in this state, be inspected once a year at
7 official inspection stations as provided in this act, and that an
8 official certificate of inspection and approval be obtained for each
9 such vehicle.

10 2. Vehicles owned or operated by a fire department may have the
11 inspection performed at the fire station location or the principal
12 location of the fire vehicle.

13 3. Motor carriers and express companies operating under the
14 jurisdiction of the Interstate Commerce Commission, and/or the
15 Department of Transportation and interstate and/or intrastate owners
16 and/or operators of commercial, private, or public fleets of
17 vehicles maintaining inspection and repair facilities which meet
18 standards established by the Commissioner, may be authorized by the
19 Commissioner to perform such inspections in such carriers' own
20 maintenance shops, without bond, on vehicles owned or operated by
21 them.

22 B. Such inspections shall be made and such certificates
23 obtained with respect to the mechanism and equipment of every such
24 vehicle as shall be designated by the Commissioner. An inspection

1 shall not be done and a certificate shall not be issued pursuant to
2 the provisions of this act for a vehicle which does not display a
3 current Oklahoma license plate and decal, unless the vehicle is
4 owned by a member of the Armed Forces of the United States assigned
5 to duty in this state in compliance with official military or naval
6 orders or the spouse of such a member of the Armed Forces; provided,
7 the Department of Public Safety and the Oklahoma Tax Commission
8 shall promulgate rules to provide for the inspection of rebuilt
9 vehicles pursuant to the provisions of Section 1111 of Title 47 of
10 the Oklahoma Statutes prior to registration pursuant to the Oklahoma
11 Vehicle License and Registration Act.

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

16 D. 1. Except for vehicles sold dealer to dealer, and wrecked,
17 antique or classic vehicles not driven on the public roadway which
18 have been certified as such under oath by the owner, every vehicle
19 when sold by a licensed dealer shall have been inspected and shall
20 meet the standards of inspection as provided in this act and shall
21 display a current inspection sticker.

22 2. Every vehicle which has or has been converted to have, or
23 upon conversion to have, the capability of being fueled by an
24 alternative fuel, as defined by Section 130.2 of Title 74 of the

1 Oklahoma Statutes, shall meet the standards of inspection as
2 provided in this act and shall display a current inspection sticker.

3 E. The Commissioner is hereby authorized and directed to
4 promulgate necessary rules for the administration and enforcement of
5 this act and to designate any period or periods of time during which
6 owners of any vehicles, subject to this section, shall display upon
7 such vehicle, except those vehicles exempted pursuant to Section 1
8 of this act, certificates of inspection and approval or shall
9 produce the same upon demand of any officer or employee of the
10 Department designated by the Commissioner or any police or peace
11 officer when authorized by the Commissioner. As a part of such
12 rules, the Commissioner shall include the requirement that every
13 person subject to the in-lieu-of-tax fee under Section 723 of Title
14 68 of the Oklahoma Statutes display a current Tax Commission decal
15 on the vehicle as described in Section 723 of Title 68 of the
16 Oklahoma Statutes and that proper display of the decal shall be a
17 requirement for the issuance of an official certificate of
18 inspection and approval for any vehicle using an alternative fuel as
19 defined in Section 130.2 of Title 74 of the Oklahoma Statutes.

20 F. The Commissioner may authorize the acceptance in this state
21 of a certificate of inspection and approval issued in another state
22 having an inspection law similar to this act and may extend the time
23 within which a certificate shall be obtained by the resident owner
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1 of a vehicle which was not in this state during the time an
2 inspection was required.

3 G. The Commissioner may suspend the registration of any vehicle
4 which he or she determines is in such unsafe condition as to
5 constitute a menace to safety or which after notice and demand is
6 not equipped as required in this act or for which a required
7 certificate has not been obtained. Any person who shall have a
8 vehicle registration suspended under the provisions of this section
9 shall immediately forward the vehicle registration to the Department
10 of Public Safety.

11 SECTION 5. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 866 of Title 47, unless there is
13 created a duplication in numbering, reads as follows:

14 A. The Commissioner of Public Safety shall designate official
15 inspection stations and shall issue permits for and furnish
16 instructions and all necessary forms to said official inspection
17 stations for the inspection of vehicles as required and the issuance
18 of official certificates of inspection and approval. Said permits
19 shall be renewed annually.

20 B. Application for a permit as an official inspection station
21 shall be made upon an official form and shall be granted only when
22 the Commissioner of Public Safety, after appropriate inquiry and
23 investigation, is satisfied that the station is equipped in
24 accordance with the requirements as prescribed by the Commissioner

1 and is convinced that the owner-operator is of good character and
2 has competent personnel to make such inspections and adjustments and
3 will be properly conducted. Applications for a permit for an
4 official inspection station shall be accompanied by a fee of Ten
5 Dollars (\$10.00). Each annual renewal thereafter shall be Five
6 Dollars (\$5.00). Applications for a permit for an official
7 inspection station for operators of commercial, public, or private
8 fleets of vehicles shall be accompanied by a fee of Fifteen Dollars
9 (\$15.00), each annual renewal thereafter shall be Five Dollars
10 (\$5.00). The Commissioner shall refund said fee if applicant fails
11 to qualify for a permit or renewal under this section.

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

21 D. The Commissioner of Public Safety shall properly supervise
22 and cause inspections to be made of such stations and shall suspend
23 or revoke and require the surrender of the permit issued to a
24 station which is not properly equipped or conducted. The

1 Commissioner shall maintain and post at the office of the Department
2 of Public Safety lists of all stations holding permits and those
3 stations whose permits have been revoked.

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

11 F. Funds collected pursuant to the provisions of this section
12 shall be remitted to the State Treasurer to be credited to the
13 General Revenue Fund in the State Treasury.

14 SECTION 6. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 867 of Title 47, unless there is
16 created a duplication in numbering, reads as follows:

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

22 2. Application for a license as an official inspector shall be
23 made upon an official form and shall be granted only when the
24 Commissioner of Public Safety, after appropriate training,

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

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

12 B. Any employee of a station, facility or conversion center
13 which converts motor vehicles to have the capability of being fueled
14 by alternative fuels, as defined by Section 130.2 of Title 74 of the
15 Oklahoma Statutes, may be authorized by the Commissioner to perform
16 inspections as provided in Section 7 of this act. Subject to the
17 application requirements specified in this section, the Commissioner
18 of Public Safety shall issue an official inspector license to any
19 such person who qualifies for a license as 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
23 the surrender of the license issued to the person who is not
24 properly conducting inspections.

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

8 SECTION 7. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 868 of Title 47, unless there is
10 created a duplication in numbering, reads as follows:

11 A. No permit for an official station shall be assigned or
12 transferred or used at any location other than therein designated
13 and every said permit shall be posted in a conspicuous place at the
14 location designated.

15 Upon payment of the first annual fee for an inspection permit by
16 an approved inspection station, the Department of Public Safety
17 shall issue to the station a uniform official inspection station
18 sign to be posted in a conspicuous place at the inspection station.
19 The official inspection station sign issued by the Department of
20 Public Safety shall be the only sign used by inspection stations
21 designating state approval.

22 Approved application for a renewal permit by the Department of
23 Public Safety shall give an inspection station the authority to
24 continue to use the sign. Upon suspension or revocation of an

1 inspection permit or failure to qualify for a renewal permit or
2 refusal to make application for a renewal permit, the sign shall be
3 surrendered to the Department of Public Safety.

4 B. The person operating an official inspection station shall
5 issue a certificate of inspection and approval upon official forms,
6 which shall be numbered serially and furnished by the Department of
7 Public Safety, to the owner of a vehicle upon inspecting such
8 vehicle and determining that its equipment required under the
9 provisions of subsection C of this section is in good condition and
10 proper adjustment, otherwise no certificate shall be issued. When
11 required by the Commissioner of Public Safety, records and reports
12 shall be made by official inspection stations on every inspection
13 and every certificate so issued.

14 C. Each official inspection station shall examine and test the
15 following vehicle mechanical equipment on each inspection: brakes,
16 steering, front and rear-wheel suspension, exhaust systems, wheels
17 and tires, windshield wipers, horn or warning device, including
18 proper adjustment of turn signals, windshield and other glass, and
19 lighting equipment.

20 D. Each official inspection station shall check to determine if
21 the vehicle has a current vehicle license plate or license
22 registration decal. If the vehicle does not display a plate or
23 decal or if the plate or decal is expired, no certificate of
24 inspection and approval shall be issued. If the vehicle is returned

1 to the inspecting station within thirty (30) calendar days and bears
2 a current vehicle license plate or license registration decal, the
3 inspecting station shall issue a certificate of inspection and
4 approval without additional fee.

5 E. With respect to any vehicle equipped to be fueled by
6 alternative fuels, as defined in Section 130.2 of Title 74 of the
7 Oklahoma Statutes, each official inspection station shall visually
8 check, in addition to all other items required by this section,
9 alternative fuels equipment specified in any rules the Commissioner
10 of Public Safety may promulgate.

11 SECTION 8. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 869 of Title 47, unless there is
13 created a duplication in numbering, reads as follows:

14 A. 1. Any person who owns and drives a vehicle as that term is
15 defined by the Oklahoma Vehicle License and Registration Act,
16 Section 1101 et seq. of Title 47 of the Oklahoma Statutes, and
17 resides within a county with a population of five hundred thousand
18 (500,000) or more according to the 2000 Federal Decennial Census
19 where there exists a U.S. Environmental Protection Agency designated
20 air quality nonattainment area for auto-related pollutants, or
21 resides within a twenty-five (25) mile radius of the centroid of the
22 area of such a county, shall have said vehicle inspected within that
23 area and shall maintain on the vehicle in good working order the
24 federally required emission control equipment required by the

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

6 2. Any person who owns and drives a vehicle, as that term is
7 defined by the Oklahoma Vehicle License and Registration Act,
8 Section 1101 et seq. of Title 47 of the Oklahoma Statutes, and
9 resides within a county with a population of less than five hundred
10 thousand (500,000) according to the 2000 Federal Decennial Census
11 where there exists a U.S. Environmental Protection Agency designated
12 air quality nonattainment area for auto-related pollutants, or
13 resides within a metropolitan transportation study area as that term
14 is defined by the Department of Transportation and approved by the
15 United States Department of Transportation which includes said
16 county, shall have said vehicle inspected within that area and shall
17 maintain on the vehicle in good working order the federally required
18 emission control equipment required by the Commissioner of Public
19 Safety pursuant to recommendations of the Department of
20 Environmental Quality. When any portion of a municipality is
21 included within said metropolitan transportation study area, the
22 entire municipality shall be subject to the provisions of this
23 paragraph.

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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 7 of this act,
9 each person operating an official inspection station shall visually
10 inspect the original manufacturer's automotive emission control
11 equipment or proper replacements for said equipment installed on
12 vehicles when required by the Commissioner of Public Safety pursuant
13 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
24 Public Safety and the Metropolitan Planning Organization (MPO),

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

16 When all the municipal and county governments in the
17 transportation study area in which the violation has occurred adopt
18 ordinances or resolutions including the gas cap integrity test in
19 the annual vehicle inspection, the Commissioner of Public Safety by
20 rule shall require that gas cap integrity testing be performed by
21 official inspection stations designated by the Department of Public
22 Safety and that the testing be performed at the same time as the
23 annual vehicle emissions inspection required under subsections A, B
24 and C of this section. Certificates of inspection and approval, as

1 required by subsection D of Section 854 of Title 47 of the Oklahoma
2 Statutes for emissions inspections, shall also be used to indicate
3 compliance with gas cap integrity testing.

4 E. No official inspection station shall be required to purchase
5 equipment to implement provisions of this section. An official
6 inspection station may retain, as determined by the MPO, a
7 reasonable portion of any monies collected as compensation for
8 providing the gas cap integrity tests. The remainder of any monies
9 collected for providing the gas cap integrity test shall be remitted
10 to the MPO for the area in violation and shall be used for expenses
11 related to the provision of the gas cap integrity testing, including
12 purchasing and maintaining test equipment, providing training to
13 inspection officials, performing program audits and improving air
14 quality in the area of violation. The Department of Public Safety
15 shall not be responsible for collecting any monies for the gas cap
16 integrity test. This section shall not modify the amount of monies
17 required to be remitted to the Commissioner of Public Safety by
18 official inspection stations pursuant to Section 858 of Title 47 of
19 the Oklahoma Statutes.

20 F. The provisions of subsection D of this section shall not
21 apply to vehicles which were manufactured prior to 1979 or to motor
22 vehicles manufactured in the current model year that meet all
23 Environmental Protection Agency standards. Active duty military
24 personnel permanently assigned to a duty station outside of the

1 State of Oklahoma, but still claiming Oklahoma residency, may
2 register their vehicles in Oklahoma without a vehicle inspection if
3 the state they reside in does not require a vehicle inspection.

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

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

16 I. The provisions of this section shall not be construed to
17 apply to:

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

24

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

3 SECTION 9. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 870 of Title 47, unless there is
5 created a duplication in numbering, reads as follows:

6 The emission control requirements set forth under Section 8 of
7 this act shall not terminate, but shall continue in effect as
8 maintenance requirements upon the redesignation of any U.S.
9 Environmental Protection Agency designated air quality nonattainment
10 area for auto-related pollutants to the status of attainment.

11 SECTION 10. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 871 of Title 47, unless there is
13 created a duplication in numbering, reads as follows:

14 The Commissioner of Public Safety shall make necessary rules and
15 regulations for the administration and enforcement of the Oklahoma
16 Motor Carrier Safety and Hazardous Materials Transportation Act
17 pursuant to recommendations of the Department of Environmental
18 Quality.

19 SECTION 11. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 872 of Title 47, unless there is
21 created a duplication in numbering, reads as follows:

22 A. Vehicles rejected for any item during the vehicle emission
23 inspection shall have thirty (30) calendar days in which to correct
24 such defect. Such vehicle may be presented for reinspection one

1 time to the original inspection station for reinspection of an item
2 or items, rejected.

3 B. When a vehicle has been rejected for any item during the
4 vehicle emission inspection, the owner shall have seven (7) days to
5 appeal such rejection to the Department of Public Safety, Vehicle
6 Inspection Division in writing. Such appeal shall be resolved prior
7 to the thirty (30) calendar days allowed on the rejection
8 certificate. The Department shall inspect the appealed item or
9 items and the finding of the Department shall be final.

10 SECTION 12. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 873 of Title 47, unless there is
12 created a duplication in numbering, reads as follows:

13 All monies, fees, and revenues accruing to the state pursuant to
14 the provisions of Section 13 of this act shall be remitted to the
15 State Treasurer to be credited to the General Revenue Fund in the
16 State Treasury.

17 SECTION 13. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 874 of Title 47, unless there is
19 created a duplication in numbering, reads as follows:

20 A. Official inspection stations shall charge and collect Five
21 Dollars (\$5.00) for each vehicle inspected pursuant to the
22 provisions of this act.

23 B. Stations shall obtain from the Commissioner of Public Safety
24 an ample quantity of serially numbered decalcomania-type stickers at

1 a cost to the inspection station of One Dollar (\$1.00) each. Any
2 quantity of unused approved stickers may be returned to the
3 Commissioner for a credit or refund. The Commissioner, for each
4 inspection sticker delivered to an inspection station, shall:

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

8 2. Deposit to the Oklahoma Law Enforcement Retirement Fund the
9 sum of fifty cents (\$0.50). Provided, however, for the fiscal year
10 beginning July 1, 2009, and for each fiscal year thereafter, the
11 Commissioner shall deposit to the Department of Public Safety Patrol
12 Vehicle Revolving Fund the first Five Hundred Thousand Dollars
13 (\$500,000.00) of such monies collected for each inspection sticker
14 as hereinbefore mentioned, for the purpose of purchasing patrol
15 vehicles.

16 C. Each inspection station shall keep an accurate record of the
17 serially numbered decalcomania-type inspection stickers. Such
18 record shall designate to whom issued or rejected, and list thereon
19 the name of the inspector performing the final inspection on each
20 inspected vehicle or trailer.

21 SECTION 14. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 875 of Title 47, unless there is
23 created a duplication in numbering, reads as follows:

24

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

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

9 C. No person shall display or cause or permit to be displayed
10 upon any vehicle that is equipped to be fueled with alternative
11 fuels any certificate of inspection and approval that has not been
12 validly issued by an official inspection station as required by
13 Section 4 of this act.

14 SECTION 15. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 876 of Title 47, unless there is
16 created a duplication in numbering, reads as follows:

17 A. Any person who violates the provisions of Sections 1 through
18 7 and 13 through 14 of this act shall upon conviction thereof be
19 subject to imprisonment in the county jail for not more than thirty
20 (30) days or a fine of not more than Five Hundred Dollars (\$500.00),
21 or both such imprisonment and fine.

22 B. Any person who violates the provisions of Sections 8 through
23 11 of this act shall upon conviction thereof be subject to a fine of
24 Twenty-five Dollars (\$25.00). Provided, any person producing proof

1 in court that the provisions of said sections of law have been
2 complied with shall be entitled to dismissal of such charge upon
3 payment of court costs.

4 SECTION 16. This act shall become effective November 1, 2008.

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