

IN THE SENATE

SENATE BILL NO. 1231, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO A MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM; AMENDING
3 SECTION 39-116B, IDAHO CODE, TO PROVIDE FOR A REPAIR WAIVER AND A HARD-
4 SHIP WAIVER AND TO PROVIDE FOR RECOMMENDATIONS TO THE LEGISLATURE FROM
5 THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY EVERY FIVE
6 YEARS BEGINNING IN 2013.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 39-116B, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 39-116B. VEHICLE INSPECTION AND MAINTENANCE PROGRAM. (1) The board
11 shall initiate rulemaking to provide for the implementation of a motor vehi-
12 cle inspection and maintenance program to regulate and ensure control of the
13 air pollutants and emissions from registered motor vehicles in an attainment
14 or unclassified area as designated by the United States environmental pro-
15 tection agency, not otherwise exempted in subsection (7) of this section, if
16 the director determines the following conditions are met:

17 (a) An airshed, as defined by the department, within a metropolitan
18 statistical area, as defined by the United States office of management
19 and budget, has ambient concentration design values equal to or above
20 eighty-five percent (85%) of a national ambient air quality standard,
21 as defined by the United States environmental protection agency, for
22 three (3) consecutive years starting with the 2005 design value; and

23 (b) The department determines air pollutants from motor vehicles con-
24 stitute one (1) of the top two (2) emission sources contributing to the
25 design value of eighty-five percent (85%).

26 (2) In the event both of the conditions in subsection (1) of this sec-
27 tion are met, the board shall establish by rule minimum standards for an in-
28 spection and maintenance program for registered motor vehicles, not other-
29 wise exempted in subsection (7) of this section, which shall provide for:

30 (a) Counties and cities within the airshed that will be subject to the
31 motor vehicle inspection and maintenance program;

32 (b) The requirements for licensing authorized inspection stations and
33 technicians;

34 (c) The frequency with which inspections shall be required, provided
35 that inspections shall occur no more than once every two (2) years;

36 (d) The procedures under which authorized inspection stations and
37 technicians inspect motor vehicles and issue evidence of compliance;

38 (e) The criteria under which it is to be determined that a motor vehicle
39 is eligible for a certificate of compliance;

40 (f) The parameters and diagnostic equipment necessary to perform the
41 required inspection. The rules shall ensure that the equipment com-

1 plies with any applicable standards of the United States environmental
2 protection agency;

3 (g) A fee, bond or insurance which is necessary to carry out the pro-
4 visions of this section and to fund an air quality public awareness and
5 outreach program. The fee for a motor vehicle inspection shall not ex-
6 ceed twenty dollars (\$20.00) per vehicle;

7 (h) The issuance of a pamphlet for distribution to owners of motor vehi-
8 cles explaining the reasons for and the methods of the inspections; and

9 (i) The granting of a waiver from the minimum standards as provided by
10 rule, which may be based on model year, fuel, size, or other factors,
11 which shall include, but not be limited to, a repair waiver and a hard-
12 ship waiver.

13 (3) In the event both of the conditions in subsection (1) of this sec-
14 tion are met, the director shall attempt to enter into a joint exercise of
15 powers agreement under sections 67-2326 through 67-2333, Idaho Code, with
16 the board of county commissioners of each county within the airshed in which
17 a motor vehicle inspection and maintenance program is required under this
18 section, and the councils of incorporated cities within those counties, to
19 develop a standardized inspection and maintenance program. If the board of
20 county commissioners or the councils of incorporated cities within those
21 counties choose not to enter into a joint exercise of powers agreement with
22 the director, then within one hundred twenty (120) days of the director's
23 written request to enter into such an agreement, the board of county com-
24 missioners or the councils of incorporated cities may notify the department
25 that it will implement an alternative motor vehicle emission control strat-
26 egy that will result in emissions reductions equivalent to that of a vehicle
27 emission inspection program. If the department determines the emissions
28 reductions of the alternative motor vehicle emission control strategy are
29 not equivalent, or no equivalent reductions are proposed, the department or
30 its designee shall implement the motor vehicle inspection and maintenance
31 program required pursuant to the provisions of this section.

32 (4) The Idaho transportation department shall revoke the registration
33 of any motor vehicle identified by the department or its designee, or any
34 city or county administering a program established under the provisions of
35 this section as having failed to comply with such motor vehicle inspection
36 and maintenance program, except that no vehicle shall be identified to the
37 Idaho transportation department unless:

38 (a) The department or its designee, or the city or county certifies to
39 the Idaho transportation department that the owner of the motor vehicle
40 has been given notice and had the opportunity for a hearing concerning
41 the program and has exhausted all remedies and appeals from any determi-
42 nation made at such hearing; and

43 (b) The department or its designee, or the city or county reimburses the
44 Idaho transportation department for all direct costs associated with
45 the registration revocation procedure.

46 Any vehicle registration that has been revoked pursuant to the provisions of
47 this section that is found to be in compliance with current emissions stan-
48 dards shall have the registration reinstated without charge.

49 (5) The department shall annually review the results of the vehicle
50 inspection and maintenance program. The review shall include, among other

1 things, an estimate of the emission reduction obtained from the number of
2 vehicles that initially fail the test and then pass after maintenance.

3 (6) Every five (5) years beginning ~~with the implementation of the pro-~~
4 ~~gram in 2013~~, the director shall review the air quality data and ~~determine~~
5 make recommendations to the legislature for its determination whether a pro-
6 gram initially established pursuant to the provisions of this section should
7 be continued, modified or terminated.

8 (7) Electric or hybrid motor vehicles, new motor vehicles less than
9 five (5) years old, classic automobiles, motorized farm equipment and reg-
10 istered motor vehicles engaged solely in the business of agriculture, shall
11 be exempt from any motor vehicle inspection and maintenance program estab-
12 lished pursuant to the provisions of this section.