

IN THE SENATE

SENATE BILL NO. 1231

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO A MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM; AMENDING
2 SECTION 39-116B, IDAHO CODE, TO PROVIDE FOR A ONE YEAR WAIVER UPON CER-
3 TAIN EVENTS OCCURRING.
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5 Be It Enacted by the Legislature of the State of Idaho:

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

8 39-116B. VEHICLE INSPECTION AND MAINTENANCE PROGRAM. (1) The board
9 shall initiate rulemaking to provide for the implementation of a motor vehi-
10 cle inspection and maintenance program to regulate and ensure control of the
11 air pollutants and emissions from registered motor vehicles in an attainment
12 or unclassified area as designated by the United States environmental pro-
13 tection agency, not otherwise exempted in subsection (7) of this section, if
14 the director determines the following conditions are met:

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

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

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

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

30 (b) The requirements for licensing authorized inspection stations and
31 technicians;

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

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

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

38 (f) The parameters and diagnostic equipment necessary to perform the
39 required inspection. The rules shall ensure that the equipment com-
40 plies with any applicable standards of the United States environmental
41 protection agency;

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

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

7 (i) The granting of a waiver from the minimum standards as provided by
8 rule, which may be based on model year, fuel, size, or other factors. A
9 waiver shall be granted for one (1) year if the following occurs. If the
10 owner of an existing motor vehicle that has not passed the inspection
11 or a newly purchased used motor vehicle that has not passed the inspec-
12 tion if the owner can demonstrate that at least two hundred fifty dol-
13 lars (\$250) of repairs have occurred on the motor vehicle to attempt to
14 have the motor vehicle pass the inspection. The waiver shall be valid
15 for one (1) year when the motor vehicle shall be subject to inspection
16 again. If the motor vehicle fails the inspection the following or in
17 subsequent years and if the owner demonstrates that at least two hun-
18 dred fifty dollars (\$250) of repairs have occurred on the motor vehicle
19 to attempt to have the motor vehicle pass the inspection following the
20 failed inspection. If the motor vehicle fails that inspection a waiver
21 shall be granted and the waiver shall be valid for one (1) year when the
22 motor vehicle shall be subject to inspection again.

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

42 (4) The Idaho transportation department shall revoke the registration
43 of any motor vehicle identified by the department or its designee, or any
44 city or county administering a program established under the provisions of
45 this section as having failed to comply with such motor vehicle inspection
46 and maintenance program, except that no vehicle shall be identified to the
47 Idaho transportation department unless:

48 (a) The department or its designee, or the city or county certifies to
49 the Idaho transportation department that the owner of the motor vehicle
50 has been given notice and had the opportunity for a hearing concerning

1 the program and has exhausted all remedies and appeals from any determi-
2 nation made at such hearing; and

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

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

9 (5) The department shall annually review the results of the vehicle
10 inspection and maintenance program. The review shall include, among other
11 things, an estimate of the emission reduction obtained from the number of
12 vehicles that initially fail the test and then pass after maintenance.

13 (6) Every five (5) years beginning with the implementation of the pro-
14 gram, the director shall review the air quality data and determine whether
15 a program initially established pursuant to the provisions of this section
16 should be continued, modified or terminated.

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