

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 326

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE VEHICLE INSPECTION AND MAINTENANCE PROGRAM; AMENDING SEC-
2 TION 39-116B, IDAHO CODE, TO PROVIDE FOR REINSTATEMENT OF REGISTRATION
3 WITHOUT CHARGE UNDER CERTAIN CIRCUMSTANCES; AND DECLARING AN EMER-
4 GENCY.
5

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

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

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

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

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

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

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

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

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

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

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

39 (f) The parameters and diagnostic equipment necessary to perform the
40 required inspection. The rules shall ensure that the equipment com-
41 plies with any applicable standards of the United States environmental
42 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.

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

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

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

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

42 Any vehicle registration that has been revoked pursuant to the provisions of
43 this section that is found to be in compliance with current emissions stan-
44 standards shall have the registration reinstated without charge.

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

49 (6) Every five (5) years beginning with the implementation of the pro-
50 gram, the director shall review the air quality data and determine whether

1 a program initially established pursuant to the provisions of this section
2 should be continued, modified or terminated.

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

8 SECTION 2. An emergency existing therefor, which emergency is hereby
9 declared to exist, this act shall be in full force and effect on and after its
10 passage and approval.