

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 591

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO VEHICLE EMISSIONS; AMENDING SECTION 39-116B, IDAHO CODE, TO REVISE CONDITIONS UNDER WHICH RULEMAKING FOR MOTOR VEHICLE INSPECTIONS AND MAINTENANCE PROGRAMS SHALL BE INITIATED, TO DELETE REFERENCE TO CERTAIN EQUIVALENT VEHICLE EMISSION INSPECTION PROGRAMS, TO DELETE REFERENCE TO DEPARTMENT OF ENVIRONMENTAL QUALITY MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAMS AND TO PROVIDE AN EXCEPTION FOR VEHICLES THAT ARE DRIVEN LESS THAN ONE THOUSAND MILES ANNUALLY; AND DECLARING AN EMERGENCY.

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

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

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

(a) An airshed, as defined by the department, within a metropolitan statistical area, as defined by the United States office of management and budget, has ambient concentration design values equal to or above ~~eighty five~~ ninety percent (~~85~~90%) of a national ambient air quality standard, as defined by the United States environmental protection agency, for three (3) consecutive years starting with the 2005~~7~~ design value; and

(b) The department determines air pollutants from motor vehicles constitute one (1) of the top two (2) emission sources contributing to the design value of ~~eighty five~~ ninety percent (~~85~~90%).

(2) In the event both of the conditions in subsection (1) of this section are met, the board shall establish by rule minimum standards for an inspection and maintenance program for registered motor vehicles, not otherwise exempted in subsection (7) of this section, which shall provide for:

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

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

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

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

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

5 (f) The parameters and diagnostic equipment necessary to perform
6 the required inspection. The rules shall ensure that the equipment
7 complies with any applicable standards of the United States
8 environmental protection agency;

9 (g) A fee, bond or insurance which is necessary to carry out the
10 provisions of this section and to fund an air quality public awareness
11 and outreach program. The fee for a motor vehicle inspection shall not
12 exceed twenty dollars (\$20.00) per vehicle;

13 (h) The issuance of a pamphlet for distribution to owners of motor
14 vehicles explaining the reasons for and the methods of the inspections;
15 and

16 (i) The granting of a waiver from the minimum standards as provided by
17 rule, which may be based on model year, fuel, size, or other factors.

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

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

43 (a) The department or its designee, or the city or county certifies
44 to the Idaho transportation department that the owner of the motor
45 vehicle has been given notice and had the opportunity for a hearing
46 concerning the program and has exhausted all remedies and appeals from
47 any determination made at such hearing; and

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

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

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

9 (7) Electric or hybrid motor vehicles, new motor vehicles less than
10 five (5) years old, classic automobiles, vehicles that are driven less
11 than one thousand (1,000) miles annually, motorized farm equipment and
12 registered motor vehicles engaged solely in the business of agriculture,
13 shall be exempt from any motor vehicle inspection and maintenance program
14 established pursuant to the provisions of this section.

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