

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 470

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 39-116B, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXEMPTIONS.

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 percent (85%) 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 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 percent (85%).

(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;

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

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

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

(g) A fee, bond or insurance which is necessary to carry out the provisions of this section and to fund an air quality public awareness and

1 outreach program. The fee for a motor vehicle inspection shall not ex-  
2 ceed twenty dollars (\$20.00) per vehicle;

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

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

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 dards 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 in 2013, the director shall review  
50 the air quality data and make recommendations to the legislature for its de-

1 termination whether a program initially established pursuant to the provi-  
2 sions of this section should be continued, modified or terminated.

3 (7) Electric or hybrid motor vehicles, ~~new motor vehicles less than~~  
4 ~~five (5) years old of model year 2007 and newer~~, classic automobiles, mo-  
5 torized farm equipment and registered motor vehicles engaged solely in the  
6 business of agriculture, shall be exempt from any motor vehicle inspection  
7 and maintenance program established pursuant to the provisions of this sec-  
8 tion.