



March 30, 1999

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# ENGROSSED HOUSE BILL No. 2021

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DIGEST OF HB 2021 (Updated March 29, 1999 11:19 am - DI 78)

**Citations Affected:** IC 9-18; IC 13-14; IC 13-17; noncode.

**Synopsis:** Motor vehicle inspection stations and use of funds. Applies air pollution control laws concerning motor vehicles emissions tests to certain motor vehicles. Allows certain inspection stations to inspect and certify motor vehicles. Describes circumstances under which the department of environmental management may contract with a person to conduct emissions inspections. Repeals the expired provision that governed contracts for motor vehicles emission inspections and legalizes actions taken under the expired provision. Prohibits the department of environmental management from using the money in a  
(Continued next page)

**Effective:** June 30, 1998 (retroactive); upon passage; July 1, 1999.

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**Dobis, Fesko**

(SENATE SPONSORS — LANDSKE, SIPES, GARD)

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January 27, 1999, read first time and referred to Committee on Environmental Affairs.  
March 1, 1999, reported — Do Pass.  
March 4, 1999, read second time, amended, ordered engrossed.  
March 5, 1999, engrossed.  
March 8, 1999, read third time, passed. Yeas 92, nays 4.

SENATE ACTION

March 11, 1999, read first time and referred to Committee on Environmental Affairs.  
March 29, 1999, amended, reported favorably — Do Pass.

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EH 2021—LS 8174/DI 78+



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fund to pay for the expenses of administering another fund or for any other purpose than the specified purpose for which the fund was established. Requires the department and the environmental quality service council to conduct a study to evaluate different approaches for determining the allocation of the costs of all departmentwide services and to make recommendations to the legislative council and the budget agency.

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March 30, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## ENGROSSED HOUSE BILL No. 2021

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-18-2-12 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The bureau  
3 may not register a motor vehicle that:  
4 (1) is subject under rules adopted **under** air pollution control laws  
5 (as defined in IC 13-11-2-6) to:  
6 (A) inspection of vehicle air pollution control equipment; and  
7 (B) testing of emission characteristics; and  
8 (2) has not been:  
9 (A) inspected; and  
10 (B) certified by an inspection station under ~~IC 13-17-5-5(b)~~  
11 **IC 13-17-5-5.1(b)** that the air pollution equipment is not in a  
12 tampered condition and the vehicle meets air emission control  
13 standards.  
14 SECTION 2. IC 13-14-1-7.3 IS ADDED TO THE INDIANA CODE  
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 1999]: **Sec. 7.3. If a fund is established under this title to provide**

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1 **a source of money for a specified purpose:**

2 **(1) the expenses of administering the fund may be paid only**  
3 **from money in the fund; and**

4 **(2) money in the fund may not be used:**

5 **(A) to pay the expenses of administering another fund; or**

6 **(B) for any purpose other than the specified purpose.**

7 SECTION 3. IC 13-17-5-5.1 IS ADDED TO THE INDIANA CODE  
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
9 UPON PASSAGE]: Sec. 5.1. (a) A rule adopted by the board under  
10 **air pollution control laws that requires:**

11 **(1) certain motor vehicles registered in certain counties to**  
12 **undergo a periodic test of emission characteristics; and**

13 **(2) vehicles failing the emissions test to be repaired and**  
14 **retested;**

15 **applies to the vehicles registered in those counties subject to the**  
16 **rules. An exemption in the rules applies to motor vehicles**  
17 **registered in those counties subject to the rule.**

18 **(b) An inspection station authorized by a rule adopted by the**  
19 **board may:**

20 **(1) inspect any vehicle; and**

21 **(2) certify that the inspected vehicle meets air emission**  
22 **control standards established in the applicable rules.**

23 **(c) The department may contract with a person to conduct**  
24 **inspections to test the emissions or emission control devices of**  
25 **motor vehicles. If inspections are conducted by a contractor under**  
26 **this subsection, the inspections and testing shall be conducted**  
27 **under the direction of the department. The department may not**  
28 **enter into a contract with a foreign corporation under this section**  
29 **unless the foreign corporation is registered with the secretary of**  
30 **state to do business in Indiana.**

31 **(d) The duration of a contract entered into under this section**  
32 **may not exceed ten (10) years.**

33 **(e) This section does not prohibit the board or the department**  
34 **from adopting fleet inspection procedures.**

35 **(f) IC 5-22-17-3 does not apply to a procurement under this**  
36 **section.**

37 SECTION 4. IC 13-17-5-7 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The  
39 department shall annually advise the budget committee on whether:

40 **(1) money appropriated by the general assembly; and**

41 **(2) money available through federal grants;**

42 **is adequate to implement a motor vehicle emissions testing program**

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1 described in ~~section 5~~ **section 5.1** of this chapter.

2 (b) If the money described under subsection (a) becomes  
3 insufficient to implement a motor vehicle emissions testing program,  
4 the department shall immediately notify:

- 5 (1) the governor; and  
6 (2) the budget committee;

7 of the insufficiency.

8 SECTION 5. IC 13-17-5-8 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Whenever:

- 10 (1) an officer or employee of the department; or  
11 (2) a person the department has contracted with under section 5  
12 **(before its repeal) or 5.1** of this chapter or IC 13-1-1-11 (before  
13 its repeal);

14 learns of a violation of section 1, 2, 3, or 4 of this chapter or  
15 IC 13-1-1-6 (before its repeal), the officer or employee shall notify the  
16 bureau of motor vehicles in writing of the violation or failure for  
17 purposes of the suspension of the registration of the vehicle in question  
18 under IC 9-18-2-39.

19 (b) After a vehicle's registration is suspended under IC 9-18-2-39:

- 20 (1) an officer or employee of the department; or  
21 (2) a person the department has contracted with under section 5  
22 **(before its repeal) or 5.1** of this chapter or IC 13-1-1-11 (before  
23 its repeal);

24 who recognizes that the violation of section 1, 2, 3, or 4 of this chapter  
25 or IC 13-1-1-6 (before its repeal) has been corrected shall notify the  
26 bureau of motor vehicles in writing of the correction or achievement of  
27 compliance for purposes of the reinstatement of the vehicle's  
28 registration under IC 9-18-2-39.

29 SECTION 6. IC 13-17-5-5 IS REPEALED [EFFECTIVE UPON  
30 PASSAGE].

31 SECTION 7. [EFFECTIVE JUNE 30, 1998 (RETROACTIVE)] **The**  
32 **following are legalized:**

- 33 **(1) A rule adopted by the air pollution control board and**  
34 **described in IC 13-17-5-5(a) before its repeal.**  
35 **(2) An inspection or certification conducted under**  
36 **IC 13-17-5-5(b) before its repeal.**  
37 **(3) Contracts entered into and inspections made under**  
38 **IC 13-17-5-5(c) before its repeal.**

39 SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) For funds**  
40 **established under IC 13 to provide a source of money for a**  
41 **specified purpose, the department of environmental management**  
42 **together with the environmental quality service council shall**



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1       **conduct a study to evaluate different approaches for determining**  
2       **the allocation of the costs of all departmentwide services that**  
3       **support the funds.**  
4       (b) **Not later than November 1, 2000, the environmental quality**  
5       **service council shall make written recommendations based on the**  
6       **findings of the study conducted under subsection (a) to the:**  
7             **(1) legislative council; and**  
8             **(2) budget agency.**  
9       (c) **This SECTION expires December 31, 2000.**  
10       **SECTION 9. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 2021, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 11, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 2021 be amended to read as follows:

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 2. IC 13-14-1-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 1999]: **Sec. 7.3. If a fund is established under this title to provide a source of money for a specified purpose:**

**(1) the expenses of administering the fund may only be paid from money in the fund; and**

**(2) money in the fund may not be used:**

**(A) to pay the expenses of administering another fund; or**

**(B) for any purpose other than the specified purpose."**

Renumber all SECTIONS consecutively.

(Reference is to HB 2021 as printed March 2, 1999.)

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SENATE MOTION

Mr. President: I move that Senator Gard be added as cosponsor of Engrossed House Bill 2021.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 2021, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, lines 1, delete "only be paid" and insert "**be paid only**".

Page 3, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) **For funds established under IC 13 to provide a source of money for a specified purpose, the department of environmental management together with the environmental quality service council shall conduct a study to evaluate different approaches for determining the allocation of the costs of all departmentwide services that support the funds.**

(b) **Not later than November 1, 2000, the environmental quality service council shall make written recommendations based on the findings of the study conducted under subsection (a) to the:**

(1) **legislative council; and**

(2) **budget agency.**

(c) **This SECTION expires December 31, 2000."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 2021 as reprinted March 5, 1999.)

GARD, Chairperson

Committee Vote: Yeas 7, Nays 0.

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