



Reprinted
March 5, 1999

HOUSE BILL No. 2021

DIGEST OF HB 2021 (Updated March 4, 1999 4:34 pm - DI 78)

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

Synopsis: Motor vehicle inspection stations. 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 fund to pay for the expenses of administering another fund or for any other purpose other purpose than the specified purpose for which the fund was established.

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

Dobis, Fesko

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.

HB 2021—LS 8174/DI 78+



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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.

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

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

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

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

5 (B) for any purpose other than the specified purpose.

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

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

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

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

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

19 (1) inspect any vehicle; and

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

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

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

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

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

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

39 (1) money appropriated by the general assembly; and

40 (2) money available through federal grants;

41 is adequate to implement a motor vehicle emissions testing program
42 described in ~~section 5~~ section 5.1 of this chapter.



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

- 4 (1) the governor; and
 5 (2) the budget committee;
 6 of the insufficiency.

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

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

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

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

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

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

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

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

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

38 SECTION 8. **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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