

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 ENROLLED ACT No. 2021

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AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 9-18-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The bureau may not register a motor vehicle that:

(1) is subject under rules adopted **under** air pollution control laws (as defined in IC 13-11-2-6) to:

(A) inspection of vehicle air pollution control equipment; and  
(B) testing of emission characteristics; and

(2) has not been:

(A) inspected; and

(B) certified by an inspection station under ~~IC 13-17-5-5(b)~~ **IC 13-17-5-5.1(b)** that the air pollution equipment is not in a tampered condition and the vehicle meets air emission control standards.

SECTION 2. IC 13-17-5-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) **A rule adopted by the board under air pollution control laws that requires:**

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

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

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

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

(1) inspect any vehicle; and

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

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

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

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

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

SECTION 3. IC 13-17-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The department shall annually advise the budget committee on whether:

(1) money appropriated by the general assembly; and

(2) money available through federal grants;

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

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

(1) the governor; and

(2) the budget committee;

of the insufficiency.

SECTION 4. IC 13-17-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Whenever:

(1) an officer or employee of the department; or

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

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

- (b) After a vehicle's registration is suspended under IC 9-18-2-39:
- (1) an officer or employee of the department; or
  - (2) a person the department has contracted with under section 5 **(before its repeal) or 5.1** of this chapter or IC 13-1-1-11 (before its repeal);

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

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

SECTION 6. [EFFECTIVE JUNE 30, 1998 (RETROACTIVE)]:  
**The following are legalized:**

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

SECTION 7. **An emergency is declared for this act.**

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