

# HOUSE BILL No. 2021

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-18-2-12; IC 13-17-5.

**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.

**Effective:** Upon passage; June 30, 1998 (retroactive).

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**Dobis, Fesko**

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January 27, 1999, read first time and referred to Committee on Environmental Affairs.

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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.

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



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

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

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

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

10 (1) inspect any vehicle; and

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

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

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

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

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

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

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

31 (2) money available through federal grants;

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

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

37 (1) the governor; and

38 (2) the budget committee;

39 of the insufficiency.

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

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

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- 1 (2) a person the department has contracted with under section 5  
 2 **(before its repeal) or 5.1** of this chapter or IC 13-1-1-11 (before  
 3 its repeal);  
 4 learns of a violation of section 1, 2, 3, or 4 of this chapter or  
 5 IC 13-1-1-6 (before its repeal), the officer or employee shall notify the  
 6 bureau of motor vehicles in writing of the violation or failure for  
 7 purposes of the suspension of the registration of the vehicle in question  
 8 under IC 9-18-2-39.
- 9 (b) After a vehicle's registration is suspended under IC 9-18-2-39:  
 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 who recognizes that the violation of section 1, 2, 3, or 4 of this chapter  
 15 or IC 13-1-1-6 (before its repeal) has been corrected shall notify the  
 16 bureau of motor vehicles in writing of the correction or achievement of  
 17 compliance for purposes of the reinstatement of the vehicle's  
 18 registration under IC 9-18-2-39.
- 19 SECTION 5. IC 13-17-5-5 IS REPEALED [EFFECTIVE UPON  
 20 PASSAGE].
- 21 SECTION 6. [EFFECTIVE JUNE 30, 1998 (RETROACTIVE)] **The**  
 22 **following are legalized:**  
 23 **(1) A rule adopted by the air pollution control board and**  
 24 **described in IC 13-17-5-5(a) before its repeal.**  
 25 **(2) An inspection or certification conducted under**  
 26 **IC 13-17-5-5(b) before its repeal.**  
 27 **(3) Contracts entered into and inspections made under**  
 28 **IC 13-17-5-5(c) before its repeal.**  
 29 SECTION 7. **An emergency is declared for this act.**

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