

House Bill 676

By: Representatives Millar of the 52<sup>nd</sup>, McCall of the 78<sup>th</sup>, Willard of the 40<sup>th</sup>, Campbell of the 39<sup>th</sup> and Drenner of the 57<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated,  
2 relating to motor vehicle emission inspection and maintenance, so as define a term; to change  
3 certain provisions regarding scope of application of said article; to change certain provisions  
4 regarding time frames for startup of inspection and maintenance programs; to provide for a  
5 motor vehicle emissions fund to support emissions reduction programs; to provide that the  
6 Board of Natural Resources shall prescribe rules and regulations and implement procedures  
7 for the use of remote sensing technology emissions inspections; to provide that the  
8 Department of Natural Resources shall issue certificates to vehicles passing remote sensing  
9 tests exempting such vehicles from regularly scheduled emissions inspections; to provide for  
10 a fee to be collected by the department from owners of motor vehicles that are issued  
11 certificates to support emissions reduction programs; to provide for approval of remote  
12 sensing equipment and procedures; to provide for an effective date; to provide for related  
13 matters; to provide that the effectiveness of this Act shall be conditioned upon the approval  
14 by the voters of a certain constitutional amendment; to repeal conflicting laws; and for other  
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Article 2 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to  
19 prevention and control of air pollution, relating to motor vehicle emissions inspection and  
20 maintenance, is amended by inserting a new paragraph (17.1) in Code Section 12-9-43,  
21 relating to definitions, to read as follows:

22 "(17.1) 'Motor vehicle emissions reduction programs' means programs determined by the  
23 director to encourage and achieve reductions of emissions of hydrocarbons, nitrogen  
24 oxides, carbon monoxide, or particulate matter from vehicles propelled by power other than  
25 muscle power, and used for transportation of persons or property on highways, off  
26 highways, or upon tracks."



1 (b) A certificate of emission inspection shall be valid for one inspection term. The owner  
2 of each responsible motor vehicle subject to subsection (a) of this Code section is required  
3 to obtain a new certificate of emission inspection on or before the date the current  
4 certificate of emission inspection expires or prior to the vehicle registration date in the year  
5 following the expiration of the certificate, as determined by the board.

6 (c) Such certificate of emission inspection must certify that:

7 (1) An inspection of exhaust emissions of hydrocarbons, nitrogen oxides, and carbon  
8 monoxide and evaporative emissions of hydrocarbons, as required by Code Section  
9 12-9-48, has been performed;

10 (2) The responsible motor vehicle complies, as required by Code Section 12-9-48, with  
11 applicable emission standards or emission limitations for hydrocarbons, nitrogen oxides,  
12 and carbon monoxide specified for such vehicle by the board pursuant to Code Section  
13 12-9-46;

14 (3) An inspection, as required by Code Section 12-9-48, of emission control equipment  
15 which was required to be installed on such motor vehicle when new by the federal Clean  
16 Air Act and is required to be inspected by the board in the regulations promulgated  
17 pursuant to this article has been performed and that such equipment is present and has  
18 been maintained as required by Code Section 12-9-48; and

19 (4) An inspection, as required by Code Section 12-9-48, of on-board diagnostic  
20 equipment which was required to be installed on such motor vehicle when new by the  
21 federal Clean Air Act and is required to be inspected by the board in the regulations  
22 promulgated pursuant to this article has been performed, as required by Code Section  
23 12-9-48.

24 ~~(d) In any county or area not designated by the USEPA as a nonattainment area as of  
25 November 1, 1990, which is subsequently designated by the board as a nonattainment area  
26 subject to this article, the department shall have 12 months from the date such designation  
27 occurs to establish a program for emission inspection of responsible motor vehicles in such  
28 county or area; provided, however, that for purposes of this article, the earliest date such  
29 county or area shall be considered as having been designated as a nonattainment area shall  
30 be July 1, 1992. Notwithstanding the provisions of subsection (a) of this Code section, in  
31 such counties or areas a certificate of emission inspection shall not be required during this  
32 initial 12-month period. Following such initial 12-month period, owners of responsible  
33 motor vehicles in such counties or areas shall obtain a valid certificate of emission  
34 inspection no later than the date established by the board.~~

35 ~~(e)~~ (d) In each county or area subject to this article on July 1, 1992, owners of responsible  
36 motor vehicles shall obtain a valid certificate of emission inspection issued pursuant to this  
37 article not later than June 30, 1993.

1 ~~(f)~~ (e) The requirements of paragraphs (1) through (4) of subsection (c) of this Code section  
 2 shall remain in effect in each county or area either during such time as such county or any  
 3 part of the county continues to be designated by the USEPA pursuant to the federal Clean  
 4 Air Act as a nonattainment area or during such time as the emission program for each such  
 5 county is contained in the state's air quality maintenance plan.

6 ~~(g)~~ (f) Notwithstanding the other provisions of this Code section, the requirements of this  
 7 article shall not apply to vehicles registered as specified in subsection (a) of this Code  
 8 section where the owner of such vehicle certifies, under oath and subject to the monetary  
 9 penalty provided in Code Section 16-10-71 upon conviction for false swearing therein,  
 10 which certification may be made either by mail and accompanied by a photocopy of the  
 11 person's military identification card or in person, that:

12 (1) Such vehicle is so registered by a Georgia resident on active duty in the armed  
 13 services of the United States then residing outside the State of Georgia;

14 (2) At the time the provisions of this article are being or are sought to be enforced with  
 15 respect to such vehicle, the owner's domicile or, if such vehicle is primarily used in  
 16 connection with some established business enterprise, such established business  
 17 enterprise is not located in any county wherein any responsible motor vehicle is subject  
 18 to the requirements of this article; or

19 (3) Such vehicle is or will be, during the inspection term for which the provisions of this  
 20 article are being or are sought to be enforced with respect to such motor vehicle,  
 21 permanently assigned or let for use to a person not domiciled or an established business  
 22 enterprise not located in any county wherein any responsible motor vehicle is subject to  
 23 the requirements of this article.

24 The director shall provide the forms for any such certification.

25 ~~(h)~~ (g) Vehicles that are driven less than 5,000 miles per year and are ten years old or older  
 26 will be exempted from testing, provided that the owner of such vehicle is 65 years old or  
 27 older.

28 ~~(i)~~ (h) Antique and collector cars and trucks 25 years old or older will be exempted from  
 29 testing."

#### 30 SECTION 4.

31 Said article is further amended by inserting a new Code Section 12-9-46.1 to read as follows:

32 "12-9-46.1.

33 There is established a special fund to be known as the 'motor vehicle emissions fund.' This  
 34 fund shall consist of all moneys collected under paragraph (2) of subsection (c) of Code  
 35 Section 12-9-47, any appropriations by the General Assembly to the fund, any  
 36 contributions to the fund from any other source, and all interest thereon. All balances in

1 the fund shall be deposited in an interest-bearing account identifying the fund and shall be  
 2 carried forward each year so that no part thereof may be deposited in the general treasury.  
 3 The department shall administer the fund and expend moneys held in the fund in  
 4 furtherance of motor vehicle emissions reduction programs. In addition to the foregoing,  
 5 the department may, without limitation, promote and solicit voluntary contributions and  
 6 develop any fund raising or other promotional techniques deemed appropriate by the  
 7 department. Contributions to the fund shall be deemed supplemental to and shall in no way  
 8 supplant funding that would otherwise be appropriated for these purposes."

9 **SECTION 5.**

10 Said article is further amended by striking Code Section 12-9-47, relating to further powers  
 11 and duties of the board and designation of department personnel as board's agents, and  
 12 inserting in its place the following:

13 "12-9-47.

14 (a) The board shall have and may exercise the following powers and duties under this  
 15 article:

16 (1) To prescribe by rule or regulation standards, requirements, or procedures to ensure  
 17 the uniform operation of official emission inspection stations in a sufficient number, at  
 18 such locations, and in a manner satisfactory to the board and in conformance with all  
 19 standards, requirements, and specifications prescribed for such inspection stations,  
 20 procedures, personnel, and equipment by the board pursuant to this article;

21 (2) To prescribe by rule or regulation procedures for licensing mechanic inspectors under  
 22 this article;

23 (3) To prescribe by rule or regulation procedures for certification of authorized emission  
 24 inspection stations which shall be certified by the department to inspect responsible motor  
 25 vehicle emissions, responsible motor vehicle emission control equipment, and on-board  
 26 diagnostic equipment for compliance with the requirements of this article;

27 (4) To prescribe by rule or regulation forms, applications, certificates, licenses, or other  
 28 documentation which may be required by the department to administer and implement  
 29 this article;

30 (5) To prescribe by rule or regulation procedures, standards, and methods for inspecting  
 31 emission inspection stations or other establishments to enforce and ensure compliance  
 32 with the requirements of this article;

33 (6) To prescribe by rule or regulation procedures or methods of scheduling responsible  
 34 motor vehicles for emission inspection during any inspection term; and

35 (7) To prescribe by rule or regulation procedures for identifying, through the use of  
 36 remote sensing technology or other means, vehicles which are producing excessive

1 exhaust emissions at times other than their regularly scheduled inspection. The board may  
2 require that any such vehicle undergo an official emission inspection as prescribed by  
3 subsection (a) of Code Section 12-9-48, whether or not such vehicle is covered by a valid  
4 certificate of emission inspection. The board may prescribe that the owner of any such  
5 vehicle which fails to pass such inspection perform repairs and pass a reinspection in the  
6 same manner as provided by subsection (d) of Code Section 12-9-48.

7 (b) With respect to the powers vested in the board pursuant to subsection (a) of this Code  
8 section, the board may designate personnel of the department as the board's agents in  
9 exercising the powers so vested.

10 (c)(1) The board shall prescribe by rule or regulation and implement procedures for  
11 measuring, through the use of remote sensing technology or other means, exhaust  
12 emissions from vehicles at times other than their regularly scheduled inspection. Any  
13 vehicle undergoing such remote sensing shall have its license tag number recorded for  
14 reference, and the vehicle's emissions shall be classified into one of four categories:  
15 significantly below standard, likely below standard, questionable, or likely high emitter.  
16 Such rule or regulation shall consider the number of readings, the time period between  
17 readings, the number of random readings, and likely high emitter readings to allow a  
18 vehicle to be eligible for a certificate from the department which shall exempt such  
19 vehicle from the emission inspection requirements of this article for the next inspection  
20 term. Any vehicle recorded with a likely high emitter reading shall not be eligible for  
21 such a certificate during the next emissions inspection term.

22 (2) A fee shall be collected by the department from the owner of any vehicle which is  
23 issued a certificate provided for in paragraph (1) of this subsection; provided, however,  
24 that such fee shall be no less than \$10.00 and no more than \$20.00 per certificate. The  
25 fee shall be used for operation of the remote sensing equipment and for database and  
26 administrative support, including public information and outreach, and \$3.00 of such fee  
27 shall be retained by the department and deposited into the motor vehicle emissions fund.

28 (3) For the remote sensing authorized by paragraph (7) of subsection (a) of this Code  
29 section and subsection (c) of this Code section, the board shall prescribe by rule or  
30 regulation procedures for approval by the division of any equipment used for remote  
31 sensing and standards, requirements, or specifications for such equipment; procedures for  
32 authorization by the director and qualifications of persons authorized to perform remote  
33 sensing; operating techniques, specifications, procedures, criteria, and requirements for  
34 the performance of remote sensing; requirements for record keeping and reporting,  
35 including, but not limited to, results of remote sensing and issuance of exemptions; and  
36 any fees to be charged for the performance of remote sensing as authorized by subsection  
37 (c) of this Code section."

**SECTION 6.**

Said chapter is further amended by striking subsection (c) of Code Section 12-9-49, relating to application to conduct emission inspections and certificate of authorization, and inserting in its place the following:

"(c) The board shall not in any manner limit the number, location, and types of authorized inspection stations certified to operate in any nonattainment area, county, or any portion of a county or area. In no event shall the board enter into any contract or into a series of contracts the effect of which will be the realization of centralized testing, except for testing authorized by subsection (c) of Code Section 12-9-47."

**SECTION 7.**

(a) This Act shall become effective on January 1, 2005, except as otherwise provided by subsection (b) of this section.

(b) If an amendment to the Constitution of the State of Georgia authorizing the designation of funds to the department for remote sensing emissions testing and the creation of a nonlapsing motor vehicle emissions fund for support of motor vehicle emissions reduction programs is not ratified at the general election in 2004, this Act shall not become effective and shall be repealed in its entirety on January 1, 2005.

**SECTION 8.**

All laws and parts of laws in conflict with this Act are repealed.