

House Bill 980

By: Representatives Thomas of the 100<sup>th</sup> and Buckner of the 130<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 to authorize the Board  
3 of Natural Resources to adopt certain motor vehicle emission standards or limitations; to  
4 define certain terms; to change certain provisions relating to certificate of emission  
5 inspection; to change certain provisions relating to powers and duties of the Board of Natural  
6 Resources, designation of the commissioner or director as the board's agent, and powers and  
7 duties of the director; to change certain provisions relating to requirement of certificate of  
8 emission inspection, standards for issuance, inspectors, equipment, and procedures, notice  
9 of violation of emission standards, reinspection after repairs, inspection sticker, new vehicles,  
10 and replacement stickers; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Article 2 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to  
14 motor vehicle emission inspection and maintenance, is amended in Code Section 12-9-43,  
15 relating to definitions relative such article, by adding new paragraphs to read as follows:

16 "(1.1) 'California standards' means those motor vehicle emission standards or limitations,  
17 including but not limited to any standards or limitations regulating vehicular emission of  
18 greenhouse gases, adopted by the State of California and for which such state has  
19 obtained a waiver pursuant to subsection (b) of 42 U.S.C.A. Section 7543."

20 "(11.1) 'Greenhouse gases' means carbon dioxide, methane, nitrous oxide,  
21 hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride."

22 style="text-align:center">**SECTION 2.**

23 Said article is further amended by striking subsection (c) of Code Section 12-9-45, relating  
24 to certificate of emission inspection, and inserting in lieu thereof the following:

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

1 (1) An inspection of exhaust emissions of hydrocarbons, nitrogen oxides, and carbon  
 2 monoxide and evaporative emissions of hydrocarbons, as required by Code Section  
 3 12-9-48, has been performed;

4 (1.1) An inspection of emissions of greenhouse gases, if required pursuant to board rule  
 5 or regulation promulgated under this article, has been performed;

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

10 (2.1) The responsible motor vehicle complies, as required by Code Section 12-9-48, with  
 11 applicable emission standards or emission limitations for greenhouse gases specified for  
 12 such vehicle by the board pursuant to Code Section 12-9-46, if any;

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

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

### 23 SECTION 3.

24 Said article is further amended by striking paragraph (3) of subsection (a) of Code Section  
 25 12-9-46, relating to powers and duties of the Board of Natural Resources, designation of the  
 26 commissioner or director as the board's agent, and powers and duties of the director, and  
 27 inserting in lieu thereof the following:

28 "(3) To prescribe by rule or regulation emission standards or emission limitations  
 29 limiting the amounts of allowable exhaust emissions of hydrocarbons, nitrogen oxides,  
 30 and carbon monoxide and evaporative emissions of hydrocarbons from responsible motor  
 31 vehicles as defined in this article. Such standards or limitations may specify the amount  
 32 of allowable emissions by part per million, percentage of total volume or weight of  
 33 emissions, or such other method as the board selects. ~~In no event shall the emission~~  
 34 ~~limitations~~ The emission standards or limitations shall not be stricter than those required  
 35 by the USEPA pursuant to the federal Clean Air Act, as amended, for the particular  
 36 vehicle to which such standards or limitations apply; except that the board may adopt

1 stricter standards or limitations identical to California standards in accordance with 42  
 2 U.S.C.A. Section 7507. Such emission limitations and emission standards may  
 3 distinguish between model years, engine types and sizes, trucks and passenger vehicles,  
 4 or weights of vehicles and may be applicable to groups of vehicles classed according to  
 5 any such distinctions. Such emission standards or limitations shall be technically feasible.  
 6 The board may provide by rule or regulation for the method of application of such  
 7 standards or limitations to vehicles with engines of a model year different from the  
 8 vehicle model year;"

#### 9 SECTION 4.

10 Said article is further amended by striking subsection (a) of Code Section 12-9-48, relating  
 11 to requirement of certificate of emission inspection, standards for issuance, inspectors,  
 12 equipment, and procedures, notice of violation of emission standards, reinspection after  
 13 repairs, inspection sticker, new vehicles, and replacement stickers, and inserting in lieu  
 14 thereof the following:

15 "(a) Each responsible motor vehicle subject to any requirement under Code Section  
 16 12-9-45 must receive a certificate of emission inspection once during any inspection term  
 17 from an emission inspection station holding a valid certificate of authorization from the  
 18 department. A certificate of emission inspection shall be issued for such a responsible  
 19 motor vehicle if, upon inspection by a licensed mechanic inspector, the mechanic inspector  
 20 determines, consistent with the terms of Code Section 12-9-45, with respect to such  
 21 responsible motor vehicle:

22 (1) That any emission control equipment required on such responsible motor vehicle  
 23 when new by pursuant to the federal Clean Air Act and required to be inspected by the  
 24 regulations of the board promulgated ~~pursuant to~~ under this article has been inspected and  
 25 the mechanic inspector has determined that such equipment has not been rendered  
 26 unserviceable by removal, alteration, lack of maintenance, or other interference with its  
 27 operation unless such equipment was replaced with equivalent equipment which has been  
 28 certified by the USEPA;

29 (2) That an inspection and testing of the exhaust emissions of hydrocarbons, nitrogen  
 30 oxides, and carbon monoxide from such responsible motor vehicle have been performed;

31 (3) That an inspection and testing of evaporative emissions of hydrocarbons from such  
 32 responsible motor vehicle have been performed;

33 (3.1) That an inspection and testing of emissions of greenhouse gases from such  
 34 responsible motor vehicle have been performed if required by board rule or regulation  
 35 promulgated under this article;

1 (4) That the exhaust emissions ~~and~~ evaporative emissions, and emissions of greenhouse  
2 gases from the responsible motor vehicle do not exceed any applicable emission standard  
3 or emission limitation for allowable emissions of hydrocarbon, nitrogen oxides, or carbon  
4 monoxide, or greenhouse gases prescribed by the board pursuant to this article; and  
5 (5) That any on-board diagnostic equipment required on such responsible motor vehicle  
6 when new by pursuant to the federal Clean Air Act and required to be inspected pursuant  
7 to the regulations promulgated by the board has been inspected and the mechanic  
8 inspector has determined that such equipment meets the inspection criteria prescribed by  
9 the board."

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**SECTION 5.**

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