

House Bill 820

By: Representative Powell of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-9-46 of the Official Code of Georgia Annotated, relating to
2 powers and duties of Board of Natural Resources, designation of commissioner or director
3 as board's agent, and power and duties of director, so as to repeal a minimum and maximum
4 allowable fee for motor vehicle emissions inspections; to amend Article 3 of Chapter 8 of
5 Title 40 of the Official Code of Georgia Annotated, relating to inspections by officers of
6 Department of Public Safety, so as to repeal such article; to require vehicle equipment
7 inspections; to provide for procedures, conditions, and limitations relative to such inspections
8 and issuance of certificates of compliance; to provide for powers and duties of the
9 department relative to such inspections; to provide for penalties; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Code Section 12-9-46 of the Official Code of Georgia Annotated, relating to powers and
14 duties of Board of Natural Resources, designation of commissioner or director as board's
15 agent, and power and duties of director, by revising paragraph (9) of subsection (a) as
16 follows:

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17 "(9) To prescribe by rule or regulation fees to be charged by emission inspection stations
18 for the performance of emission inspections; provided, however, that such fee shall be
19 ~~no less than \$10.00 and no more than \$25.00 per inspection~~ and shall be based on the cost
20 of performing such inspection in an adequate and proper manner including, without
21 limitation, the cost of equipment, testing, labor, training, record keeping, reporting, and
22 other overhead expenses;"

23 **SECTION 2.**

24 Article 3 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to
25 inspections by officers of Department of Public Safety, is amended by repealing such article
26 and enacting a new Article 3 to read as follows:

27 "ARTICLE 3

28 40-8-200.

29 As used in this article, the term:

30 (1) 'Certificate of authorization' means a certificate issued by the Department of Public
31 Safety to each establishment or location designated as an official vehicle equipment
32 inspection station.

33 (2) 'Certificate of vehicle equipment inspection' means an official certificate issued upon
34 the inspection and approval of motor vehicle equipment in accordance with this article
35 and the rules and regulations promulgated pursuant to this article. Such certificates shall
36 be furnished to official vehicle equipment inspection stations by the department to be
37 completed and issued by such stations to the owner or operator of a motor vehicle upon
38 inspection and approval certifying that such motor vehicle has been inspected and
39 complies with the standards and maintenance required by this article.

40 (3) 'Department' means the Department of Public Safety.

41 (4) 'Inspection term' means the period of time for which a certificate of vehicle
42 equipment inspection shall be considered valid.

43 (5) 'Mechanic inspector' means a person approved and issued a license by the department
44 to perform the emission inspections required by this article.

45 (6) 'Model year' means a motor vehicle manufacturer's annual production period, as
46 determined by the director; provided that, if the manufacturer has no annual production
47 period, the term 'model year' shall mean the calendar year. The model year shall be
48 determined by the vehicle identification number appearing on the vehicle.

49 (7) 'Vehicle equipment inspection station' means a motor vehicle dealership, garage,
50 service station, or other establishment designated or operated by the department and
51 which has been issued by the director a certificate of authorization as a vehicle equipment
52 inspection station authorized to carry out the vehicle equipment inspections required by
53 this article.

54 (8) 'Vehicle equipment inspection sticker' means a sticker issued in conjunction with a
55 certificate of vehicle equipment inspection to be displayed on the motor vehicle.

56 40-8-201.

57 The department shall have the following powers and duties under this article:

58 (1) To prescribe by rule or regulation standards, requirements, or specifications for motor
59 vehicle compliance with the equipment standards set forth in this chapter.

60 (2) To prescribe by rule or regulation equipment standards, requirements, or
61 specifications for any inspection equipment used to test, measure, inspect for, or
62 determine compliance by a motor vehicle or any motor vehicle equipment with the
63 standards, limitations, or other requirements established by or under the authority of this
64 article;

65 (3) To prescribe by rule or regulation standards and qualifications for mechanic
66 inspectors licensed to operate inspection equipment to inspect motor vehicles or motor

67 vehicle equipment for compliance with the standards, limitations, or other requirements
68 established by or pursuant to this article;

69 (4) To prescribe by rule or regulation operating techniques, specifications, procedures,
70 requirements for records maintenance, criteria, and other requirements applicable to
71 vehicle equipment inspection stations authorized to inspect motor vehicles or motor
72 vehicle equipment for compliance with the standards, limitations, or other requirements
73 established by or pursuant to this article;

74 (5) To prescribe by rule or regulation requirements for record keeping and reporting,
75 including, but not limited to, monitoring, surveys, inventories, inspections, reinspections,
76 and the results thereof, certification and licensing of mechanic inspectors, certification
77 of vehicle equipment inspection stations, and certificates of vehicle equipment inspection
78 issued;

79 (6) To prescribe by rule or regulation for the exemption of certain motor vehicles or
80 model years from the requirements of this article;

81 (7) To prescribe by rule or regulation fees to be charged by vehicle equipment inspection
82 stations for the performance of vehicle equipment inspections; provided, however, that
83 such fee shall be based on the cost of performing such inspection in an adequate and
84 proper manner including, but not limited to, the cost of equipment, testing, labor, training,
85 record keeping, reporting, and other overhead expenses;

86 (8) To prescribe by rule or regulation for an inspection term for required vehicle
87 equipment inspections of motor vehicles;

88 (9) To advise, consult, cooperate, and contract with other state agencies including, but
89 not limited to, the Department of Revenue, any political subdivision of the state, any
90 designated organizations of elected officials within the state, or any other person or entity
91 as necessary to implement and adequately enforce and ensure compliance with any
92 requirement created, provided, prescribed, or established pursuant to this article;

- 93 (10) To exercise general supervision over the administration and enforcement of this
94 article and all rules and regulations and orders promulgated under this article;
- 95 (11) To issue certificates and licenses and to deny, suspend, or revoke certificates and
96 licenses;
- 97 (12) To issue all orders and processes as may be necessary to enforce compliance with
98 provisions of this article and all rules and regulations promulgated under this article, and
99 to seek collection of all penalties imposed pursuant to this article;
- 100 (13) To conduct such public hearings as are deemed necessary for the proper
101 administration of this article;
- 102 (14) To make investigations, analyses, and inspections to determine and ensure
103 compliance with this article and all rules and regulations promulgated pursuant to this
104 article;
- 105 (15) To institute and prosecute such administrative and court actions as may be necessary
106 to enforce compliance with any provisions of this article and all rules and regulations
107 promulgated pursuant to this article;
- 108 (16) To exercise all incidental powers necessary to carry out the purposes of this article;
109 and
- 110 (17) To encourage voluntary cooperation by affected persons and groups to achieve the
111 purposes of this article.

112 40-8-202.

- 113 (a) In addition to any requirements required by Chapter 2 of this title prior to issuance of
114 a motor vehicle registration pursuant to such chapter, the owner of a motor vehicle shall
115 obtain a valid certificate of vehicle equipment inspection issued by a vehicle equipment
116 inspection station certified under this article. Such certificate shall be obtained by any
117 motor vehicle owned by any federal agency, state agency, municipality, or other political
118 subdivision registered pursuant to Code Section 40-2-34 or 40-2-35, whichever is

119 applicable, and assigned for use to any federal agency, state agency, municipality, or other
120 political subdivision located in such county and for each motor vehicle which is operated
121 60 days or more in any calendar year on a federal installation located in whole or in part
122 in any such county.

123 (b) A certificate of vehicle equipment inspection shall be valid for one inspection term.
124 The owner of each motor vehicle subject to the provisions of subsection (a) of this Code
125 section shall obtain a new certificate of vehicle equipment inspection on or before the date
126 the current certificate of vehicle equipment inspection expires or prior to the vehicle
127 registration date in the year following the expiration of the certificate, as determined by the
128 department.

129 (c) Such certificate of vehicle equipment inspection shall certify that:

130 (1) An inspection of the motor vehicle has been performed; and

131 (2) The motor vehicle complies with the standards set forth by this chapter.

132 (d) The inspection term for a motor vehicle with a model year:

133 (1) Less than five years old shall be five years;

134 (2) From five years old to ten years old shall be two years; and

135 (3) Ten years old or older shall be one year.

136 40-8-203.

137 The department shall have and may exercise the following powers and duties under this
138 article:

139 (1) To prescribe by rule or regulation standards, requirements, or procedures to ensure
140 the uniform operation of official vehicle equipment inspection stations in a sufficient
141 number and in a manner satisfactory to the department and in conformance with all
142 standards, requirements, and specifications prescribed for such inspection stations,
143 procedures, personnel, and equipment by the department pursuant to this article;

- 144 (2) To prescribe by rule or regulation procedures for licensing mechanic inspectors under
145 this article;
- 146 (3) To prescribe by rule or regulation procedures for certification of authorized vehicle
147 equipment inspection stations which shall be certified by the department to inspect motor
148 vehicle equipment for compliance with the requirements of this article;
- 149 (4) To prescribe by rule or regulation forms, applications, certificates, licenses, or other
150 documentation which may be required by the department to administer and implement
151 the provisions of this article;
- 152 (5) To prescribe by rule or regulation procedures, standards, and methods for inspecting
153 vehicle equipment inspection stations or other establishments to enforce and ensure
154 compliance with the requirements of this article; and
- 155 (6) To prescribe by rule or regulation procedures or methods of scheduling motor
156 vehicles for vehicle equipment inspection during any inspection term.

157 40-8-204.

158 (a) A certificate of vehicle equipment inspection shall be issued for a motor vehicle if,
159 upon inspection by a licensed mechanic inspector, the mechanic inspector determines that
160 such motor vehicle complies with the standards set forth by the department for verifying
161 compliance with the equipment requirements of this chapter.

162 (b) Compliance with any applicable vehicle equipment standards shall be determined by
163 mechanic inspectors meeting qualifications and following inspection procedures prescribed
164 by the department pursuant to this article.

165 (c) If the inspection discloses any violation of any applicable vehicle equipment standards,
166 the owner shall be notified, in writing, of the equipment which is in violation of the
167 standard.

168 (d) The owner shall have any necessary maintenance and repairs performed on any motor
169 vehicle violating any applicable vehicle equipment standard and return the motor vehicle

170 for reinspection at a vehicle equipment inspection station within 30 days of the initial
171 inspection. Such reinspection shall be at no charge to the owner. If, upon reinspection,
172 such motor vehicle fails to meet the requirements of subsection (a) of this Code section, no
173 certificate of vehicle equipment inspection shall be issued.

174 (e) A time extension not to exceed the period of the inspection frequency may be granted
175 to obtain needed repairs on a vehicle in the case of economic hardship. After having
176 received a time extension under this subsection, a vehicle shall fully pass the applicable test
177 standards before becoming eligible for another time extension.

178 (f) The department may require each motor vehicle to display an emission inspection
179 sticker issued in conjunction with a certificate of vehicle equipment inspection on the
180 motor vehicle once it has been approved as meeting the requirements of this article. Any
181 vehicle equipment inspection sticker shall bear such information as shall be required by the
182 department. The mechanic inspector shall remove from the vehicle being inspected any
183 old vehicle equipment inspection sticker when a new vehicle equipment inspection sticker
184 is issued.

185 (g) All certificates of vehicle equipment inspection shall be issued by the department for
186 the inspection term.

187 (h) A new motor vehicle otherwise required under this article to have an inspection or
188 certificate of inspection shall not be required to have either such inspection or certificate
189 at the time of the initial retail sale or delivery of that vehicle, but the required vehicle
190 equipment inspection and certificate of inspection shall be obtained prior to the vehicle
191 registration date in the calendar year two years after the vehicle's model year.

192 (i) The department may establish methods by which the owner of a motor vehicle who has
193 lost the certificate of vehicle equipment inspection required in any inspection term may
194 have a duplicate certificate of vehicle equipment inspection issued. In all cases, the new
195 vehicle equipment inspection sticker or duplicate certificate of vehicle equipment

196 inspection shall be valid only for the remainder of the period for which the replaced vehicle
197 equipment inspection sticker or certificate of vehicle equipment inspection was to be valid.

198 40-8-205.

199 (a) Any garage or other establishment which desires to conduct vehicle equipment
200 inspections shall submit to the department an application for a certificate of authorization
201 under this article. Applications shall be made upon a form designated by the department
202 for such purpose.

203 (b) A certificate of authorization and certificates of vehicle equipment inspection shall be
204 issued only after the department has determined that an applicant's proposed inspection
205 station will be properly equipped, has the necessary licensed mechanic inspectors to
206 conduct inspections, and meets all other requirements of this article.

207 (c) The department shall not in any manner limit the number, location, and types of
208 authorized inspection stations certified to operate in any county. In no event shall the
209 department enter into any contract or into a series of contracts the effect of which will be
210 the realization of centralized testing.

211 (d) The department, prior to issuing a certificate of authorization, shall require proof that
212 the applicant has either filed a bond or has obtained liability insurance in a form and
213 amount satisfactory to ensure compensation for any damage to a vehicle during an
214 inspection caused by negligence of the applicant or its agent.

215 (e) With respect to any certificate of authorization issued to any vehicle equipment
216 inspection station licensed, authorized, or certified by the department to inspect responsible
217 motor vehicle equipment for compliance with the requirements of this article, the following
218 shall apply:

219 (1) The department shall ensure the operation of such official vehicle equipment
220 inspection stations of a number, at locations, and in a condition satisfactory to the
221 department and in conformance with all standards, requirements, and specifications

222 prescribed for such inspection stations, procedures, personnel, and equipment pursuant
223 to this article; and each official vehicle equipment inspection station shall keep on hand
224 a record of inspections, reinspections, the results thereof, and certificates of inspection
225 issued in a manner designated by the department and in conformance with any
226 requirements for such records and reports prescribed pursuant to this article. All records
227 required in this article to be maintained by an official vehicle equipment inspection
228 station shall be on hand for inspection at all times;

229 (2) Any official vehicle equipment inspection station licensed, permitted, or established
230 under this Code section shall be required to perform inspections on motor vehicles in
231 conformity with regulations or requirements established, prescribed, or promulgated
232 pursuant to this article;

233 (3) A fee as set forth by the board pursuant to Code Section 40-8-201 shall be charged
234 by each vehicle equipment inspection station for performance of the vehicle equipment
235 inspection;

236 (4) No certificate of authorization for a vehicle equipment inspection station shall be
237 assigned or transferred or used in any location other than the one designated on such
238 certificate; and

239 (5) Every certificate of authorization for a vehicle equipment inspection station and
240 mechanic inspector license shall be posted in a conspicuous place in the station.

241 40-8-206.

242 (a) Beginning January 1, 2025, no county shall register any motor vehicle without proof
243 of a valid certificate of vehicle equipment inspection issued pursuant to this article. In
244 applying for motor vehicle registration, the application shall be accompanied by proof of
245 the issuance of a certificate of vehicle equipment inspection issued pursuant to this article.
246 Any county which registers any motor vehicle without proof of such a certificate shall be
247 in violation of this article.

248 (b) On and after January 1, 2026, no person shall operate a motor vehicle upon the
249 highways of this state without a valid certificate of vehicle equipment inspection issued in
250 compliance with this article. Any person who operates a motor vehicle upon the highways
251 of this state without a valid registration issued in compliance with this article shall be
252 considered to be operating an unregistered motor vehicle.

253 40-8-207.

254 The director may amend, modify, revoke, or suspend any certificate of authorization issued
255 to a vehicle equipment inspection station or any license issued to a mechanic inspector for
256 cause, including but not limited to:

257 (1) Violating the provisions of this article concerning the inspection of any motor
258 vehicle; or

259 (2) Receipt of a request for an amendment, modification, suspension, or revocation by
260 the vehicle equipment inspection station or mechanic inspector.

261 40-8-208.

262 (a)(1) No person shall in any manner represent any place or establishment as an official
263 vehicle equipment inspection station unless such station has been issued a valid certificate
264 of authorization by the department.

265 (2) No person shall issue a certificate of vehicle equipment inspection for any motor
266 vehicle unless such person holds a valid certificate of authorization issued pursuant to this
267 article and such vehicle has been inspected and approved by a licensed mechanic
268 inspector as required by this article.

269 (b)(1) No person shall make, issue, or knowingly use any imitation or counterfeit of an
270 official certificate of vehicle equipment inspection.

271 (2) No person shall possess, display, or cause or permit to be displayed upon any vehicle
272 any vehicle equipment inspection sticker while knowing the same to be counterfeit,
273 issued for another vehicle, or issued without the required inspection and approval.
274 (c) It shall be unlawful for any person to operate or permit to be operated on any highway
275 of this state a motor vehicle subject to the requirements of Chapter 2 of Title 40 which is
276 at the time of operation required to have a certificate of vehicle equipment inspection under
277 this article without a valid certificate of vehicle equipment inspection and vehicle
278 equipment inspection sticker. For purposes of this subsection, each day of operation is a
279 separate offense.
280 (d) Any person violating any provision of this article shall be guilty of a misdemeanor and,
281 upon conviction thereof, shall be punished by a fine of not less than \$50.00 nor more than
282 \$1,000.00."

283

SECTION 3.

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