

LD7021607

## SENATE BILL NO. 275

Senate Amendments in [ ] — February 14, 1994

A *BILL to amend and reenact §§ 46.2-1176, 46.2-1178, 46.2-1179, and 46.2-1180 of the Code of Virginia, relating to motor vehicle emissions inspections.*

Patrons—Barry, Benedetti, Calhoun, Houck, Howell, Lucas, Miller, K.G., Quayle, Reasor, Stosch, Trumbo and Woods; Delegates: Albo, Fisher, Howell, Katzen, Marshall, Mayer, Melvin, Nelms and O'Brien

Referred to the Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-1176, 46.2-1178, 46.2-1179, and 46.2-1180 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-1176. Definitions.

The following words and phrases when used in this article shall have the following meanings except where the context clearly indicates a different meaning:

"Board" means the State Air Pollution Control Board.

"Certificate of emissions inspection" means a document, device, or symbol, prescribed by the Director and issued pursuant to this article, which indicates that (i) a motor vehicle has satisfactorily complied with the emissions standards and passed the emissions inspection provided for in this article; (ii) the requirement of compliance with such emissions standards has been waived; or (iii) the motor vehicle has failed such emissions inspection.

"Director" means the Director of the Department of Environmental Quality.

"Emissions inspection station" means any facility which has obtained an emissions inspection station permit from the Director authorizing the facility to perform emissions inspections in accordance with this article.

"Enhanced emissions inspection program" means a motor vehicle emissions inspection system including test procedures, emissions standards, and equipment as provided in regulations of the federal Environmental Protection Agency and consistent with applicable requirements established by regulations of the Board which shall include selection of the most cost effective equipment to perform test procedures which meet emissions standards established by the Board to reduce air pollution from motor vehicles as required by applicable provisions of Title I of the Clean Air Act.

"Fleet emissions inspection station" means any inspection facility operated under a permit issued to a qualified fleet owner or lessee as determined by the Director.

"Motor vehicle" means any vehicle which:

1. Was manufactured for the 1968 model year or a more recent model year;
2. Is designed for the transportation of persons or property;
3. Is more than one year old, calculated from the date such motor vehicle was first titled; and
4. Is powered by an internal combustion engine.

The term "motor vehicle" does not include any:

1. Vehicle powered by a diesel engine;
2. Motorcycle;
3. Vehicle which, at the time of its manufacture, was not designed to meet emissions standards set or approved by the federal government; or
4. Any antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730.

"Referee station" means an inspection facility operated or used by the Department of Environmental Quality (i) to determine program effectiveness, (ii) to resolve emissions inspection conflicts between motor vehicle owners and emissions inspection stations, and (iii) to provide such other technical support and information, as appropriate, to emissions inspection stations and vehicle owners.

"Test only" "Test and repair" means motor vehicle emissions inspection facilities that perform only official motor vehicle emissions inspections and such other procedures and functions as permitted by regulations of the Board may also perform vehicle repairs. No regulation of the Board shall bar inspection facilities from also performing vehicle repairs.

[ "Test only" means motor vehicle emissions inspection facilities that perform only official motor vehicle emissions inspections and such other procedures and functions as permitted by regulations of the Board. ]

§ 46.2-1178. Administration and scope of emissions inspection program.

A. Except as otherwise provided in this section, the emissions inspection program provided for in

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60 this article shall apply to motor vehicles having actual gross weights of 8,500 pounds or less that are  
61 registered in the Counties of Arlington, Fairfax, and Prince William, and the Cities of Alexandria,  
62 Fairfax, Falls Church, Manassas, and Manassas Park. The provisions of this subsection shall expire when  
63 the provisions of subsection C of this section become effective.

64 B. An emissions inspection program as required by regulations adopted by the Board under this  
65 article shall apply to motor vehicles that have actual gross weights of 8,500 pounds or less and are  
66 registered in the Counties of Chesterfield, Hanover, and Henrico and the Cities of Colonial Heights,  
67 Hopewell, and Richmond. Such emissions inspection program shall be a basic, test and repair program  
68 with the greatest number of inspection facilities consistent with the consumer protection and fee  
69 provisions herein as consistent with the Clean Air Act.

70 The same emissions inspections program required for motor vehicles registered in any locality  
71 specified in this subsection shall also apply to Virginia-registered motor vehicles that are not registered  
72 in that locality, but have a base of operations in that locality. The provisions of this subsection shall  
73 apply but not necessarily be limited to (i) motor vehicles owned by governmental entities, (ii) motor  
74 vehicles owned by military personnel residing in those localities, and (iii) motor vehicles owned by  
75 leasing or rental companies. The provisions of this subsection shall become effective July 1, [ 1994  
76 1995 1994. *The State Air Pollution Control Board may develop regulations to implement this act, but*  
77 *such regulations shall not require inspections in the localities specified in this subsection prior to July*  
78 *1, 1995, or the date on which the U.S. Environmental Protection Agency disapproves the redesignation*  
79 *request submitted on November 15, 1992, whichever of these occurs later. These regulations shall not*  
80 *become effective unless the U.S. Environmental Protection Agency notifies the State Air Pollution*  
81 *Control Board in writing that such localities are no longer in attainment pursuant to the provisions of*  
82 *the Clean Air Act ] , or on such later date as may be provided by regulations of the Board.*

83 C. The emissions inspection program provided for in this subsection shall be a ~~test-only test and~~  
84 ~~repair~~ enhanced emissions inspection program with the greatest number of inspection facilities consistent  
85 with the consumer protection and fee provisions herein; ~~unless changing performance standard~~  
86 ~~requirements under Section 182 (e) of the Clean Air Act allow consideration and approval of a test and~~  
87 ~~repair program in which case the Department of Environmental Quality shall include a test and repair~~  
88 ~~program as a part of its submission under Section 110 of the Clean Air Act and may include road~~  
89 ~~testing devices.~~ Any enhanced emissions inspection program provided for in this article shall apply to  
90 motor vehicles that have actual gross weights of 26,000 pounds or less and are registered in the  
91 Counties of Arlington, Fairfax, Fauquier, Loudoun, Prince William, and Stafford and the Cities of  
92 Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

93 The same ~~test-only test and repair~~ enhanced emissions inspection program or an equivalent program  
94 required for motor vehicles registered in any locality specified in this subsection shall also apply to  
95 Virginia-registered motor vehicles that are not registered in that locality, but have base of operations in  
96 that locality. The provisions of this subsection shall apply but not necessarily be limited to (i) motor  
97 vehicles owned by governmental entities, (ii) motor vehicles owned by military personnel residing in  
98 those localities, and (iii) vehicles owned by leasing or rental companies.

99 The provisions of this subsection shall be effective January 1, 1995, or on such later date as may be  
100 provided by regulations of the Board. The Director shall not enter into any agreements or contracts to  
101 implement the provisions of this section prior to February 1, 1994.

102 [ *D. Notwithstanding any other provision of this section, the Governor may at any time determine in*  
103 *writing that the requirements of federal law or regulation or changes in emissions by motor vehicles or*  
104 *other sources of air pollution in the localities mentioned in subsection C of this section warrant the*  
105 *adoption of an enhanced test only emissions inspection program consistent with regulations promulgated*  
106 *in accordance with Title I of the federal Clean Air Act. In that event, he shall direct the Board pursuant*  
107 *to its authority under this section and §§ 46.2-1179 and 46.2-1180 to adopt regulations to implement a*  
108 *test only program for those localities to replace any test and repair programs adopted hereunder. Such*  
109 *test only program shall be implemented as soon as practicable and shall be implemented as soon as*  
110 *practicable and economically feasible [ after its approval by the federal Environmental Protection*  
111 *Agency, following submission by the Governor of the State Implementation Plan. ]*

112 Any regulations in effect at the time this section becomes effective shall remain in effect until the  
113 Board promulgates new regulations in accordance with this section. ]

114 § 46.2-1179. Board to adopt emissions standards.

115 The Board shall adopt emissions standards necessary to implement the [ ~~test and repair~~ ] enhanced  
116 emissions inspection program provided for in this article.

117 § 46.2-1180. Board to adopt regulations; exemption of certain motor vehicles.

118 A. The Board is authorized to adopt such regulations for purposes of implementation, administration,  
119 and regulation as may be necessary to carry out the provisions of this article. Such regulations shall  
120 include but not necessarily be limited to requirements for the following:

121 1. The collection of data and maintenance of records of emissions inspection test results under this

122 article and the inspection results of the air pollution control systems or devices in accordance with  
123 § 46.2-1048 and regulations of the Board.

124 2. The calibration of emissions testing equipment by emissions inspection stations to ensure  
125 conformance with the standards adopted by the Board.

126 3. The establishment of appropriate referee stations.

127 4. The permitting of emissions inspection stations and fleet emissions inspection stations and the  
128 licensing of station personnel.

129 5. The protection of consumer interests in accordance with regulations of the ~~Environmental~~  
130 ~~Protection Agency Board~~ concerning, but not limited to: (i) the number of inspection facilities and  
131 inspection lanes relative to population density, (ii) the proximity of inspection facilities to motor vehicle  
132 owners, (iii) the time spent waiting for inspections, and (iv) the days and hours of operation of  
133 inspection facilities.

134 6. The prohibition of any manufacturer or distributor of emissions testing equipment from directly or  
135 indirectly owning or operating any emissions testing facility or having any direct or indirect financial  
136 interest in any such facility other than the leasing of or providing financing for equipment related to  
137 emissions testing.

138 The Director shall administer these regulations and seek compliance with conditions of any  
139 contractual arrangements which the Commonwealth may make for inspection services related to air  
140 pollution control.

141 B. If ~~an enhanced test-only emissions inspection program is adopted, motor~~ *Motor* vehicles being  
142 titled for the first time may be registered for up to two years without being subject to an emissions  
143 inspection, and the four immediately preceding model years being held in a motor vehicle dealer's  
144 inventory for resale may be registered in the localities mentioned in subsection [ ~~B C~~ ] of § 46.2-1178  
145 for up to one year without being subject to an emissions inspection, provided that the dealer states in  
146 writing that the emissions equipment on the motor vehicle was operating in accordance with the  
147 manufacturer's or distributor's warranty at the time of resale.

148 C. No motor vehicle for which the Board has not adopted emissions inspection standards shall be  
149 subject to an emissions inspection.

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