

CHAPTER 226 (HB 314)

AN ACT relating to motor vehicle emission inspection programs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 224.20-710 is amended to read as follows:

As used in KRS 224.20-710 to 224.20-765, unless the context clearly indicates otherwise:

- (1) "Compliance certificate" means an official emission inspection certificate issued by the cabinet or a county, air pollution control district, contractor, or fleet operator authorized by the cabinet, indicating that a vehicle has been tested in accordance with KRS 224.20-710 to 224.20-765 and complies with all applicable emission standards;
- (2) "Independent contractor" means any person, business firm, partnership, or corporation with whom the cabinet or a fiscal court may negotiate an agreement providing for construction, equipment, maintenance, personnel, management, and operation of an official emission inspection station;
- (3) "Control system" means equipment designed for installation or installed on a motor vehicle for the purpose of reducing the air contaminants emitted from the vehicle or a system or engine adjustment or modification which causes a reduction of air contaminants emitted from the vehicle;
- (4) "Exemption certificate" means an official exemption certificate issued by the cabinet or a county, contractor, or fleet operator authorized by the cabinet, indicating that a vehicle is exempt from certain requirements of KRS 224.20-710 to 224.20-765;
- (5) "Inspection station" means an official vehicle emission inspection facility whether placed in a permanent structure or in a mobile unit for conveyance among various locations within this Commonwealth, to conduct emission inspections of vehicles required to be inspected pursuant to KRS 224.20-710 to 224.20-765;
- (6) ***"Reciprocal certificate" means an official certificate issued by the cabinet or a county, air pollution control district, contractor, or fleet operator authorized by the cabinet, honoring an out-of-state certificate that indicates the vehicle was tested and either successfully passed the inspection or was exempt from the inspection in a state that is required to conduct vehicle emission testing by the Federal Environmental Protection Agency. A reciprocal certificate shall be valid for one (1) year from the date it is issued.***
- (7) "Vehicle" means any automobile or truck registered in this Commonwealth having a combined manufacturer's weight of vehicle and maximum load to be carried of up to eighteen thousand (18,000) pounds, which is equivalent to eight thousand one hundred eighty-two (8,182) kilograms, or less and used upon the public highways of the Commonwealth for the purpose of transporting persons or property; and
- (8)~~(7)~~ "Vehicle emission control program" means a program developed by the cabinet pursuant to KRS 224.20-710 to 224.20-765 which provides for the control of vehicle emissions of any air contaminant.

SECTION 2. A NEW SECTION OF KRS 224.20-710 TO 224.20-765 IS CREATED TO READ AS FOLLOWS:

- (1) *A person registering a motor vehicle in a county required to conduct vehicle emission testing under this chapter, who is transferring the registration of the vehicle from another state that is also required to conduct vehicle emission testing by the Federal Environmental Protection Agency, shall be issued a reciprocal certificate upon presenting to the cabinet or a county, air pollution control district, contractor, or fleet operator authorized by the cabinet, a valid certificate issued by the other state indicating the vehicle was tested and either successfully passed the inspection or was exempt from the inspection.*
- (2) *An out-of-state certificate shall be deemed to be valid in the Commonwealth for a period not to exceed one (1) year from the date it was issued and shall be presented to the cabinet or a county, air pollution control district, contractor, or fleet operator authorized by the cabinet, to conduct vehicle emission testing under this chapter.*
- (3) *A person issued a reciprocal certificate shall not be required to have the vehicle inspected under the provisions of this chapter until the reciprocal certificate expires.*

Section 3. KRS 224.20-755 is amended to read as follows:

- (1) A county fiscal court may apply to the cabinet for authority to operate a vehicle emission control program. The cabinet may delegate authority when it has found that the applicant:
 - (a) Has obtained approved machinery, tools, and equipment approved by the cabinet and adequate to conduct the required emission inspections;
 - (b) Has provided for a sufficient number of facilities to ensure minimum waiting time for vehicles to be inspected;
 - (c) Employs properly trained personnel with whom to perform the necessary inspections;
 - (d) Has adopted minimum emission standards for vehicles at least as stringent as those adopted by the cabinet; and
 - (e) Agrees to provide information prescribed by the cabinet concerning the implementation, administration, and operation of the vehicle emission control program.
- (2) *Any county that has received authority to operate a vehicle emission control program shall honor and issue reciprocal certificates as required under Section 2 of this Act. The provisions of this subsection shall supersede any existing local ordinance involving the inspection of motor vehicles under a vehicle emission control program administered by a county. All counties, cities, special districts, and other units of local government shall be prohibited from enacting an ordinance contrary to the provisions of this subsection.*
- (3) Any county which has received authority to operate a vehicle emission control program may charge an inspection fee. There shall be established an emission inspection account in the county. Unless an independent contractor is authorized pursuant to KRS 224.20-740 to collect inspection fees, the county clerk shall collect the fee at the time of registration renewal in the manner provided for cabinet programs. The inspection fees collected by the county clerk shall be immediately transferred to the county emission inspection account, except for a sum of no more than twenty-five cents (\$0.25) per vehicle which the county clerk may retain.
- ~~(4)~~~~(3)~~ A county which has received authority to operate a vehicle emission control program shall transmit to the cabinet's vehicle emission control fund two percent (2%) of the funds received from inspection fees or from the independent contractor authorized pursuant to KRS 224.20-740.

- ~~(5)~~~~(4)~~ The county may use the county's emission inspection fund to acquire any special equipment, tools, employees, material, or facilities needed to adequately administer, investigate, or enforce the provisions of KRS 224.20-710 to 224.20-765.
- ~~(6)~~~~(5)~~ The county may enter into a contract with the cabinet and receive state funds charged to the cabinet's vehicle emission control fund to start a vehicle emission control program.
- ~~(7)~~~~(6)~~ A county applying for delegation pursuant to this section may enter into a contract with one (1) or more independent contractors subject to the provisions of KRS 224.20-740 to provide for construction, equipment, establishment, maintenance and operation of inspection stations for the purpose of obtaining delegation pursuant to KRS 224.20-710 to 224.20-765.
- ~~(8)~~~~(7)~~ If the cabinet determines, after a hearing with notice, that a delegated vehicle emission control program is not being administered in accordance with KRS 224.20-710 to 224.20-765, the delegation of authority may be revoked by order of the cabinet and all unexpended money, equipment and facilities acquired by the county with funds granted by the cabinet shall be transferred to the cabinet.

Section 4. KRS 224.20-760 is amended to read as follows:

- (1) ***Except as provided in subsection (2) of this section***, the provisions of KRS 224.20-710 to 224.20-765 shall not detract from the authority provided air pollution control districts in KRS Chapters 77 and 224.
- (2) ***Any air pollution control district that has received authority to operate a vehicle emission control program shall honor and issue reciprocal certificates as required under Section 2 of this Act. The provisions of this subsection shall supersede any existing local ordinance involving the inspection of motor vehicles under a vehicle emission control program administered by an air pollution control district. All counties, cities, special districts, and other units of local government shall be prohibited from enacting an ordinance contrary to the provisions of this subsection.***
- (3) The authority in KRS 224.20-720 is provided to air pollution control districts provided:
 - (a) The air pollution control district may function and exercise its powers pursuant to resolution or ordinance as provided in ***this section and*** KRS Chapter 77; and
 - (b) The air pollution control district has been granted concurrent jurisdiction by the cabinet pursuant to KRS 224.20-130.

- ~~(4)~~~~(3)~~ Actions taken by an air pollution control district for violations of KRS 224.20-710 to 224.20-765 shall be enforced in accordance with the provisions of KRS 224.20-130(5).

Section 5. KRS 224.20-720 is amended to read as follows:

- (1) A compliance certificate shall be issued for each vehicle which meets and passes the annual inspection requirements. An exemption certificate may be issued under conditions adopted by the issuing authority, ***except that vehicles registered to military personnel on active duty whose duty station is outside of a county where a vehicle exhaust testing program is implemented shall receive an exemption certificate.*** A certificate shall be issued to a vehicle only at an official emissions inspection station established and operated under a valid permit issued by the cabinet. All certificates shall be serially numbered or otherwise identified. Certificates shall be strictly accounted for by the issuing authority.

- (2) No vehicle registered in counties required by the cabinet to have a vehicle emission control program shall have its registration renewed pursuant to KRS Chapter 186 without a valid compliance certificate or exemption certificate issued pursuant to KRS 224.20-710 to 224.20-765. Vehicles with state or official registration routinely operating in these counties shall be inspected at least once within each twelve (12) month period following the original registration.

Section 6. KRS 77.115 is amended to read as follows:

- (1) The air pollution control board is hereby declared to be the governing body of an air pollution control district, and shall manage and control all the affairs and property of such district, and shall exercise all the powers of such district not otherwise delegated by this chapter. In a county where a city-county compact under KRS 79.310 to 79.330 is in effect, the air pollution control board shall assume all of the duties and responsibilities of the hearing board appointed under KRS 77.105, and the hearing board shall be abolished.
- (2) Notwithstanding any provision of this chapter to the contrary, in a county where a city-county compact under KRS 79.310 to 79.330 is in effect, the air pollution control board shall have regulatory authority for the district, and the city or county, as appropriate, shall exercise funding and administrative control of the district.
- (3) ***In a county where the air pollution control board makes a finding of the need for and requires the implementation of a vehicle exhaust testing program, the board shall exempt from the program vehicles registered to military personnel on active duty whose duty station is outside of the county.***

Section 7. KRS 77.170 is amended to read as follows:

- (1) The General Assembly does not, by the provisions of this chapter, intend to occupy the field ***except for requiring a county air pollution control board to exempt from the requirements of a vehicle exhaust testing program vehicles registered to military personnel on active duty whose duty station is outside of a county.*** The provisions of this chapter do not prohibit the enactment or enforcement of any local ordinance stricter than the provisions of KRS 77.150 to 77.180 and stricter than the rules and regulations adopted pursuant to KRS 77.180 to 77.240, which local ordinance prohibits, regulates, or controls air pollution.
- (2) ***Except for requiring a county air pollution control board to exempt from the requirements of a vehicle exhaust testing program vehicles registered to military personnel on active duty whose duty station is outside of a county,*** the provisions of this chapter do not supersede any such local ordinance. If it should be held that the provisions of this chapter supersede the provisions of any local ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance, was in full force and effect.

Section 8. All counties and air pollution control districts that have authority to operate a vehicle emission control program under the provisions of KRS 224.20-710 to 224.20-765 shall be required to begin issuing reciprocal certificates upon the effective date of this Act. Any county, city, special district, or other unit of local government, including an air pollution control district, that currently has an ordinance requiring the inspection of motor vehicles under a locally administered vehicle emission control program, shall amend the ordinance within thirty (30) days of the effective date of this Act to require the issuance of reciprocal certificates. Any local government that fails to

amend an ordinance to issue reciprocal certificates in violation of this section shall have the local government's authority to administer a vehicle emission control program immediately suspended until the offending ordinance is amended.

Approved March 29, 2000