

By Representative Fuller

1 A bill to be entitled
2 An act relating to motor vehicle emissions and
3 safety inspections; amending s. 325.203, F.S.;
4 providing for biennial emissions inspections;
5 amending ss. 325.209 and 325.210, F.S.;
6 conforming to the act; amending s. 325.214,
7 F.S.; providing for a biennial inspection fee;
8 providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Section 325.203, Florida Statutes, is
13 amended to read:

14 325.203 Motor vehicles subject to annual inspection;
15 exemptions.--

16 (1) Each motor vehicle which is required to obtain an
17 inspection certificate shall obtain one or a waiver annually
18 within 180 days prior to the expiration of the motor vehicle
19 registration period, except that any vehicle the registration
20 period for which is established under s. 320.055(4) or (5) and
21 which is required to obtain an inspection certificate shall
22 obtain one or a waiver annually prior to the expiration of the
23 motor vehicle registration period.

24 (2) The department shall establish and administer in
25 each program area a biennial emissions inspection program for
26 all motor vehicles subject to inspection, to commence on
27 October 1, 1997.

28 (a) To convert to a biennial emissions inspection
29 program, the department shall establish a staggered emissions
30 inspection schedule for each program area pursuant to the
31 following criteria:

1 1. The department shall seek to equalize the total
2 number of vehicles inspected in a program area on an annual
3 basis.

4 2. During the first 2 years of the biennial emissions
5 inspection program, all motor vehicles subject to inspection
6 must be inspected within 24 months.

7 3. During the first 2 years of the biennial emissions
8 inspection program, the department may require that a motor
9 vehicle be inspected within 12 months after its last emissions
10 inspection under the annual inspection program.

11 (b) The department or the contractor shall provide
12 written notice to the owner of each motor vehicle subject to
13 inspection, which shall include, but need not be limited to,
14 the following information:

15 1. An explanation of the biennial emissions inspection
16 program.

17 2. The 180-day period during which the motor vehicle
18 must be inspected.

19 3. The location of all inspection stations in the
20 program area.

21 4. The cost of the emissions inspection.

22 5. The availability of an exemption or waiver from the
23 department under certain limited circumstances.

24 ~~(3)(2)~~ Unless exempt pursuant to subsection ~~(4)(3)~~ or
25 subsection ~~(5)(4)~~, each motor vehicle that ~~which~~ is owned or
26 leased by a person who resides in a county designated as part
27 of the program area or that ~~which~~ is primarily kept in a
28 county designated as part of the program area is subject to
29 inspection. A person's county of residence is determined by
30 the address provided on the vehicle's registration
31 certificate. A motor vehicle owner who intentionally provides

1 an incorrect address at the time of registration with the
2 intention of avoiding the inspection requirements of this
3 chapter is guilty of a misdemeanor of the first degree,
4 punishable as provided in ss. 775.082 and 775.083.

5 (4)~~(3)~~ The department may provide a temporary
6 exemption, not to exceed 1 year, for any vehicle unavailable
7 for inspection due to the motor vehicle's absence from the
8 program area or inoperative condition ~~because it is~~
9 ~~inoperative~~, or due to the owner's or lessee's absence from
10 the program area or incapacity, during the 180-day period
11 immediately prior to the expiration of the applicable motor
12 vehicle registration period ~~registration expiration date~~. The
13 owner or lessee of the motor vehicle may request a letter of
14 temporary exemption on a form to be provided by the
15 department. The owner or lessee shall identify the motor
16 vehicle involved, provide the reason for requesting the letter
17 of temporary exemption, certify that the vehicle will not be
18 available for emissions inspection during the 180-day period
19 immediately prior to the expiration of the applicable motor
20 vehicle registration period ~~registration expiration date~~, and
21 state the date upon which the motor vehicle will again be
22 operated within the program area. Upon approval by the
23 department, a letter of temporary exemption must be issued to
24 the motor vehicle owner or lessee, and the motor vehicle
25 registration may be renewed. As a condition of temporary
26 exemption, the motor vehicle must be inspected within 30 days
27 after the date upon which it becomes operational within a
28 program area.

29 (5)~~(4)~~ The following motor vehicles are not subject to
30 inspection:

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- 1 (a) Motor vehicles that have a registered vehicle
2 weight greater than 10,000 pounds.
- 3 (b) Motor vehicles which are designated as model years
4 1974 or older and 1988 through the current model year.
- 5 (c) Golf carts, as defined in s. 320.01.
- 6 (d) Farm vehicles, as defined in s. 320.51.
- 7 (e) Motor vehicles on which are displayed a dealer
8 license plate authorized in s. 320.13(1)(a).
- 9 (f) Motorcycles, as defined in s. 320.01.
- 10 (g) Mopeds, as defined in s. 320.01.
- 11 (h) Propane-powered vehicles.
- 12 (i) Natural-gas-powered vehicles.
- 13 (j) Any vehicle which is exempted by rule of the
14 Department of Highway Safety and Motor Vehicles upon
15 determination by the Department of Environmental Protection
16 that the vehicle does not significantly contribute to air
17 pollution.
- 18 ~~(k) New motor vehicles, as defined in s. 319.001(4).
19 Such vehicles are exempt from the inspection requirements of
20 this act at the time of the first registration by the original
21 owner and, thereafter, are subject to the inspection
22 requirements of this act. Beginning May 1, 2000, such vehicles
23 are exempt from those inspection requirements for a period of
24 2 years from the date of purchase.~~
- 25 ~~(l) New motor vehicles as defined in s. 319.001(4)
26 which are utilized as short-term rental vehicles and licensed
27 under s. 320.08(6)(a). Such vehicles are exempt from the
28 inspection requirements of this act at the time of the first
29 registration. Said vehicles are also exempt from the
30 inspection requirements of this act at the time of the first
31 registration renewal by the original owner, provided this~~

1 ~~renewal occurs prior to the expiration of 12 months from the~~
2 ~~date of first registration of the motor vehicle. Beginning May~~
3 ~~1, 2000, such vehicles are exempt from those inspection~~
4 ~~requirements for a period of 2 years from the date of~~
5 ~~purchase.~~

6 (k)~~(m)~~ Recreational vehicles as defined in s.
7 320.08(9).

8 (l)~~(n)~~ Electric vehicles.

9 (6)~~(5)~~ Unless exempt pursuant to subsection (4)~~(3)~~ or
10 subsection (5)~~(4)~~, each motor vehicle that is owned or leased
11 by federal, state, or local government and is primarily kept
12 in a program area is subject to inspection. Before February 1
13 of each year, each federal, state, or local government agency
14 that owns or leases motor vehicles that are subject to
15 inspection must submit to the department in the prescribed
16 format a list of all motor vehicles that are subject to
17 inspection in that year. The list must indicate that each
18 vehicle has passed inspection or received a waiver or
19 exemption.

20 (7)~~(6)~~ Each motor vehicle that is subject to
21 inspection may not be registered pursuant to chapter 320
22 unless the motor vehicle has a valid inspection certificate,
23 waiver, or exemption.

24 (8)~~(7)~~ The owner of each motor vehicle must obtain an
25 inspection certificate within 180 days before the expiration
26 of the motor vehicle registration period. Upon the receipt of
27 an inspection certificate, waiver, or exemption and payment of
28 the appropriate inspection fees, the vehicle owner may
29 complete registration of the motor vehicle as prescribed in
30 chapter 320.

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1 (9)~~(8)~~ A motor vehicle dealer, motor vehicle broker as
2 defined in s. 320.27, mobile home dealer as defined in s.
3 320.77, recreational vehicle dealer as defined in s. 320.771,
4 governmental agency subject to subsection (5), or person
5 located in a program area may not sell at retail any motor
6 vehicle that is subject to inspection under this act and that
7 is to be registered in a program area unless the motor vehicle
8 has received a valid inspection certificate within 180 days
9 before sale or received a valid dealer certificate within 12
10 months before sale. If a motor vehicle is purchased outside
11 the program area and is required to be registered in the
12 program area, the purchaser must obtain an inspection
13 certificate, waiver, or exemption ~~meet the inspection~~
14 ~~requirements of this act~~ before such registration.

15 Section 2. Paragraph (c) of subsection (2) of section
16 325.209, Florida Statutes, is amended to read:

17 325.209 Waivers.--

18 (2) Before a waiver may be issued, the following
19 criteria must be met:

20 (c) The owner must have spent the required minimum
21 amount for emissions-related repairs on the vehicle within the
22 180-day ~~90-day~~ period prescribed in s. 325.203(1) or (2), not
23 including the amount spent to repair or replace air pollution
24 control equipment that has been tampered with.

25 Emissions-related repairs performed within 30 days prior to
26 inspection may also be considered under this provision. For
27 any vehicle the registration period for which is established
28 under s. 320.055(4) or (5), the required minimum amount for
29 emissions-related repairs must be spent by the owner within 90
30 days before the expiration of the registration period. The

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1 required minimum amount that must have been spent on related
2 repairs is:

3 1. For motor vehicles designated as model years 1975
4 through 1979: \$100; and

5 2. For motor vehicles designated as model year 1980
6 and thereafter: \$200;

7 Section 3. Section 325.210, Florida Statutes, is
8 amended to read:

9 325.210 Preinspection repairs; postinspection repair
10 shop responsibilities; exception.--If, after any motor vehicle
11 repair shop advertises or represents to its customers that
12 repairs will be made enabling the vehicle to pass the
13 state-certified emissions inspection and the shop makes any
14 repairs it determines to be necessary to enable the motor
15 vehicle to pass such inspection, and the motor vehicle fails
16 to pass the inspection, and if the owner returns the motor
17 vehicle to such repair shop within 2 weeks after such
18 inspection for any additional repairs necessary to enable the
19 motor vehicle to pass such inspection, the repair shop shall
20 make such additional repairs and shall charge the motor
21 vehicle owner for only the generally accepted retail cost of
22 parts for the additional repairs necessary to enable the motor
23 vehicle to pass such emissions inspection. Additionally, any
24 motor vehicle repair shop that tests any motor vehicle within
25 180 days ~~90 days~~ prior to the expiration of the motor vehicle
26 registration period shall disclose, prior to undertaking
27 repairs, the statutory limits on emissions-related repair
28 costs established in s. 325.209, and shall disclose that the
29 cost of any repairs done more than 30 days prior to the
30 state-certified emissions inspection will not qualify to
31 satisfy these limits. Such disclosure shall be provided to

1 the consumer on at least one document or form that is signed
2 by the consumer prior to undertaking repairs and shall also be
3 prominently posted in a public area at the repair shop's place
4 of business. Such disclosure shall contain the following
5 language: "LIMITS ON EMISSIONS REPAIRS: Waivers from
6 additional repair costs in excess of \$100 for model years
7 1975-1979, and \$200 for model years 1980 and thereafter, may
8 be available from the Department of Highway Safety and Motor
9 Vehicles for repairs done after failing the state-certified
10 emissions inspection or within 30 days prior to such
11 inspection." Any repair shop which charges the owner more
12 than the generally accepted retail cost for parts necessary
13 for such additional repairs, or that does not make the
14 required disclosure, commits a misdemeanor of the first
15 degree, punishable as provided in s. 775.082 or s. 775.083.
16 This section does not apply if the owner of the vehicle takes
17 the vehicle to another repair shop for such additional
18 repairs.

19 Section 4. Subsection (2) of section 325.214, Florida
20 Statutes, is amended to read:

21 325.214 Motor vehicle inspection; fees; disposition of
22 fees.--

23 (2) The department shall set an inspection fee not to
24 exceed \$10 each biennial period. By rule, the department shall
25 set a regulatory amount to be included in the fee which is
26 commensurate with the cost of administering and enforcing the
27 inspection program. It is the intent of the Legislature that
28 the program be self-supporting. Notwithstanding any other
29 provision of law to the contrary, an additional fee of \$1
30 shall be assessed upon the issuance of each dealer

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1 certificate, which fee shall be forwarded to the department
2 for deposit into the Highway Safety Operating Trust Fund.

3 Section 5. This act shall take effect October 1, 1997.

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HOUSE SUMMARY

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Revises the provisions of the Clean Outdoor Air Law to
provide for biennial emissions inspections and to
authorize the department to charge a fee not to exceed
\$10 for biennial inspections.

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