

By the Committee on Transportation and Representatives  
Fuller and Healey

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; providing an effective  
7           date.

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

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

13           325.203 Motor vehicles subject to annual inspection;  
14   exemptions.--

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

23           (2) The department shall establish and administer in  
24   each program area a biennial emissions inspection program for  
25   all motor vehicles subject to inspection, to commence on April  
26   1, 1998.

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

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

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

7 (k)~~(m)~~ Recreational vehicles as defined in s.  
8 320.08(9).

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

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

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

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

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. This act shall take effect April 1, 1998.  
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