

By Representative Eggelletion

1                                   A bill to be entitled  
2           An act relating to motor vehicle emissions and  
3           safety inspections; amending s. 325.202, F.S.;  
4           defining the term "owner" for the purposes of  
5           the Clean Outdoor Air Law; amending s. 325.203,  
6           F.S.; providing for biennial emissions  
7           inspections; amending s. 325.206, F.S.;  
8           revising language with respect to standards and  
9           criteria adopted by the Department of  
10          Environmental Protection to achieve and  
11          maintain applicable federal and state air  
12          quality standards; amending s. 325.207, F.S.;  
13          providing for the waiver of a performance bond  
14          under certain circumstances; providing for  
15          emissions testing for nitrogen oxides; amending  
16          s. 325.209, F.S.; revising language with  
17          respect to waivers; providing for adjustments;  
18          amending s. 325.210, F.S.; clarifying  
19          requirements for repair shops; amending s.  
20          325.213, F.S.; deleting language with respect  
21          to safety inspection contracting authority;  
22          amending s. 325.214, F.S.; authorizing the  
23          department to provide for an increased  
24          inspection fee; amending s. 320.055, F.S., to  
25          conform; repealing s. 325.205, F.S.; relating  
26          to reporting requirements and rules with  
27          respect to supplemental safety inspections;  
28          providing an appropriation; providing an  
29          effective date.

30  
31 Be It Enacted by the Legislature of the State of Florida:

1           Section 1. Subsections (11), (12), (13), (14), and  
2 (15) of section 325.202, Florida Statutes, are renumbered as  
3 subsections (12), (13), (14), (15), and (16), respectively,  
4 and a new subsection (11) is added to said section to read:

5           325.202 Definitions.--As used in this act, the term:  
6           (11) "Owner" means the person in whose name or names a  
7 motor vehicle is properly registered pursuant to chapter 320.

8           Section 2. Section 325.203, Florida Statutes, is  
9 amended to read:

10           325.203 Motor vehicles subject to annual inspection;  
11 exemptions.--

12           (1) The owner of each motor vehicle subject to  
13 inspection shall obtain an inspection certificate, exemption,  
14 or waiver annually within the 180-day period immediately  
15 preceding the expiration date of each motor vehicle  
16 registration period, except that any vehicle for which the  
17 registration period is established in s. 320.055(4) or (5)  
18 need only obtain an inspection certificate, waiver, or  
19 exemption prior to the expiration of the motor vehicle  
20 registration period. Upon receipt of an inspection  
21 certificate, waiver, or exemption and payment of the  
22 appropriate inspection fees, the vehicle owner may complete  
23 registration of the motor vehicle as prescribed in chapter  
24 320. Each motor vehicle which is required to obtain an  
25 inspection certificate shall obtain one or a waiver annually  
26 within 180 days prior to the expiration of the motor vehicle  
27 registration period, except that any vehicle the registration  
28 period for which is established under s. 320.055(4) or (5) and  
29 which is required to obtain an inspection certificate shall  
30 obtain one or a waiver annually prior to the expiration of the  
31 motor vehicle registration period.

1       (2) The department shall establish and administer in  
2 each program area a biennial emissions inspection program for  
3 all motor vehicles subject to inspection, to commence on  
4 December 1, 1999, or as soon thereafter as an upgraded  
5 emissions inspection program pursuant to s. 325.207(14) is  
6 operational in the program area.

7       (a) To convert to a biennial emissions inspection  
8 program, the department shall establish a staggered emissions  
9 inspection schedule for each program area pursuant to the  
10 following criteria:

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

14           2. During the first 2 years of the biennial emissions  
15 inspection program, all motor vehicles subject to inspection  
16 must be inspected within 24 months after commencement of an  
17 upgraded emissions inspection program.

18           3. During the first 2 years of the biennial emissions  
19 inspection program, the department may require that a motor  
20 vehicle be inspected within 12 months after its last emissions  
21 inspection under the annual inspection program.

22           4. Each motor vehicle subject to inspection must be  
23 scheduled for inspection within the 180-day period immediately  
24 preceding the expiration date of the applicable motor vehicle  
25 registration period, except that any vehicle subject to  
26 inspection for which the registration period is established in  
27 s. 320.055(4) or (5) need only be scheduled for inspection  
28 prior to the expiration of the motor vehicle registration  
29 period.

30       (b) Upon receipt of an inspection certificate, waiver,  
31 or exemption and payment of the appropriate inspection fees,

1 the vehicle owner may complete registration of the motor  
2 vehicle as prescribed in chapter 320.

3 (c) The department or the contractor shall provide  
4 written notice to the owner of each motor vehicle subject to  
5 inspection, which shall include, but need not be limited to,  
6 the following information:

7 1. An explanation of the biennial emissions inspection  
8 program.

9 2. The 180-day period during which the motor vehicle  
10 must be inspected.

11 3. The location of all inspection stations in the  
12 program area.

13 4. The cost of the emissions inspection.

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

16 ~~(3)(2)~~ Unless exempt pursuant to subsection ~~(4)(3)~~ or  
17 subsection ~~(5)(4)~~, each motor vehicle that ~~which~~ is owned or  
18 leased by a person who resides in a county designated as part  
19 of the program area or that ~~which~~ is primarily kept in a  
20 county designated as part of the program area is subject to  
21 inspection. A person's county of residence is determined by  
22 the address provided on the vehicle's registration  
23 certificate. A motor vehicle owner who intentionally provides  
24 an incorrect address at the time of registration with the  
25 intention of avoiding the inspection requirements of this  
26 chapter is guilty of a misdemeanor of the first degree,  
27 punishable as provided in ss. 775.082 and 775.083.

28 ~~(4)(3)~~ The department may provide a temporary  
29 exemption, not to exceed 1 year, for any vehicle unavailable  
30 for inspection due to the motor vehicle's absence from the  
31 program area or inoperative condition ~~because it is~~

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

21 ~~(5)(4)~~ The following motor vehicles are not subject to  
22 inspection:

- 23 (a) Motor vehicles that have a registered vehicle  
24 weight greater than 10,000 pounds.
- 25 (b) Motor vehicles which are designated as model years  
26 1974 or older.
- 27 (c) Golf carts, as defined in s. 320.01.
- 28 (d) Farm vehicles, as defined in s. 320.51.
- 29 (e) Motor vehicles on which are displayed a dealer  
30 license plate authorized in s. 320.13(1)(a).
- 31 (f) Motorcycles, as defined in s. 320.01.

1 (g) Mopeds, as defined in s. 320.01.

2 (h) Propane-powered vehicles.

3 (i) Natural-gas-powered vehicles.

4 (j) Any vehicle which is exempted by rule of the  
5 Department of Highway Safety and Motor Vehicles upon  
6 determination by the Department of Environmental Protection  
7 that the vehicle does not significantly contribute to air  
8 pollution.

9 (k) New motor vehicles, as defined in s. 319.001(4).  
10 Such vehicles are exempt from the inspection requirements of  
11 this act at the time of the first registration by the original  
12 owner and, thereafter, are subject to the inspection  
13 requirements of this act. Beginning May 1, 2000, such vehicles  
14 are exempt from those inspection requirements for a period of  
15 2 years from the date of purchase.

16 (l) New motor vehicles as defined in s. 319.001(4)  
17 which are utilized as short-term rental vehicles and licensed  
18 under s. 320.08(6)(a). Such vehicles are exempt from the  
19 inspection requirements of this act at the time of the first  
20 registration. Said vehicles are also exempt from the  
21 inspection requirements of this act at the time of the first  
22 registration renewal by the original owner, provided this  
23 renewal occurs prior to the expiration of 12 months from the  
24 date of first registration of the motor vehicle. Beginning May  
25 1, 2000, such vehicles are exempt from those inspection  
26 requirements for a period of 2 years from the date of  
27 purchase.

28 (m) Recreational vehicles as defined in s. 320.08(9).

29 (n) Electric vehicles.

30 (6)~~(5)~~ Unless exempt pursuant to subsection (4)~~(3)~~ or  
31 subsection (5)~~(4)~~, each motor vehicle that is owned or leased

1 by federal, state, or local government and is primarily kept  
2 in a program area is subject to inspection. Before February 1  
3 of each year, each federal, state, or local government agency  
4 that owns or leases motor vehicles that are subject to  
5 inspection must submit to the department in the prescribed  
6 format a list of all motor vehicles that are subject to  
7 inspection in that year. The list must indicate that each  
8 vehicle has passed inspection or received a waiver or  
9 exemption.

10 (7)~~(6)~~ Each motor vehicle that is subject to  
11 inspection may not be registered pursuant to chapter 320  
12 unless the motor vehicle has a valid inspection certificate,  
13 waiver, or exemption.

14 ~~(7) The owner of each motor vehicle must obtain an~~  
15 ~~inspection certificate within 180 days before the expiration~~  
16 ~~of the motor vehicle registration period. Upon the receipt of~~  
17 ~~an inspection certificate, waiver, or exemption and payment of~~  
18 ~~the appropriate inspection fees, the vehicle owner may~~  
19 ~~complete registration of the motor vehicle as prescribed in~~  
20 ~~chapter 320.~~

21 (8) A motor vehicle dealer, motor vehicle broker as  
22 defined in s. 320.27, mobile home dealer as defined in s.  
23 320.77, recreational vehicle dealer as defined in s. 320.771,  
24 governmental agency subject to subsection (5), or person  
25 located in a program area may not sell at retail any motor  
26 vehicle that is subject to inspection under this act and that  
27 is to be registered in a program area unless the motor vehicle  
28 has received a valid inspection certificate within 180 days  
29 before sale or received a valid dealer certificate within 12  
30 months before sale. If a motor vehicle is purchased outside  
31 the program area and is required to be registered in the

1 program area, the purchaser must obtain an inspection  
2 certificate, waiver, or exemption ~~meet the inspection~~  
3 ~~requirements of this act~~ before such registration.

4 Section 3. Subsection (1) of section 325.206, Florida  
5 Statutes, is amended to read:

6 325.206 Exhaust emissions inspection criteria;  
7 rules.--

8 (1) The Department of Environmental Protection shall  
9 adopt rules to establish, periodically evaluate, and revise  
10 the uniform standards and criteria for the inspection of  
11 exhaust emissions, including maximum allowable emissions  
12 levels and emission capacity standards to be used in motor  
13 vehicle inspection stations. Such standards and criteria shall  
14 include, but are not limited to, exhaust emissions testing and  
15 inspection procedures and the development of inspection pass  
16 or fail criteria. Standards may vary by size, class, type, and  
17 year of each motor vehicle engine and may not be more  
18 stringent than those required by federal law at the time of  
19 the manufacture of the motor vehicle. In establishing  
20 standards and criteria, the Department of Environmental  
21 Protection shall give consideration to levels of emissions  
22 reduction that are necessary to achieve and maintain  
23 applicable federal and state air quality standards.

24 Section 4. Paragraph (1) of subsection (8) of section  
25 325.207, Florida Statutes, 1996 Supplement, is amended,  
26 subsection (14) is renumbered as subsection (15), and a new  
27 subsection (14) is added to said section, to read:

28 325.207 Inspection stations; department contracts;  
29 inspection requirements; recordkeeping.--

30 (8) Any contract authorized under this section shall  
31 contain:



1           (1) A provision requiring a performance bond of \$1  
2 million, which the department may, after the second year of  
3 inspection operations under the contract, elect to waive  
4 entirely, reduce in amount, or waive in exchange for other  
5 appropriate security in a like or reduced amount.

6           (14) Because motor vehicle emissions of nitrogen  
7 oxides are a significant contributor to air pollution, which  
8 endangers the health, safety, and welfare of Florida's  
9 citizens, the department is hereby directed to upgrade the  
10 existing emissions inspection program to more effectively  
11 control such emissions. This upgraded emissions inspection  
12 program shall be operational in all program areas by December  
13 1, 1999, or as soon thereafter as practicable. The department  
14 shall promptly use the authority provided in subsection (15)  
15 to amend the existing emissions testing contracts as necessary  
16 to address operational changes needed in the program and shall  
17 extend the existing contracts until December 1, 2006,  
18 notwithstanding any procurement requirements imposed by this  
19 act or chapter 287. The department may elect to extend the  
20 renegotiated contracts for a single 2-year period.

21           Section 5. Subsection (2) of section 325.209, Florida  
22 Statutes, is amended to read:

23           325.209 Waivers.--

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

26           (a) The motor vehicle owner must present evidence  
27 satisfactory to the department that a low emissions  
28 adjustment, as defined by rule of the Department of  
29 Environmental Protection, has been performed;

30           (b) The motor vehicle must not have been tampered with  
31 by either the current owner or any previous owner;

1           (c) The owner must have spent the required minimum  
2 amount for emissions-related repairs on the vehicle within the  
3 180-day ~~90-day~~ period prescribed in s. 325.203(1) or (2), not  
4 including the amount spent to repair or replace air pollution  
5 control equipment that has been tampered with.  
6 Emissions-related repairs performed within 30 days prior to  
7 inspection may also be considered under this provision. For  
8 any vehicle the registration period for which is established  
9 under s. 320.055(4) or (5), the required minimum amount for  
10 emissions-related repairs must be spent by the owner within  
11 180 ~~90~~ days before the expiration of the registration period.  
12 The required minimum amount that must have been spent on  
13 related repairs is:

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

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

18           (d) Beginning on July 1, 1997, the department shall  
19 adjust the minimum repair sums set forth in paragraph (c) by  
20 the percentage change in the average cost-of-living index  
21 between the two immediately preceding calendar years. This  
22 index is the average of the monthly consumer price index  
23 figures for the two 12-month periods, relative to the United  
24 States as a whole, issued by the United States Department of  
25 Labor.

26           ~~(e)(d)~~ Repairs and adjustments provided for in  
27 paragraphs (a) and (c) must have caused substantial  
28 improvement in the emissions performance of the motor vehicle;  
29 and

30           ~~(f)(e)~~ The motor vehicle must not be covered under any  
31 manufacturer's or federally mandated emissions warranty.

1           Section 6. Section 325.210, Florida Statutes, is  
2 amended to read:  
3           325.210 Preinspection repairs; postinspection repair  
4 shop responsibilities; exception.--If, after any motor vehicle  
5 repair shop advertises or represents to its customers that  
6 repairs will be made enabling the vehicle to pass the  
7 state-certified emissions inspection and the shop makes any  
8 repairs it determines to be necessary to enable the motor  
9 vehicle to pass such inspection, and the motor vehicle fails  
10 to pass the inspection, and if the owner returns the motor  
11 vehicle to such repair shop within 2 weeks after such  
12 inspection for any additional repairs necessary to enable the  
13 motor vehicle to pass such inspection, the repair shop shall  
14 make such additional repairs and shall charge the motor  
15 vehicle owner for only the generally accepted retail cost of  
16 parts for the additional repairs necessary to enable the motor  
17 vehicle to pass such emissions inspection. Additionally, any  
18 motor vehicle repair shop that tests any motor vehicle within  
19 180 ~~90~~ days prior to the expiration of the motor vehicle  
20 registration period shall disclose, prior to undertaking  
21 repairs, the statutory limits on emissions-related repair  
22 costs established ins. 325.209, ~~and shall disclose that the~~  
23 ~~cost of any repairs done more than 30 days prior to the~~  
24 ~~state-certified emissions inspection will not qualify to~~  
25 ~~satisfy these limits.~~ Such disclosure shall be in a form  
26 prescribed by the department, shall be provided to the  
27 consumer on at least one document or form that is signed by  
28 the consumer prior to undertaking repairs, and shall also be  
29 prominently posted in a public area at the repair shop's place  
30 of business. ~~Such disclosure shall contain the following~~  
31 ~~language: "LIMITS ON EMISSIONS REPAIRS: Waivers from~~

1 ~~additional repair costs in excess of \$100 for model years~~  
2 ~~1975-1979, and \$200 for model years 1980 and thereafter, may~~  
3 ~~be available from the Department of Highway Safety and Motor~~  
4 ~~Vehicles for repairs done after failing the state-certified~~  
5 ~~emissions inspection or within 30 days prior to such~~  
6 ~~inspection." Any repair shop which charges the owner more~~  
7 ~~than the generally accepted retail cost for parts necessary~~  
8 ~~for such additional repairs, or that does not make the~~  
9 ~~required disclosure, commits a misdemeanor of the first~~  
10 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~  
11 ~~This section does not apply if the owner of the vehicle takes~~  
12 ~~the vehicle to another repair shop for such additional~~  
13 ~~repairs.~~

14 Section 7. Subsection (8) of section 325.213, Florida  
15 Statutes, is amended to read:

16 325.213 Self-inspectors.--

17 (8) The holder of a self-inspector license may not  
18 inspect any motor vehicle or provide a certificate of  
19 inspection to any motor vehicle for which the licensee is not  
20 the registered owner ~~or lessee~~, unless otherwise authorized by  
21 the department. ~~Any county as defined in s. 125.011(1), that~~  
22 ~~is licensed as a self-inspector by the department, may~~  
23 ~~contract for motor vehicle safety inspections and related~~  
24 ~~services directly with the contractor that has been granted~~  
25 ~~the exclusive right to inspect motor vehicles in that contract~~  
26 ~~zone.~~

27 Section 8. Subsection (2) of section 325.214, Florida  
28 Statutes, is amended to read:

29 325.214 Motor vehicle inspection; fees; disposition of  
30 fees.--

31

1           (2) The department shall set an inspection fee not to  
2 exceed ~~\$20~~~~\$10~~. By rule, the department shall set a regulatory  
3 amount to be included in the fee which is commensurate with  
4 the cost of administering and enforcing the inspection  
5 program. It is the intent of the Legislature that the program  
6 be self-supporting. Notwithstanding any other provision of law  
7 to the contrary, an additional fee of \$1 shall be assessed  
8 upon the issuance of each dealer certificate, which fee shall  
9 be forwarded to the department for deposit into the Highway  
10 Safety Operating Trust Fund.

11           Section 9. Subsection (4) of section 320.055, Florida  
12 Statutes, is amended to read:

13           320.055 Registration periods; renewal periods.--The  
14 following registration periods and renewal periods are  
15 established:

16           (4) For a vehicle subject to registration under s.  
17 320.08(13), for vehicles subject to registration under s.  
18 320.08(6)(a) that are short-term rental vehicles, as defined  
19 in s. 325.202~~(16)~~~~(15)~~, and for any vehicle for which a  
20 registration period is not otherwise specified, the  
21 registration period begins June 1 and ends May 31. For a  
22 vehicle subject to this registration period, the renewal  
23 period is the 30-day period beginning June 1.

24           Section 10. Section 325.205, Florida Statutes, is  
25 hereby repealed.

26           Section 11. The sum of \$55,500 is hereby appropriated  
27 from the Air Pollution Control Trust Fund to the Department of  
28 Environmental Protection to establish a position responsible  
29 for overseeing the department's responsibilities for  
30 implementation of the motor vehicle inspection program.

31

