



SENATE BILL No. 747

November 2, 1995, Introduced by Senators DUNASKISS, DINGELL, BENNETT, YOUNG, HONIGMAN, CARL, BOUCHARD, STEIL, SCHUETTE, SHUGARS, GOUGEON, GEAKE, MILLER, STALLINGS and HART and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend sections 6506, 6507, 6511, 6513, 6516, and 6517 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as added by Act No. 60 of the Public Acts of 1995, being sections 324.6506, 324.6507, 324.6511, 324.6513, 324.6516, and 324.6517 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 6506, 6507, 6511, 6513, 6516, and 6517
2 of Act No. 451 of the Public Acts of 1994, as added by Act No. 60
3 of the Public Acts of 1995, being sections 324.6506, 324.6507,
4 324.6511, 435.6513, 324.6516, and 324.6517 of the Michigan
5 Compiled Laws, are amended to read as follows:

6 Sec. 6506. ~~Not later than January 1, 1996, the department~~
7 ~~shall implement and administer a decentralized motor vehicle~~
8 ~~emissions inspection test and repair program in compliance with~~

1 ~~former section 172(b)(1)(B) of the clean air act in effect~~
2 ~~before November 15, 1990 in the counties of Wayne, Oakland, and~~
3 ~~Macomb. The inspection and maintenance program shall be imple-~~
4 ~~mented by licensed testing stations as authorized by the~~
5 ~~department.~~ ON AND AFTER THE EFFECTIVE DATE OF THE 1995 AMENDA-
6 TORY ACT THAT ADDED THIS SECTION, THE OWNER OF A MOTOR VEHICLE
7 WHO RESIDES IN WAYNE, OAKLAND, OR MACOMB COUNTY SHALL NOT BE
8 REQUIRED TO HAVE THE MOTOR VEHICLE TESTED OR REPAIRED UNDER THIS
9 ACT UNLESS AN EMISSIONS INSPECTION TEST PROGRAM IS IMPLEMENTED
10 UNDER THE CONDITIONS DESCRIBED IN SECTION 6507.

11 Sec. 6507. (1) The department may implement and administer
12 only under ~~the~~ conditions set forth in subsection (2) ~~a~~
13 ~~decentralized motor vehicle~~ AN emissions inspection test ~~and~~
14 ~~repair~~ program designed to meet the performance standards for a
15 motor vehicle emissions testing program as established by the
16 United States environmental protection agency in 40 C.F.R. 51.352
17 in the counties of Wayne, Oakland, and Macomb, using bar 90 test-
18 ing equipment, including a visual antitampering check, or an
19 equivalent system approved by the United States environmental
20 protection agency. This inspection and maintenance program, if
21 implemented, shall be carried out by licensed testing stations as
22 authorized by the department. The visual antitampering check
23 described in this subsection includes visual antitampering
24 inspection of the catalytic converter, gas cap, PCV valve, air
25 pump, and fuel inlet restrictor on light duty gas vehicles and
26 light duty gas trucks with a gross vehicle weight rating of
27 10,000 pounds or less.

1 (2) The decentralized test and repair program described in
2 subsection (1) shall only be implemented ~~under~~ ~~of the follow-~~
3 ~~ing conditions:~~ ~~(a) As~~ AS a contingency measure included in the
4 maintenance plan approved by the United States environmental pro-
5 tection agency as part of the redesignation as an ozone attain-
6 ment area. The contingency measure shall include authority to
7 expand the program to Washtenaw county in addition to the coun-
8 ties described in subsection (1) if other measures are not suffi-
9 cient to meet the maintenance plan. The department may only
10 implement the contingency measure if there is observation of an
11 actual violation of the ozone national ambient air quality stan-
12 dard under 40 C.F.R. 50.9 during the maintenance period. ~~(b) An~~
13 ~~application for redesignation as an ozone attainment area is~~
14 ~~approved by the United States environmental protection agency but~~
15 ~~a condition of that approval requires implementing the motor~~
16 ~~vehicle emissions testing program described in subsection (1) in~~
17 ~~order to comply with section 107(d)(3)(E) and section 182(b)(4)~~
18 ~~of the clean air act, 42 U.S.C. 7407 and 7511a. (c) An applica-~~
19 ~~tion for redesignation as an ozone attainment area is not~~
20 ~~approved by the United States environmental protection agency and~~
21 ~~the program described in subsection (1) is required to meet the~~
22 ~~requirements of section 182(b) of the clean air act, 42~~
23 ~~U.S.C. 7511a. The program described in subsection (1) may be~~
24 ~~expanded to include Washtenaw county, and, if necessary to meet~~
25 ~~the basic emissions inspection and maintenance program require-~~
26 ~~ments of the clean air act, the department may expand the program~~
27 ~~to include St. Clair, Livingston, and Monroe counties in addition~~

1 ~~to the counties described in subsection (1) if other measures are~~
2 ~~not sufficient to meet the requirements of section 182(b) of the~~
3 ~~clean air act. (d)~~ The department may only exercise the contin-
4 gency MEASURE set forth in ~~subdivision (c)~~ THIS SUBSECTION if:

5 (A) ~~(i)~~ The department notifies the legislature that the
6 event set forth in ~~subdivision (c)~~ THIS SUBSECTION has occurred
7 and that the contingency will be implemented after a period of 45
8 days.

9 (B) ~~(ii)~~ The legislature fails to adopt any amendments to
10 this part that alter the requirements of this section within the
11 45-day period.

12 (3) The cut points set forth in test procedures, quality
13 control requirements, and equipment specifications issued by the
14 United States environmental protection agency are hereby adopted
15 for the emissions testing program authorized in this section.

16 (4) Equipment and test procedures for the program described
17 in subsection (1) shall meet the requirements of appendices A
18 through D to subpart S of 40 C.F.R. 51 and the test procedures,
19 quality control requirements, and equipment specifications issued
20 by the United States environmental protection agency.

21 (5) The department, in consultation with the department of
22 state and the department of natural resources, may promulgate
23 rules for the administration of the inspection and maintenance
24 program under this section ~~or section 6506,~~ including, but not
25 limited to:

26 (a) Standards for testing station equipment, including
27 emission testing equipment.

1 (b) Emission test cut points and other emission control
2 requirements based on the clean air act and the state implementa-
3 tion plan.

4 (c) Exemptions from inspections as authorized under this
5 part.

6 (d) Standards and procedures for the issuance of certifi-
7 cates of compliance and certificates of waiver from inspection
8 and maintenance program requirements.

9 (e) Rules to ensure that owners of motor vehicles registered
10 in this state who temporarily reside out of state are not unduly
11 inconvenienced by the requirements of this part. The rules may
12 include any of the following:

13 (i) Reciprocal agreements with other states that require
14 motor vehicle inspections that are at least as stringent as those
15 required under this part and rules promulgated under this part.

16 (ii) Provision for time extensions of not more than 2 years
17 for persons temporarily residing in a state, the District of
18 Columbia, or a territory of the United States with which this
19 state has not entered into a reciprocal agreement for vehicle
20 emissions inspection and maintenance. Additional time extensions
21 shall be granted to persons temporarily residing out of state
22 because of military service.

23 (6) Upon receipt of documentation from the department, the
24 department of state may suspend the registration of any vehicle
25 that is not in compliance with this section ~~or section 6506~~ and
26 the rules promulgated under this section ~~or section 6506~~ and

1 for which the required certificate of compliance has not been
2 obtained.

3 Sec. 6511. (1) A testing station may charge a person a fee
4 of not more than \$13.00. This part or the rules promulgated
5 under this part do not prohibit a testing station from providing
6 inspections for a fee of less than \$13.00. However, the fee
7 charged shall not be less than \$3.00. Three dollars from the fee
8 charged under this subsection shall be remitted by the testing
9 station to the department of treasury as provided in
10 subsection (7) and shall be used by the department for adminis-
11 tration and oversight. One dollar from the \$3.00 shall be used
12 by the department to reimburse the independent third-party organ-
13 ization pursuant to section 6520. A testing station shall not
14 make a separate charge for issuing a certificate of compliance,
15 notice of failure, or certificate of waiver.

16 (2) A testing station shall provide 1 free reinspection of a
17 motor vehicle if the motor vehicle failed a previous inspection
18 performed by the testing station and if the motor vehicle is
19 presented for reinspection within 90 days of the previous inspec-
20 tion, except that a testing station is not obligated to perform a
21 free reinspection if the person presenting the motor vehicle for
22 reinspection does not present the notice of failure previously
23 issued by the testing station.

24 (3) A testing station that has performed repairs to bring
25 into compliance a motor vehicle that has failed an inspection at
26 another testing station within the previous 90 days, as evidenced
27 by the notice of failure, shall provide to the person presenting

1 the motor vehicle a free reinspection and shall provide a
2 certificate of compliance for the motor vehicle if it passes the
3 reinspection.

4 ~~(4) A testing station shall not charge a fee to issue a~~
5 ~~certificate of compliance for a motor vehicle that has qualified~~
6 ~~for and received a low emission tune up if the testing station~~
7 ~~performed the low emission tune up on the motor vehicle.~~

8 (4) ~~(5)~~ A testing station shall provide 1 free reinspec-
9 tion of a motor vehicle if a fee was charged by the testing sta-
10 tion for an initial inspection of the motor vehicle that was not
11 completed under any condition described in the rules.

12 (5) ~~(6)~~ Initial inspections must take place within 6
13 months before the expiration of the registration for the vehicle
14 or the expiration of the certificate of compliance, time exten-
15 sion, or certificate of waiver issued under this part. Vehicles
16 subject to this part that are not required to be registered in
17 this state shall be presented for inspection during each annual
18 inspection test cycle at a time set by the department.

19 (6) ~~(7)~~ By the fifteenth day of each month, each testing
20 station shall remit the amount of the fee required for adminis-
21 tration and oversight under subsection (1) to the department of
22 treasury for deposit in the motor vehicle emissions testing pro-
23 gram fund.

24 Sec. 6513. (1) The motor vehicles subject to this part and
25 the rules promulgated under this part include the following:

1 (a) Each registered motor vehicle for the model years 1975
2 and later that is owned by a person whose permanent place of
3 residence is in a county subject to this part.

4 (b) All motor vehicles for the model years 1975 and later
5 that belong to a fleet and that are predominately garaged, oper-
6 ated, or maintained in a county subject to this part.

7 ~~(2) A motor vehicle that is otherwise subject to this part~~
8 ~~and the rules promulgated under this part under subsection (1) is~~
9 ~~not subject to this part and the rules promulgated under this~~
10 ~~part if its registration is being renewed and it will not be~~
11 ~~subject to this part and the rules promulgated under this part~~
12 ~~because of its model year when its currently valid registration~~
13 ~~expires.~~

14 (2) ~~(3)~~ A vehicle identified on a certificate of title
15 issued by the department of state as an assembled vehicle is not
16 subject to this part and the rules promulgated under this part.

17 (3) ~~(4)~~ A motor vehicle is not subject to this part and
18 the rules promulgated under this part if its application for reg-
19 istration renewal is accompanied by both a memorandum of federal
20 clean air act exemption issued pursuant to federal regulation and
21 a certification by the applicant identifying the vehicle, and if
22 the application for registration is filed with the department.

23 Sec. 6516. (1) A person shall not engage in the business of
24 inspecting motor vehicles under this part unless the person ~~is a~~
25 ~~motor vehicle repair facility registered pursuant to section 14~~
26 ~~of the motor vehicle service and repair act, Act No. 300 of the~~
27 ~~Public Acts of 1974, being section 257.1314 of the Michigan~~

1 ~~Compiled Laws, and~~ has received a license to operate a testing
2 station from the department.

3 (2) A person shall not be licensed to operate a testing sta-
4 tion unless the person has an established place of business where
5 inspections are to be performed during regular business hours,
6 where records required by this part and the rules promulgated
7 under this part are to be maintained, and that is equipped with
8 an instrument or instruments of a type that comply with and are
9 capable of performing inspections of motor vehicles under this
10 part.

11 (3) A person licensed as a testing station shall perform
12 inspections under this part at the established place of business
13 for which the person is licensed. A person shall inform the
14 department immediately of a change in the address of an estab-
15 lished place of business at which the person is licensed as a
16 testing station.

17 (4) A person shall obtain a separate license and pay a sepa-
18 rate fee for each established place of business at which a test-
19 ing station is to be operated.

20 (5) A testing station may establish and operate mobile or
21 temporary testing station locations if they meet all of the fol-
22 lowing conditions:

23 (a) The instrument used at the mobile or temporary location
24 is capable of meeting the performance specifications for instru-
25 ments set forth in rules promulgated under this part while oper-
26 ating in the mobile or temporary station environment.

1 (b) The owner of a motor vehicle inspected at the mobile or
2 temporary location shall be provided with a free reinspection of
3 the motor vehicle, at the established place of business of the
4 testing station or at any mobile or temporary testing station
5 location operated by the testing station.

6 (c) Personnel at the licensed established place of business
7 location shall, at all times, know the location and hours of
8 operation of the mobile or temporary testing station or
9 stations.

10 (d) The records required by this part and the rules promul-
11 gated under this part relating to inspections performed and the
12 instrument or instruments used at a mobile or temporary testing
13 station shall be maintained at a single established place of
14 business that is licensed as a testing station.

15 (e) The documents printed as required by the rules by an
16 instrument used at a mobile or temporary testing station location
17 shall contain the testing station number and the name, address,
18 and telephone number of the testing station's established place
19 of business.

20 (6) A testing station may use remote sensing devices as a
21 complement to testing otherwise required by this part.

22 (7) A testing station shall not cause or permit an inspec-
23 tion of a motor vehicle to be performed by a person other than an
24 emission inspector using an instrument of a type that complies
25 with the rules promulgated under this part.

1 (8) A testing station shall display a valid testing station
2 license issued by the department in a place and manner
3 conspicuous to its customers.

4 Sec. 6517. (1) Application for original and replacement
5 testing station licenses shall be submitted on forms provided by
6 the department.

7 (2) An applicant for a testing station license shall submit
8 to the department a description of the business to be licensed,
9 which shall include, in addition to other information required by
10 this part and the rules promulgated under this part, all of the
11 following:

12 (a) The repair facility registration number issued to the
13 applicant ~~pursuant to~~ IF THE APPLICANT IS LICENSED UNDER the
14 motor vehicle service and repair act, Act No. 300 of the Public
15 Acts of 1974, being sections 257.1301 to 257.1340 of the Michigan
16 Compiled Laws.

17 (b) The name of the business and the address of the business
18 location for which a testing station license is being sought.

19 (c) The name and address of each owner of the business in
20 the case of a sole proprietorship or a partnership and, in the
21 case of a corporation, the name and address of each officer and
22 director and of each owner of 25% or more of the corporation.

23 (d) The name and identification number issued by the depart-
24 ment of each emission inspector employed by the applicant.

25 (e) A description, including the model and serial number, of
26 each instrument to be used by the applicant to perform
27 inspections or reinspections under this part and the rules

1 promulgated under this part and the date the instrument was
2 purchased by the applicant.

3 (f) The estimated capacity of the applicant to perform
4 inspections.

5 (3) The fee for a testing station license is \$50.00 and
6 shall accompany the application for a license submitted to the
7 department.

8 (4) A testing station license shall take effect on the date
9 it is approved by the department and shall remain in effect until
10 this part expires, the license is surrendered by the station,
11 revoked or suspended by the department, or until the motor vehi-
12 cle repair facility registration of the business has been revoked
13 or suspended by the department of state, surrendered by the
14 facility, or has expired without timely renewal.

15 (5) If a testing station license has expired by reason of
16 surrender, revocation, or expiration of repair facility registra-
17 tion, the business shall not resume operation as a testing sta-
18 tion until the repair facility registration has been reinstated
19 and a new, original application for a testing station license has
20 been received and approved by the department and a new license
21 fee paid.

22 (6) When the repair facility registration has been sus-
23 pended, the testing station may resume operation without a new
24 application when the repair facility registration suspension has
25 ended.