



February 28, 2003

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## HOUSE BILL No. 1439

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DIGEST OF HB 1439 (Updated February 27, 2003 11:13 AM - DI 52)

**Citations Affected:** IC 13-11; IC 13-17.

**Synopsis:** Emissions testing program. Prohibits the air pollution control board from adopting rules to require motor vehicle emissions testing in Clark and Floyd counties after December 31, 2006. Voids the current rule to the extent that it requires such testing after December 31, 2006. Permits the budget agency, after review by the budget committee, to approve such testing if necessary to avoid a loss of federal highway funding.

**Effective:** July 1, 2003.

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### Bottorff, Cochran, Oxley

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January 14, 2003, read first time and referred to Committee on Environmental Affairs.  
February 13, 2003, amended, reported — Do Pass. Recommitted to Committee on Ways and Means.  
February 27, 2003, amended, reported — Do Pass.

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HB 1439—LS 6562/DI 52+



February 28, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1439

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 13-11-2-130.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2003]: **Sec. 130.5. "Periodic vehicle inspection**  
4 **program", for purposes of IC 13-17-5, means a program requiring**  
5 **a motor vehicle registered in a county to undergo a periodic test of**  
6 **emission characteristics and be repaired and retested, if the motor**  
7 **vehicle fails the emissions test. The term includes entering into and**  
8 **managing contracts for inspection stations.**  
9 SECTION 2. IC 13-17-5-9 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2003]: **Sec. 9. (a) After December 31, 2006, the board may not**  
12 **adopt a rule under air pollution control laws that requires motor**  
13 **vehicles to undergo a periodic test of emission characteristics in the**  
14 **following counties:**  
15 (1) **A county having a population of more than seventy**  
16 **thousand (70,000) but less than seventy-one thousand**  
17 **(71,000).**

HB 1439—LS 6562/DI 52+



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(2) A county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000).  
(b) After December 31, 2006, 326 IAC 13-1.1 is void to the extent it applies to a county referred to in subsection (a).  
(c) Unless the budget agency approves a periodic vehicle inspection program for a county referred to in subsection (a), the board shall amend 326 IAC 13-1.1 so that it does not apply after December 31, 2006, to a county referred to in subsection (a).  
(d) The budget agency, after review by the budget committee, may approve in writing the implementation of a periodic vehicle inspection program for one (1) or more counties described in subsection (a) only if the budget agency determines that the implementation of a periodic vehicle inspection program in the designated counties is necessary to avoid a loss of federal highway funding for the state or a political subdivision. The approval must specify the counties to which the periodic vehicle inspection program applies and the time during which the periodic vehicle inspection program must be conducted in each designated county. The budget agency, after review by the budget committee shall withdraw an approval given under this subsection for a periodic vehicle inspection program in a county if the budget agency determines that the suspension of the periodic vehicle inspection program will not adversely affect federal highway funding for the state or a political subdivision.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1439, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "The" and insert "**After December 31, 2006, the**".

Page 2, line 1, after "(b)" insert "**After December 31, 2006,**".

Page 2, line 2, delete "The" and insert "**After December 31, 2006, the**".

Page 2, line 5, delete "JULY" and insert "JANUARY 1, 2007].".

Page 2, delete line 6.

and when so amended that said bill do pass.

(Reference is to HB 1439 as introduced.)

BOTTORFF, Chair

Committee Vote: yeas 10, nays 2.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1439, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-130.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 130.5."Periodic vehicle inspection program", for purposes of IC 13-17-5, means a program requiring a motor vehicle registered in a county to undergo a periodic test of emission characteristics and be repaired and retested, if the motor vehicle fails the emissions test. The term includes entering into and managing contracts for inspection stations.**"

Page 1, delete lines 13 through 17.

Page 2, delete line 1.

Page 2, line 2, delete "void." and insert "void to the extent it applies to a county referred to in subsection (a).

(c) Unless the budget agency approves a periodic vehicle inspection program for a county referred to in subsection (a), the board shall amend 326 IAC 13-1.1 so that it does not apply after December 31, 2006, to a county referred to in subsection (a).

(d) The budget agency, after review by the budget committee, may approve in writing the implementation of a periodic vehicle inspection program for one (1) or more counties described in subsection (a) only if the budget agency determines that the implementation of a periodic vehicle inspection program in the designated counties is necessary to avoid a loss of federal highway funding for the state or a political subdivision. The approval must specify the counties to which the periodic vehicle inspection program applies and the time during which the periodic vehicle inspection program must be conducted in each designated county. The budget agency, after review by the budget committee shall withdraw an approval given under this subsection for a periodic vehicle inspection program in a county if the budget agency determines that the suspension of the periodic vehicle inspection program will not adversely affect federal highway funding for the state or a political subdivision."

Page 2, delete lines 3 through 7.



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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1439 as printed February 14, 2003.)

CRAWFORD, Chair

Committee Vote: yeas 27, nays 0.

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