



HOUSE BILL No. 5016

August 31, 1993, Introduced by Rep. Alley and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to establish a mandatory motor vehicle emissions inspection and maintenance program for certain motor vehicles in certain areas of this state; to prescribe certain powers and duties of certain state agencies and officials; to provide for the promulgation of rules; to prescribe certain fees; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts on a specific date.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan vehicle emission inspection and maintenance act".

3 Sec. 2. For the purposes of this act, the words and phrases
4 contained in sections 3 to 5 have the meanings ascribed to them
5 in those sections.

6 Sec. 3. (1) "Certificate of compliance" means a serially
7 numbered written instrument or document that is issued to the

1 owner of a motor vehicle upon passing an inspection or
2 reinspection and is evidence that the motor vehicle complies with
3 the standards and criteria adopted by the state transportation
4 department under this act.

5 (2) "Certificate of waiver" means a serially numbered writ-
6 ten document or sticker indicating that the standards and cri-
7 teria of the department have been met for a motor vehicle pursu-
8 ant to the requirements of this act.

9 (3) "Clean air act" means chapter 360, 69 Stat. 322, 42
10 U.S.C. 7401 to 7431, 7470 to 7479, 7491 to 7492, 7501 to 7509a,
11 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552 to
12 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617,
13 7619 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to
14 7661f, and 7671 to 7671q. Clean air act includes the regulations
15 promulgated under the clean air act.

16 (4) "Consumer protection" means protecting the public from
17 unfair or deceptive practices.

18 (5) "Cut point" means the level of pollutants emitted that
19 is used in determining whether a particular make and model of
20 motor vehicle passes or fails all or a part of an inspection.

21 (6) "Department" means the state transportation department.

22 Sec. 4. (1) "Emission control device" means a catalytic
23 converter, thermal reactor, or other component part used by a
24 vehicle manufacturer to reduce emissions or to comply with emis-
25 sion standards prescribed by regulations promulgated by the
26 United States environmental protection agency under the clean air
27 act.

1 (2) "Fleet testing station" means a testing station that is
2 authorized to conduct inspections on 10 or more vehicles owned or
3 leased by 1 person.

4 (3) "Initial inspection" means an inspection performed on a
5 motor vehicle for the first time in a test cycle.

6 (4) "Inspection" means testing of a motor vehicle for com-
7 pliance with emission control requirements of this act and the
8 clean air act.

9 (5) "Maintenance" means the repair or adjustment of a motor
10 vehicle to bring that motor vehicle into compliance with emission
11 control requirements of this act and rules promulgated under this
12 act.

13 (6) "Motor vehicle" means a self-propelled vehicle as
14 defined in section 79 of the Michigan vehicle code, Act No. 300
15 of the Public Acts of 1949, being section 257.79 of the Michigan
16 Compiled Laws, which is required to be registered for use upon
17 the public streets and highways of this state under the Michigan
18 vehicle code, Act No. 300 of the Public Acts of 1949, being sec-
19 tions 257.1 to 257.923 of the Michigan Compiled Laws. For pur-
20 poses of this act, motor vehicle includes those vehicles owned by
21 the government of the United States, this state, and any politi-
22 cal subdivision of this state.

23 (7) "National ambient air quality standards" means the air
24 quality standards for outside air as established in the clean air
25 act.

1 Sec. 5. (1) "Person" means an individual, partnership,
2 corporation, association, governmental entity, or other legal
3 entity.

4 (2) "Pollutants" means nitrogen oxides, carbon monoxide,
5 hydrocarbons, and other toxic substances emitted from the opera-
6 tion of a motor vehicle.

7 (3) "Rules" means rules promulgated pursuant to the adminis-
8 trative procedures act of 1969, Act No. 306 of the Public Acts of
9 1969, being sections 24.201 to 24.328 of the Michigan Compiled
10 Laws.

11 (4) "Tamper with" means to remove or render inoperative, or
12 cause to be removed or rendered inoperative, or to make less
13 operative, an emission control device, or an element of an emis-
14 sion control device that is required by the clean air act to be
15 installed in or on a motor vehicle.

16 (5) "Testing station" means a facility for motor vehicle
17 inspection as provided in this act.

18 Sec. 6. (1) Access to records of the department and the
19 department of state shall be in accordance with the freedom of
20 information act, Act No. 442 of the Public Acts of 1976, being
21 sections 15.231 to 15.246 of the Michigan Compiled Laws.

22 (2) Requests for access to records shall be in writing and
23 shall identify the specific record.

24 (3) There shall be a reasonable charge for the reproduction
25 and mailing of identifiable records.

26 Sec. 7. (1) The department, on request of an interested
27 person, may issue a declaratory ruling as to the applicability of

1 this act or a rule to an actual statement of facts if the person
2 submits to the department the following:

3 (a) A clear and concise statement of the actual statement of
4 facts.

5 (b) If the interested person desires, a brief or other ref-
6 erence to legal authorities upon which the person relies for
7 determination of the applicability of this act or a rule to the
8 statement of facts.

9 (2) A ruling shall repeat the actual statement of facts, the
10 legal authority on which the department relies for its ruling, if
11 any, and the ruling it makes. A ruling, once issued, is binding
12 on the department and the person who requested the ruling. The
13 department shall not retroactively change the ruling, but nothing
14 in this section shall prohibit the department from prospectively
15 changing a ruling.

16 Sec. 8. (1) The department shall implement and administer a
17 motor vehicle emissions inspection program designed to meet the
18 performance standards for a vehicle emissions inspection and
19 maintenance program as established by the United States environ-
20 mental protection agency in 40 C.F.R. 51.351 in the counties of
21 Wayne, Oakland, and Macomb using bar 90 testing equipment or an
22 equivalent system approved by the United States environmental
23 protection agency. After January 1, 1994 if the counties of
24 Wayne, Oakland, and Macomb remain in nonattainment, the county of
25 Washtenaw shall be added to the program. The inspection and
26 maintenance program shall be carried out by licensed testing
27 stations as authorized by the department.

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

5 (3) Equipment and test procedures shall meet the require-
6 ments of appendices A through E to subpart S of 40 C.F.R. 51 and
7 the test procedures, quality control requirements, and equipment
8 specifications issued by the United States environmental protec-
9 tion agency.

10 (4) The department, in consultation with the department of
11 state and the department of natural resources, may promulgate
12 rules for the administration of the inspection and maintenance
13 program, including, but not limited to:

14 (a) Standards for testing station equipment, including emis-
15 sion testing equipment.

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

19 (c) Exemptions from inspections as authorized under this
20 act.

21 (d) Standards and procedures for the issuance of certificate
22 of compliance and certificates of waiver from inspection and
23 maintenance program requirements.

24 (e) Rules to ensure that owners of motor vehicles registered
25 in this state who temporarily reside out of state are not unduly
26 inconvenienced by the requirements of this act. The rules may
27 include:

1 (i) Reciprocal agreements with other states that require
2 motor vehicle inspections that are at least as stringent as those
3 required under this act and rules promulgated under this act.

4 (ii) Provision for time extensions of not more than 2 years
5 for persons temporarily residing in a state, the District of
6 Columbia, or a territory of the United States with which Michigan
7 has not entered into a reciprocal agreement for vehicle emissions
8 inspection and maintenance.

9 (5) Upon receipt of documentation from the department, the
10 department of state may suspend the registration of any vehicle
11 that is not in compliance with this act and the rules promulgated
12 under this act and for which the required certificate of compli-
13 ance has not been obtained.

14 Sec. 9. (1) The department of state shall not renew the
15 registration of a motor vehicle subject to this act unless the
16 vehicle has been inspected as provided in this act and a certifi-
17 cate of compliance or a certificate of waiver has been issued.

18 (2) Certificates of compliance and certificates of waiver
19 issued under this act are valid for 2 years.

20 (3) If not exempted by this act or rules promulgated under
21 this act, a person shall not drive a motor vehicle registered in
22 an area required to have a vehicle emission and maintenance pro-
23 gram without a valid certificate of compliance or certificate of
24 waiver.

25 Sec. 10. Any area in Michigan that is redesignated by the
26 United States environmental protection agency as being in
27 attainment with the national ambient air quality standards for

1 ozone and carbon monoxide and has demonstrated maintenance of the
2 standards without a vehicle emissions inspection and maintenance
3 program, shall be exempt from the requirements of this act.

4 However, if the maintenance plan for any such redesignated area
5 as approved by the United States environmental protection agency
6 includes an inspection and maintenance program as part of its
7 contingency plan, the requirements of this act shall apply.

8 Sec. 11. (1) A testing station shall not falsely represent
9 that the motor vehicle has passed or failed an inspection or
10 reinspection.

11 (2) A testing station shall not falsely represent repairs or
12 falsely estimate the price for repairs that are necessary to
13 allow a person to obtain a certificate of compliance or a certifi-
14 cate of waiver.

15 Sec. 12. (1) A testing station may charge a person a fee,
16 not to exceed \$11.00, \$1.00 of which shall be used to reimburse
17 the third party inspector for the inspection of a motor vehicle
18 under this act. Nothing in this act or the rules shall be con-
19 strued as prohibiting a testing station from providing inspec-
20 tions at no charge or for a fee of less than \$11.00. A testing
21 station shall not make a separate charge for issuing a certifi-
22 cate of compliance, notice of failure, or certificate of waiver.

23 (2) A testing station shall provide 1 free reinspection of a
24 motor vehicle if the motor vehicle failed a previous inspection
25 performed by the testing station and if the motor vehicle is
26 presented for reinspection within 90 days of the previous
27 inspection, except that a testing station is not obligated to

1 perform a free reinspection if the person presenting the motor
2 vehicle for reinspection does not present the notice of failure
3 previously issued by the testing station.

4 (3) A testing station that has performed repairs to bring
5 into compliance a motor vehicle that has failed an inspection at
6 another testing station within the previous 90 days, as evidenced
7 by the notice of failure, shall provide to the person presenting
8 the motor vehicle a free reinspection and shall provide a certifi-
9 cate of compliance for the motor vehicle if it passes the
10 reinspection.

11 (4) A testing station shall not charge a fee to issue a cer-
12 tificate of compliance for a motor vehicle that has qualified for
13 and received a low emission tune-up if the testing station per-
14 formed the low emission tune-up on the motor vehicle.

15 (5) A testing station shall provide 1 free inspection of a
16 motor vehicle if a fee was charged by the testing station for an
17 inspection of the motor vehicle that was not completed under any
18 condition described in the rules.

19 (6) Initial inspections must take place within 6 months
20 before the expiration of the registration for the vehicle or the
21 expiration of the certificate of compliance, time extension, or
22 certificate of waiver issued under this act. Vehicles subject to
23 this act that are not required to be registered in Michigan shall
24 be presented for inspection during each biennial inspection
25 period at a time set by the department.

26 (7) The owner of a motor vehicle subject to this act that
27 has failed an initial vehicle emissions inspection shall be

1 entitled to 1 free reinspection after the completion of necessary
2 repairs designed to bring the vehicle into compliance with clean
3 air act standards.

4 (8) By the fifteenth day of each month, each inspection sta-
5 tion shall remit the amount of every inspection fee and delin-
6 quency charge collected for the preceding month to the department
7 of treasury for deposit in the vehicle emissions inspection and
8 maintenance fund.

9 Sec. 13. (1) Motor vehicles presented for initial inspec-
10 tion after the expiration of the motor vehicle registration date
11 shall be subject to an additional delinquency charge of \$10.00
12 for each calendar month or part thereof after the expiration, not
13 to exceed \$50.00.

14 (2) Money collected from the delinquency charge shall be
15 deposited in the vehicle emissions maintenance account of the
16 vehicle emissions inspection and maintenance fund.

17 Sec. 14. The following vehicles are exempt from the inspec-
18 tion requirements of this act:

19 (a) Motor vehicles that are exempted by rules promulgated by
20 the department because of prohibitive inspection problems or
21 inappropriateness for inspection.

22 (b) A motor vehicle manufactured before the 1975 model
23 year.

24 (c) Vehicles that are licensed as historic vehicles under
25 section 803a of the Michigan vehicle code, Act No. 300 of the
26 Public Acts of 1949, being section 257.803a of the Michigan
27 Compiled Laws.

1 (d) A motorcycle.

2 (e) A motor vehicle used for covert monitoring of inspection
3 facilities.

4 (f) A new motor vehicle immediately after issuance of the
5 vehicle's first title, until the year of the next biennial
6 inspection for the vehicle model year according to section 7(5).

7 Sec. 15. (1) The motor vehicles subject to this act and the
8 rules include the following:

9 (a) Each registered motor vehicle for the 10 model years
10 immediately preceding the current calendar year that is owned by
11 a person whose permanent place of residence is in a county
12 subject to this act.

13 (b) All motor vehicles for the 10 model years immediately
14 preceding the current calendar year that belong to a fleet and
15 that are predominately garaged, operated, or maintained in a
16 county subject to this act.

17 (2) A motor vehicle that is otherwise subject to this act
18 and the rules under subsection (1) shall not be subject to this
19 act and the rules if its registration is being renewed and it
20 will not be subject to this act and the rules because of its
21 model year when its currently valid registration expires.

22 (3) A vehicle identified on a certificate of title issued by
23 the department of state as an assembled vehicle is not subject to
24 this act and the rules.

25 (4) A motor vehicle shall not be subject to this act and the
26 rules if its application for registration renewal is accompanied
27 by both a memorandum of federal clean air act exemption issued

1 pursuant to federal regulation and a certification by the
2 applicant identifying the vehicle, and if the application for
3 registration is filed with the department.

4 Sec. 16. Any 1 of the following shall be accepted by the
5 department as evidence that a motor vehicle was purchased as a
6 new motor vehicle within the previous 12 months:

7 (a) A registration or certificate of title indicating the
8 motor vehicle is of a model year which has been offered for sale
9 in this state for not more than 12 months.

10 (b) A record of the department of state indicating that the
11 motor vehicle was purchased as new within the previous 12
12 months.

13 (c) A seller's statement to the buyer which indicates that
14 the motor vehicle being sold is a new motor vehicle and which is
15 dated within the previous 12 months.

16 (d) A manufacturer's statement of origin showing the first
17 retail sale as being within the previous 12 months.

18 (e) A bill of sale from a manufacturer or a dealer fran-
19 chised to sell new motor vehicles of that particular make which
20 indicates that the motor vehicle being sold is new and which is
21 dated within the previous 12 months,

22 Sec. 17. An application for a motor vehicle registration
23 shall be accepted by the department of state as evidence of a
24 motor vehicle owner's permanent place of residence.

25 Sec. 18. (1) A motor vehicle owned by a person who provides
26 the department of state with a current medicaid card, a current
27 general assistance card, or other written evidence provided by

1 the department of social services of current general assistance
2 enrollment, in the owner's name, is exempt from the requirements
3 of this act.

4 (2) If a motor vehicle is owned by 2 or more persons, the
5 exemption shall apply if 1 of the owners provides the department
6 of state with any of the documents, in the owner's name, required
7 by subsection (1).

8 Sec. 19. (1) A person shall not engage in the business of
9 inspecting motor vehicles under this act unless the person is a
10 motor vehicle repair facility registered pursuant to section 14
11 of the motor vehicle service and repair act, Act No. 300 of the
12 Public Acts of 1974, being section 257.1314 of the Michigan
13 Compiled Laws, and has received a license to operate a testing
14 station from the department.

15 (2) A person shall not be licensed to operate a testing sta-
16 tion unless the person has an established place of business where
17 inspections are to be performed during regular business hours,
18 where records required by this act and the rules promulgated pur-
19 suant to this act are to be maintained, and which is equipped
20 with an instrument or instruments of a type which complies with
21 and is capable of performing inspections of motor vehicles under
22 this act.

23 (3) A person licensed as a testing station shall perform
24 inspections under this act at the established place of business
25 for which the person is licensed. A person shall inform the
26 department immediately of a change in the address of an

1 established place of business at which the person is licensed as
2 a testing station.

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

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

9 (a) The instrument used at the mobile or temporary location
10 is capable of meeting the performance specifications for instru-
11 ments set forth in rules promulgated pursuant to this act while
12 operating in the mobile or temporary station environment.

13 (b) The owner of a motor vehicle inspected at the mobile or
14 temporary location shall be provided with a free reinspection of
15 the motor vehicle, at the established place of business of the
16 testing station or at any mobile or temporary testing station
17 location operated by the testing station.

18 (c) Personnel at the licensed established place of business
19 location shall, at all times, know the location and hours of
20 operation of the mobile or temporary testing station or
21 stations.

22 (d) The records required by this act and the rules promul-
23 gated pursuant to this act relating to inspections performed and
24 the instrument or instruments used at a mobile or temporary test-
25 ing station shall be maintained at a single established place of
26 business which is licensed as a testing station.

1 (e) The documents printed as required by the rules by an
2 instrument used at a mobile or temporary testing station location
3 shall contain the testing station number and the name, address,
4 and telephone number of the testing station's established place
5 of business.

6 (6) A testing station shall not cause or permit an inspec-
7 tion of a motor vehicle to be performed by a person other than an
8 emission inspector using an instrument of a type which complies
9 with the rules promulgated pursuant to this act.

10 (7) A testing station shall display a valid testing station
11 license issued by the department in a place and manner conspicu-
12 ous to its customers.

13 Sec. 20. (1) Application for original and replacement test-
14 ing station licenses shall be submitted on forms provided by the
15 department.

16 (2) An applicant for a testing station license shall submit
17 to the department a description of the business to be licensed,
18 which shall include, in addition to other information required by
19 this act, all of the following:

20 (a) The repair facility registration number issued to the
21 applicant pursuant to the motor vehicle service and repair act.

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

24 (c) The name and address of each owner of the business in
25 the case of a sole proprietorship or a partnership and, in the
26 case of a corporation, the name and address of each officer and
27 director and of each owner of 25% or more of the corporation.

1 (d) The name and identification number issued by the
2 department of each emission inspector employed by the applicant.

3 (e) A description, including the model and serial number, of
4 each instrument to be used by the applicant to perform inspec-
5 tions or reinspections under this act and the rules promulgated
6 pursuant to this act and the date the instrument was purchased by
7 the applicant.

8 (f) The estimated capacity of the applicant to perform
9 inspections.

10 (3) The fee for a testing station license shall be \$50.00
11 and shall accompany the application for a license submitted to
12 the department.

13 (4) A testing station license shall take effect on the date
14 it is approved by the department and shall remain in effect until
15 the act expires, the license is surrendered by the station,
16 revoked or suspended by the department, or until the motor vehi-
17 cle repair facility registration of the business has been revoked
18 or suspended by the department of state, surrendered by the
19 facility, or has expired without timely renewal.

20 (5) When a testing station license has expired by reason of
21 surrender, revocation, or expiration of repair facility registra-
22 tion, the business shall not resume operation as a testing sta-
23 tion until the repair facility registration has been reinstated
24 and a new, original application for a testing station license has
25 been received and approved by the department and a new license
26 fee paid.

1 (6) When the repair facility registration has been
2 suspended, the testing station may resume operation without a new
3 application when the repair facility registration suspension has
4 ended.

5 Sec. 21. (1) If the ownership of a testing station changes,
6 a new original license and payment of a new license fee shall be
7 required, and the station shall not operate until its application
8 is approved by the department. For the purposes of this section,
9 "change of ownership" means a change in the ownership of a sta-
10 tion which is either a sole proprietorship or a partnership; the
11 replacement of a sole proprietorship with a partnership, a corpo-
12 ration, or another sole proprietorship; the replacement of a
13 partnership with a sole proprietorship, a corporation, or another
14 partnership; or the replacement of a corporation with a sole pro-
15 prietorship, a partnership, or another corporation.

16 (2) A corporation shall notify the department within 30 days
17 of any change in ownership which involves the accumulation of 25%
18 or more of the ownership by a person who did not previously own
19 25% or more of the corporation.

20 Sec. 22. (1) A testing station shall display at the estab-
21 lished place of business an information sign which shall bear an
22 identifying symbol developed by the department and be worded as
23 follows: "OFFICIAL EMISSION TESTING STATION".

24 (2) The sign shall be displayed on the outside premises of
25 the testing station so that it is clearly and readily visible and
26 readable to persons in motor vehicles as they enter the testing
27 station property.

1 (3) A testing station shall also conspicuously display the
2 price charged by the station for an inspection preceded by a
3 dollar sign and printed in Arabic numerals.

4 (4) A testing station shall maintain posted business hours
5 during which time representatives of the department may conduct
6 inspections of the station, instruments and records required by
7 this act and the rules promulgated pursuant to this act, and the
8 motor vehicle emission inspection procedures employed by the
9 testing station.

10 (5) A testing station shall not hinder, obstruct, or other-
11 wise prevent an inspection by the department.

12 Sec. 23. Upon reasonable notice by the department, a test-
13 ing station shall make available to the department the use of its
14 inspection facility and equipment for the purposes of verifying
15 the results of an inspection or reinspection of a motor vehicle.

16 Sec. 24. (1) A fleet owner or lessee shall not perform
17 inspections under this act or the rules unless the fleet owner or
18 lessee has received from the department a permit to operate a
19 fleet testing station.

20 (2) A person shall not receive a permit to operate a fleet
21 testing station unless the person has an established location
22 where inspections are to be performed, where records required by
23 this act and the rules are to be maintained, that is equipped
24 with an instrument or instruments of a type that comply with this
25 act or the rules, and that is capable of performing inspections
26 of motor vehicles under this act and the rules promulgated
27 pursuant to this act.

1 (3) A person with a permit to operate a fleet testing
2 station shall perform inspections under this act and the rules
3 only at the established location for which the person has the
4 permit. A person shall inform the department immediately of a
5 change in the address of the established location for which the
6 person has a permit to operate a fleet testing station.

7 (4) A fleet testing station shall not cause or permit an
8 inspection of a motor vehicle to be performed by a person other
9 than an emission inspector using an instrument of a type that
10 complies with the rules.

11 (5) Applications for original and replacement fleet testing
12 station permits shall be submitted on forms provided by the
13 department.

14 (6) An applicant for a fleet testing station shall submit to
15 the department a description of the operation to be licensed,
16 which shall include, in addition to other information required by
17 this act and the rules, all of the following:

18 (a) The name of the business and the address of the location
19 for which a fleet testing station permit is being sought.

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

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

26 (d) A description, including the model and serial number of
27 each instrument to be used by the applicant to perform

1 inspections or reinspections under this act and the rules, and
2 the date the equipment was purchased by the applicant.

3 (e) A description of the fleet to be inspected, including
4 the number and types of motor vehicles.

5 (f) A statement signed by the applicant certifying that the
6 applicant maintains and repairs, on a regular basis, the fleet
7 vehicles owned by the applicant.

8 (7) A fleet testing station permit shall take effect on the
9 date it is approved by the department and shall expire 1 year
10 from that date. A fleet testing station permit shall be renewed
11 automatically, unless the fleet testing station informs the
12 department not to renew it or unless the department has revoked
13 the permit.

14 (8) A person shall obtain a separate permit for each loca-
15 tion at which fleet inspections are performed.

16 Sec. 25. (1) If the ownership of a fleet testing station
17 changes, a new permit is required, and the fleet testing station
18 shall not operate until its application for a new permit is
19 approved by the department. For purposes of this section,
20 "change of ownership" means a change in the ownership of a sta-
21 tion that is a sole proprietorship or a partnership; the replace-
22 ment of a sole proprietorship with a partnership, a corporation,
23 or another sole proprietorship; the replacement of a partnership
24 with a sole proprietorship, a corporation, or another partner-
25 ship; or the replacement of a corporation with a sole proprietor-
26 ship, a partnership, or another corporation.

1 (2) A corporation shall notify the department within 30 days
2 of any change in ownership which involves the accumulation of 25%
3 or more of the ownership by a person who did not previously own
4 25% or more of the corporation.

5 Sec. 26. A fleet testing station shall perform inspections
6 under this act and the rules only upon its own fleet motor vehi-
7 cles, unless separately licensed as a testing station.

8 Sec. 27. (1) A fleet testing station, its records, equip-
9 ment required by this act and the rules, and the motor vehicle
10 emission inspection procedures employed by the fleet testing sta-
11 tion shall be open to inspection by the department.

12 (2) A fleet testing station shall not hinder, obstruct, or
13 otherwise prevent an inspection by the department.

14 Sec. 28. A fleet testing station shall not falsely repre-
15 sent that a motor vehicle has passed or failed an inspection or
16 reinspection.

17 Sec. 29. A fleet testing station shall issue a certificate
18 of compliance for a vehicle that has passed an inspection or
19 reinspection or received a low emission tune-up.

20 Sec. 30. (1) The number and locations of the public inspec-
21 tion stations shall provide convenient service for motorists and
22 shall be consistent with all of the following:

23 (a) The network of stations shall be sufficient to assure
24 short driving distances and to assure that waiting times to get a
25 vehicle inspected do not exceed 15 minutes more than 4 times a
26 month.

1 (b) When there are more than 4 vehicles in a queue waiting
2 to be tested, spare lanes shall be opened and additional staff
3 employed to reduce wait times.

4 (c) A person shall not be required to make an appointment
5 for a vehicle inspection.

6 (d) There shall be adequate queuing space for each inspec-
7 tion lane at each station to accommodate, on the station proper-
8 ty, all motor vehicles waiting for inspection.

9 (2) Testing stations shall inspect and reinspect motor vehi-
10 cles in accordance with this act and the rules promulgated pursu-
11 ant to this act.

12 (3) A testing station shall inspect and reinspect motor
13 vehicles in accordance with this act and the rules promulgated
14 under this act by the department. The station shall issue a cer-
15 tificate of compliance for a motor vehicle that has been
16 inspected and determined to comply with the standards and cri-
17 teria of the department pursuant to the rules promulgated under
18 this act. If a certificate of compliance is not issued, the
19 inspection station shall provide a written inspection report
20 describing the reason for rejection and, if appropriate, the
21 repairs needed or likely to be needed to bring the vehicle into
22 compliance with the standards and criteria.

23 Sec. 31. (1) A certificate of waiver shall be issued for a
24 motor vehicle that fails an initial inspection and a subsequent
25 reinspection if the actual cost of maintenance already performed
26 designed to bring the vehicle into compliance with clean air
27 standards in accordance with the inspection report is at least

1 \$200.00 adjusted in January of each year by the increase or
2 decrease in the Detroit consumer price index.

3 (2) The costs covered by vehicle warranty and the costs nec-
4 essary to repair or replace any emission control equipment that
5 has been removed, dismantled, tampered with, misfueled, or other-
6 wise rendered inoperative shall not be considered in determining
7 eligibility for a certificate of waiver pursuant to
8 subsection (1).

9 (3) Issuance of a certificate of waiver shall be conditioned
10 upon meeting the criteria established by regulations promulgated
11 by the United States environmental protection agency in 40
12 C.F.R. 51.360.

13 (4) A temporary certificate of waiver, valid for not more
14 than 15 days, may be issued to a motor vehicle to allow time for
15 necessary maintenance and reinspection. A temporary certificate
16 of waiver may be issued not more than twice for the same motor
17 vehicle.

18 Sec. 32. (1) A person shall not perform inspections under
19 this act or the rules unless the person has received approval
20 from the department as an emission inspector.

21 (2) Before a person shall be approved as an emission inspec-
22 tor, the person shall have passed an examination approved by the
23 department which is designed to test the person's competency to
24 perform inspections.

25 (3) A person who has failed an examination to obtain
26 approval as an emission inspector may retake the examination when
27 it is next offered.

1 (4) A person's approval by the department as an emission
2 inspector shall take effect on the date it is issued by the
3 department and shall expire upon surrender by the person or upon
4 revocation by the department.

5 (5) The department, after notice and opportunity for a hear-
6 ing, may deny, suspend, or revoke a person's approval as an emis-
7 sion inspector if the department finds that an applicant or an
8 emission inspector has done any of the following:

9 (a) Committed fraud, misrepresentation, trickery, or deceit
10 in connection with the inspection or repair of a motor vehicle
11 under this act or a rule promulgated under this act.

12 (b) Violated this act or a rule promulgated under this act.

13 (c) Improperly performed an instrument maintenance, record-
14 keeping, or inspection procedure required by the rules.

15 (d) Incompetently performed an inspection.

16 (6) Instead of proceeding under subsection (5), or as a
17 means of settling a matter pursuant under subsection (5), the
18 department may do any of the following:

19 (a) Enter into an assurance of discontinuance with an appli-
20 cant or an emission inspector.

21 (b) Enter into a probation agreement with an applicant or an
22 emission inspector.

23 (c) Enter into a suspension, revocation, or denial agreement
24 with an applicant or an emission inspector.

25 (d) Require an applicant or an emission inspector to take
26 training or an examination, or both.

1 (7) The department shall establish and operate an emission
2 mechanic training program to provide the training required to
3 make repairs necessary to reduce motor vehicle emissions.
4 Instead of, or in addition to, establishing and operating the
5 program, the department may approve schools, academies, or other
6 public or proprietary establishments to engage in emission
7 mechanic training.

8 Sec. 33. Unless the person is licensed as a fleet testing
9 station, a person who owns a motor vehicle required to be
10 inspected under this act and the rules shall have the motor vehi-
11 cle inspected and shall obtain a certificate of compliance or a
12 waiver only at a testing station licensed under this act and the
13 rules.

14 Sec. 34. The department may issue a certificate of compli-
15 ance for a motor vehicle when the department makes a determina-
16 tion that the motor vehicle complies with the requirements of
17 this act and the rules. The department shall establish a system
18 for selecting which motor vehicles qualify for the department's
19 determination as to compliance.

20 Sec. 35. (1) The department shall institute procedures and
21 mechanisms to protect the public from fraud and abuse by inspec-
22 tors, mechanics, and others involved in the inspection and main-
23 tenance program. This shall include a challenge mechanism by
24 which a vehicle owner can contest the results of an inspection.
25 It shall include mechanisms for protecting whistleblowers and
26 following up on complaints by the public or others involved in
27 the process. It shall include a program to assist owners in

1 obtaining warranty covered repairs for eligible vehicles that
2 fail a test.

3 (2) The department shall provide quality assurance for the
4 inspection and maintenance program established under this act
5 through certification of competency by a third party to ensure
6 proper and accurate emission inspection results. The third party
7 shall each year certify the testing equipment and the emission
8 inspectors employed by a testing station. The department shall
9 be responsible for issuance of certificates of waiver and time
10 extensions.

11 (3) The department shall compile data and undertake studies
12 necessary to evaluate the cost, effectiveness, and benefits of
13 the motor vehicle inspection program. The department shall com-
14 pile data on failure rate, compliance rate, the number of certif-
15 icates issued, and other similar matters in accordance with 40
16 C.F.R. 51.365 and 51.366. The department shall make an annual
17 report on the operation of the motor vehicle inspection program
18 to the standing committees of the legislature that primarily
19 address issues pertaining to public health or protection of the
20 environment by January 1, 1995, and each year thereafter.

21 Sec. 36. A testing station or a fleet testing station shall
22 not issue a certificate of compliance for a motor vehicle that
23 has not been inspected and has not met or exceeded emission cut
24 points established by the department in accordance with this act
25 and the rules promulgated under this act.

26 Sec. 37. (1) An employee, owner, or operator of a public
27 inspection station shall not furnish information, except

1 information provided by the state or otherwise required by this
2 act, about the name or other description of a repair facility or
3 other place where maintenance may be obtained.

4 (2) Each public inspection station shall furnish the follow-
5 ing information upon failure of the vehicle to pass inspection:

6 (a) A written inspection report listing each reason that the
7 vehicle failed the emissions inspection.

8 (b) A notice which states the following:

9 "A vehicle's failure to pass the emissions inspection
10 may be related to a malfunction covered under
11 warranty."

12 (3) Certificates of waiver shall be available at each public
13 inspection station pursuant to section 31.

14 Sec. 38. A person shall not tamper with a motor vehicle
15 that has been certified to comply with this act and the rules
16 promulgated under this act so that the motor vehicle is no longer
17 in compliance. For purposes of this act, tampering does not
18 include the alteration of a motor vehicle by employees of the
19 department for purposes of monitoring and enforcement of this
20 act.

21 Sec. 39. A person shall not provide false information to a
22 public inspection station or the department about estimated or
23 actual repair costs or repairs needed to bring a motor vehicle
24 into compliance. A person shall not claim an amount spent for
25 repair if the repairs were not made or the amount not spent.

26 Sec. 40. (1) A person who violates section 36 or forges,
27 counterfeits, or alters an inspection certificate or who

1 knowingly possesses an unauthorized inspection certificate, is
2 guilty of a misdemeanor, punishable by imprisonment for a term
3 not to exceed 1 year or by a fine not to exceed \$1,000.00. Each
4 violation constitutes a separate offense.

5 (2) Except as otherwise provided in subsection (1), a person
6 who violates section 37, 38, or 39 is guilty of a misdemeanor.

7 (3) A person who drives a motor vehicle in violation of this
8 act or rules promulgated under this act is subject to a civil
9 fine of not more than \$500.00. Each violation constitutes a sep-
10 arate offense.

11 Sec. 41. Act No. 83 of the Public Acts of 1980, being sec-
12 tions 257.1051 to 257.1074 of the Michigan Compiled Laws, is
13 repealed effective October 1, 1993.