



SENATE BILL No. 1079

July 3, 1996, Introduced by Senator VAN REGENMORTER and referred to the Committee on Transportation and Tourism.

A bill to amend section 6306 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 section 324.6306 of the Michigan Compiled Laws; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6306 of Act No. 451 of the Public Acts
2 of 1994, as added by Act No. 60 of the Public Acts of 1995, being
3 section 324.6306 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 6306. (1) Each motor vehicle subject to this part
6 shall be inspected for emissions as provided in this part. A
7 person shall not operate a motor vehicle subject to this part
8 whose certificate of compliance has expired or who has not

1 received a time extension or waiver and whose vehicle fails to
2 meet emission cut points established by the department or other
3 emission control requirements established by the department in
4 this part. If a vehicle subject to testing under this part has
5 not been tested within the previous 12 months, the prospective
6 seller of the vehicle shall have the vehicle tested and complete
7 necessary repairs before offering the vehicle for sale.

8 (2) To enforce this section, the department shall implement
9 and administer a motor vehicle emissions inspection and mainte-
10 nance program designed to meet the performance standards for a
11 motor vehicle emissions inspection and maintenance program as
12 established by the United States environmental protection agency
13 in 40 C.F.R. 51.351 IN THE COUNTIES OF KENT, OTTAWA, AND
14 MUSKEGON. THOSE COUNTIES CONTAINING AREAS THAT WOULD BE IN
15 ATTAINMENT OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR
16 OZONE, GIVEN BASELINE EMISSIONS FOR THAT COUNTY, BUT FOR EMIS-
17 SIONS EMANATING FROM OUTSIDE OF THE STATE ARE EXCLUDED IF THE
18 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY DETERMINES, BASED
19 ON A STUDY OF FORMATION AND TRANSPORT OF OZONE, THAT THE CONTROL
20 OF MOTOR VEHICLE EMISSIONS IN THOSE AREAS WOULD NOT SIGNIFICANTLY
21 CONTRIBUTE TO THE ATTAINMENT OF THE NATIONAL AMBIENT AIR QUALITY
22 STANDARDS FOR OZONE AS PROMULGATED UNDER THE CLEAN AIR ACT. The
23 motor vehicle emissions inspection and maintenance program shall
24 include the following test procedures and components:

- 25 (a) Biennial testing.
26 (b) Test-only network.

1 (c) Transient mass-emission evaporative system, purge, and
2 pressure testing on 1981 and later model year vehicles using the
3 IM240 driving cycle.

4 (d) Two-speed idle testing, antitampering, and pressure test
5 on 1975 to 1980 vehicles in accordance with the following:

6 (i) Visual antitampering inspection of the catalytic con-
7 verter, gas cap, PCV valve, air pump, and fuel inlet restrictor
8 on light-duty gas vehicles and light-duty gas trucks of 10,000
9 pounds or less gross vehicle weight.

10 (ii) Pressure test of the evaporative system for light-duty
11 gas vehicles and light-duty gas trucks of 10,000 pounds or less
12 gross vehicle weight.

13 (e) On-board diagnostic check for vehicles so equipped.

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

18 (4) Equipment and test procedures shall meet the require-
19 ments of appendices A through E to subpart S of 40 C.F.R. 51 and
20 the test procedures, quality control requirements, and equipment
21 specifications issued by the United States environmental protec-
22 tion agency.

23 (5) Vehicles shall be subject to inspection according to the
24 following:

25 (a) The first initial inspection under this part for each
26 even numbered model year vehicle shall take place within 6 months

1 before the expiration of the vehicle registration in an even
2 numbered calendar year.

3 (b) The first initial inspection under this part for each
4 odd numbered model year vehicle shall take place within 6 months
5 before the expiration of the vehicle registration in an odd num-
6 bered calendar year.

7 ~~(6) The motor vehicle emissions inspection and maintenance~~
8 ~~program shall be implemented by January 1, 1995 in the counties~~
9 ~~of Kent, Ottawa, and Muskegon. However, those counties contain~~
10 ~~ing areas that would be in attainment of the national ambient air~~
11 ~~quality standards for ozone, given baseline emissions for that~~
12 ~~county, but for emissions emanating from outside of the state are~~
13 ~~excluded if the United States environmental protection agency~~
14 ~~determines, based on a study of formation and transport of ozone,~~
15 ~~that the control of emissions in those areas would not signifi-~~
16 ~~cantly contribute to the attainment of the national ambient air~~
17 ~~quality standards for ozone as promulgated under the clean air~~
18 ~~act.~~

19 (6) ~~(7)~~ The department, in consultation with the depart-
20 ment of state and the department of ~~natural resources~~
21 ENVIRONMENTAL QUALITY, may promulgate rules for the administra-
22 tion of the motor vehicle emissions inspection and maintenance
23 program, including, but not limited to, all of the following:

24 (a) Standards for public inspection station equipment,
25 including emission testing equipment.

1 (b) Emission test cut points and other emission control
2 requirements based on the clean air act and the state
3 implementation 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 (7) ~~(8)~~ The department may promulgate rules to require the
24 inspection of motor vehicles through the use of remote sensing
25 devices. These rules may provide for use of remote sensing
26 devices for research purposes, but shall not provide for any

1 checklanes or other measures by which motorists will be stopped
2 on highways or other areas open to the general public.

3 (8) ~~(9)~~ Upon receipt of documentation from the department,
4 the department of state may suspend the registration of any vehi-
5 cle that is not in compliance with this part and the rules
6 promulgated under this part and for which the required certifi-
7 cate of compliance has not been obtained.

8 (9) ~~(10) The department of natural resources shall submit~~
9 ~~an application requesting redesignation of the Grand Rapids ozone~~
10 ~~nonattainment area consisting of the counties of Kent and Ottawa~~
11 ~~and the Muskegon ozone nonattainment area consisting of the~~
12 ~~county of Muskegon to the United States environmental protection~~
13 ~~agency not later than November 14, 1993. If the application for~~
14 ~~redesignation is approved by the United States environmental pro-~~
15 ~~tection agency, implementation of the~~ IF ANY AREA IN THIS STATE
16 SUBJECT TO THIS PART IS REDESIGNATED BY THE UNITED STATES ENVI-
17 RONMENTAL PROTECTION AGENCY AS BEING IN ATTAINMENT WITH THE
18 NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE, A motor vehicle
19 emissions inspection and maintenance program authorized by this
20 part is suspended and shall only be reimplemented if required as
21 a contingency measure included in a maintenance plan approved by
22 the United States environmental protection agency as part of the
23 redesignation as an ozone attainment area. The department may
24 only implement the contingency measure if there is observation of
25 an actual violation of the ozone national ambient air quality
26 standard under 40 C.F.R. 50.9 during the maintenance period.

1 (10) ~~(+++)~~ Implementation of a motor vehicle emissions
2 inspection and maintenance program authorized by this part shall
3 be suspended if the classification of the Grand Rapids and
4 Muskegon ozone nonattainment areas is adjusted from moderate
5 ozone nonattainment areas to transitional or marginal nonattain-
6 ment areas by the United States environmental protection agency
7 pursuant to its authority under section 181 of the clean air act,
8 42 U.S.C. 7511, or if the United States environmental protection
9 agency determines that a motor vehicle emissions inspection and
10 maintenance program is not applicable or is not necessary for
11 either of these areas to meet the requirements of the clean air
12 act.

13 Section 2. Section 6308 of Act No. 451 of the Public Acts
14 of 1994, as added by Act No. 60 of the Public Acts of 1995, being
15 section 324.6308 of the Michigan Compiled Laws, is repealed.