

IC 13-17-5

Chapter 5. Motor Vehicle Emission Control

IC 13-17-5-1

Rules

Sec. 1. The board may adopt rules for the control of emissions from vehicles. However, the board must, before adopting the rules, forward to each member of the general assembly a copy of the proposed rules. The rules may prescribe requirements for the following:

(1) The installation and use of equipment designed to reduce or eliminate emissions.

(2) The proper maintenance of that equipment and of vehicles.

As added by P.L.1-1996, SEC.7. Amended by P.L.133-2012, SEC.121.

IC 13-17-5-2

Consistency of rules with federal emission control laws

Sec. 2. Any rules proposed for adoption under section 1 of this chapter must be consistent with provisions of federal law relating to control of emissions from vehicles. The board may not require, as a condition precedent to the initial sale of a vehicle or vehicular equipment, the inspection, certification, or other approval of any feature or equipment designed for the control of emissions from vehicles if the feature or equipment has been certified, approved, or otherwise authorized under federal law.

As added by P.L.1-1996, SEC.7.

IC 13-17-5-3

Removal or failure to maintain emission control device

Sec. 3. Except as permitted or authorized by law, a person may not:

(1) fail to maintain in good working order; or

(2) remove, dismantle, or otherwise cause to be inoperative;

any air pollution control system or mechanism that is used to control air pollution of a vehicle and that is required by rules of the board to be maintained in or on the vehicle.

As added by P.L.1-1996, SEC.7.

IC 13-17-5-4

Penalty

Sec. 4. The commissioner of the bureau of motor vehicles shall suspend the registration of any vehicle that is not in compliance with section 3 of this chapter and may not reinstate the registration until:

(1) the emission control equipment of the vehicle has been restored, replaced, or repaired and is in good working order; and

(2) if the vehicle is subject to a rule of the board requiring

testing of the emission characteristics of certain vehicles in certain counties, all requirements of that rule applying to the vehicle have been satisfied.

As added by P.L.1-1996, SEC.7.

IC 13-17-5-5

Repealed

(As added by P.L.1-1996, SEC.7. Repealed by P.L.229-1999, SEC.5.)

IC 13-17-5-5.1

Applicability of rules regarding tests; inspection station powers; contracts to conduct tests

Sec. 5.1. (a) A rule adopted by the board under air pollution control laws that requires:

- (1) certain motor vehicles registered in certain counties to undergo a periodic test of emission characteristics; and
- (2) vehicles failing the emissions test to be repaired and retested;

applies to the vehicles registered in those counties subject to the rules. An exemption in the rules applies to motor vehicles registered in those counties subject to the rule.

(b) An inspection station authorized by a rule adopted by the board may:

- (1) inspect any vehicle; and
- (2) certify that the inspected vehicle meets air emission control standards established in the applicable rules.

(c) The department may contract with a person to conduct inspections to test the emissions or emission control devices of motor vehicles. If inspections are conducted by a contractor under this subsection, the inspections and testing shall be conducted under the direction of the department. The department may not enter into a contract with a foreign corporation under this section unless the foreign corporation is registered with the secretary of state to do business in Indiana.

(d) The duration of a contract entered into under this section may not exceed ten (10) years.

(e) This section does not prohibit the board or the department from adopting fleet inspection procedures.

(f) IC 5-22-17-3 does not apply to a procurement under this section.

As added by P.L.229-1999, SEC.2.

IC 13-17-5-5.2

Legalization of certain rules, inspections, certifications, and contracts

Sec. 5.2. The following are legalized:

- (1) A rule adopted by the air pollution control board and

described in IC 13-17-5-5(a) before its repeal.

(2) An inspection or certification conducted under IC 13-17-5-5(b) before its repeal.

(3) Contracts entered into and inspections made under IC 13-17-5-5(c) before its repeal.

As added by P.L.220-2011, SEC.281.

IC 13-17-5-5.4

Number of inspection stations in certain counties

Sec. 5.4. (a) This section applies to the following counties:

(1) A county having a population of more than seventy-one thousand (71,000) but less than seventy-five thousand (75,000).

(2) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000).

(b) For the purpose of determining the number of inspection stations operating in a county under this subsection, a temporary or portable inspection station counts as an inspection station. After July 1, 1997, the department must maintain in a county under subsection (a) an equal or greater number of inspection stations as were operating in the county on July 1, 1996.

As added by P.L.79-1997, SEC.2. Amended by P.L.170-2002, SEC.86; P.L.119-2012, SEC.109.

IC 13-17-5-6

Vehicle emissions tests certificate of compliance; new and recently manufactured vehicles

Sec. 6. (a) A rule adopted by the board under air pollution control laws that:

(1) requires periodic motor vehicle emissions tests; and

(2) makes new vehicles exempt from the emissions tests for a time;

may not require that new vehicles be presented at an official vehicle inspection station for the purpose of obtaining a certificate of compliance.

(b) A rule adopted by the board under air pollution control laws that:

(1) requires periodic motor vehicle emissions tests; and

(2) makes certain vehicles exempt from the emissions test due to the length of time since the vehicles were manufactured;

may not require that those vehicles be presented at an official vehicle inspection station for the purpose of obtaining a certificate of compliance.

As added by P.L.1-1996, SEC.7.

IC 13-17-5-6.7

Repealed

(As added by P.L.282-2003, SEC.36. Repealed by P.L.1-2007,

SEC.248.)

IC 13-17-5-7

Motor vehicle emissions testing program; funding

Sec. 7. (a) The department shall annually advise the budget committee on whether:

- (1) money appropriated by the general assembly; and
- (2) money available through federal grants;

is adequate to implement a motor vehicle emissions testing program described in section 5.1 of this chapter.

(b) If the money described under subsection (a) becomes insufficient to implement a motor vehicle emissions testing program, the department shall immediately notify:

- (1) the governor; and
- (2) the budget committee;

of the insufficiency.

As added by P.L.1-1996, SEC.7. Amended by P.L.229-1999, SEC.3.

IC 13-17-5-8

Motor vehicle emissions inspection station; duty to report violations; notification of compliance

Sec. 8. (a) Whenever:

- (1) an officer or employee of the department; or
- (2) a person the department has contracted with under section 5 (before its repeal) or 5.1 of this chapter or IC 13-1-1-11 (before its repeal);

learns of a violation of section 1, 2, 3, or 4 of this chapter or IC 13-1-1-6 (before its repeal), the officer or employee shall notify the bureau of motor vehicles in writing of the violation or failure for purposes of the suspension of the registration of the vehicle in question under IC 9-18-2-39.

(b) After a vehicle's registration is suspended under IC 9-18-2-39:

- (1) an officer or employee of the department; or
- (2) a person the department has contracted with under section 5 (before its repeal) or 5.1 of this chapter or IC 13-1-1-11 (before its repeal);

who recognizes that the violation of section 1, 2, 3, or 4 of this chapter or IC 13-1-1-6 (before its repeal) has been corrected shall notify the bureau of motor vehicles in writing of the correction or achievement of compliance for purposes of the reinstatement of the vehicle's registration under IC 9-18-2-39.

As added by P.L.1-1996, SEC.7. Amended by P.L.229-1999, SEC.4.

IC 13-17-5-9

Rules for vehicle inspection programs in certain counties; approval of programs by budget agency

Sec. 9. (a) After December 31, 2006, the board may not adopt a rule under air pollution control laws that requires motor vehicles to

undergo a periodic test of emission characteristics in the following counties:

(1) A county having a population of more than seventy-one thousand (71,000) but less than seventy-five thousand (75,000).

(2) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000).

(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.

As added by P.L.282-2003, SEC.37. Amended by P.L.119-2012, SEC.110.