

FEB 7 1996  
TRANSPORTATION

HOUSE FILE 2169  
BY HOLVECK

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to polluting motor vehicles and providing a  
2 penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2169

1 Section 1. NEW SECTION. 455B.152 MOTOR VEHICLE POLLUTION  
2 PREVENTION PROGRAM.

3 1. The department of natural resources shall establish by  
4 rule emittance standards with which all motor vehicles  
5 registered within the state shall comply. The emittance  
6 standards established by the department of natural resources  
7 shall not be stricter than the federal emittance standards  
8 already imposed on new motor vehicles under the federal Clean  
9 Air Act, 42 U.S.C. § 7521 et seq.

10 2. The department of natural resources shall develop a  
11 program to allow persons to report obvious motor vehicle  
12 polluters through the use of a toll-free telephone line by  
13 stating the polluter's registration plate number. For  
14 purposes of this section, "obvious motor vehicle polluter"  
15 means a motor vehicle which due to the poor condition of its  
16 emission system is in need of repairs to its emission system.

17 3. The state department of transportation shall cooperate  
18 with the department of natural resources in locating the motor  
19 vehicle of an obvious motor vehicle polluter reported to the  
20 department of natural resources. The department of natural  
21 resources shall investigate a report by requiring the owner to  
22 make the motor vehicle available for emissions testing by the  
23 department of natural resources. If the pollutants that are  
24 emitted are in violation of standards established by the  
25 department of natural resources, the department of natural  
26 resources shall issue a citation requiring the owner to repair  
27 the motor vehicle in order to bring it into compliance with  
28 the standards. The owner of the motor vehicle shall have the  
29 right to choose the person who will repair the motor vehicle.  
30 The offending motor vehicle shall not be operated until it has  
31 been repaired to the satisfaction of the department, except in  
32 association with repairing or retesting the offending motor  
33 vehicle.

34 4. A person operating a motor vehicle in violation of this  
35 section is guilty of a simple misdemeanor. Each separate

1 operation of the motor vehicle shall be considered a separate  
2 offense under this section.

3 EXPLANATION

4 This bill requires the department of natural resources to  
5 establish emittance standards with which all motor vehicles  
6 registered within the state shall comply. The emittance  
7 standards established by the department of natural resources  
8 shall not be stricter than the federal emittance standards  
9 already imposed on new motor vehicles under the federal Clean  
10 Air Act, 42 U.S.C. § 7521 et seq.

11 The department of natural resources shall establish a  
12 program to allow persons to report obvious motor vehicle  
13 polluters. The program includes the operation of a toll-free  
14 telephone line where persons may report obvious motor vehicle  
15 polluters by leaving the polluter's registration plate number.

16 The state department of transportation shall cooperate with  
17 the department of natural resources in locating the motor  
18 vehicle. The department of natural resources shall  
19 investigate the report and test the emissions of the motor  
20 vehicle. If the pollutants that are emitted are in violation  
21 of standards established by the department of natural  
22 resources, the department of natural resources shall issue a  
23 citation requiring the owner to repair the motor vehicle in  
24 order to bring it into compliance with the standards. The  
25 owner of the motor vehicle has the right to choose the person  
26 who will repair the motor vehicle. The offending motor  
27 vehicle shall not be operated until it has been repaired to  
28 the satisfaction of the department. However, the offending  
29 motor vehicle may be operated strictly in association with  
30 repairing or retesting the offending motor vehicle.

31 A person operating a motor vehicle in violation of this  
32 section is guilty of a simple misdemeanor. A simple  
33 misdemeanor is punishable by a fine of at least \$50 but not to  
34 exceed \$100 or imprisonment not to exceed 30 days. Each  
35 separate operation of the motor vehicle is considered a

- 1 separate offense.
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