

MAR 10 1997

ENVIRONMENTAL PROTECTION

HOUSE FILE
BY HOLVECK

532

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to motor vehicle pollution and providing a
2 penalty.

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

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HF 532

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.

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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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