

House File 750

Bill Text

PAG LIN

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

1 3 1. The department of natural resources shall establish, by
1 4 rule, emittance standards with which all motor vehicles
1 5 registered within the state shall comply. The emittance
1 6 standards established by the department of natural resources
1 7 shall not be stricter than the federal emittance standards
1 8 already imposed on new motor vehicles under the federal Clean
1 9 Air Act, 42 U.S.C. } 7521 et seq. A vehicle which qualifies
1 10 as an antique vehicle under section 321.115, subsection 1, is
1 11 not subject to the requirements of this section.

1 12 2. The department of natural resources shall develop a
1 13 program to allow persons to report obvious motor vehicle
1 14 polluters through the use of a toll-free telephone line by
1 15 stating the polluter's registration plate number. For
1 16 purposes of this section, "obvious motor vehicle polluter"
1 17 means a motor vehicle which, due to the poor condition of its
1 18 emission system, is in need of repairs to its emission system.

1 19 3. The state department of transportation shall cooperate
1 20 with the department of natural resources in locating the motor
1 21 vehicle of an obvious motor vehicle polluter reported to the
1 22 department of natural resources. The department of natural
1 23 resources shall investigate a report by requiring the owner to
1 24 make the motor vehicle available for emissions testing by the
1 25 department of natural resources. If the pollutants that are
1 26 emitted are in violation of standards established by the
1 27 department of natural resources, the department of natural
1 28 resources shall issue a citation requiring the owner to repair
1 29 the motor vehicle in order to bring it into compliance with
1 30 the standards. The owner of the motor vehicle shall have the
1 31 right to choose the person who will repair the motor vehicle.
1 32 The offending motor vehicle shall not be operated until it has
1 33 been repaired to the satisfaction of the department, except in
1 34 association with repairing or retesting the offending motor
1 35 vehicle.

2 1 4. A person operating a motor vehicle in violation of this
2 2 section is guilty of a simple misdemeanor. Each separate
2 3 incident of operation of the motor vehicle shall be considered
2 4 a separate violation under this section.

2 5 EXPLANATION

2 6 This bill requires the department of natural resources to
2 7 establish emittance standards with which all motor vehicles
2 8 registered within the state shall comply. The emittance
2 9 standards established by the department of natural resources
2 10 shall not be stricter than the federal emittance standards
2 11 already imposed on new motor vehicles under the federal Clean
2 12 Air Act, 42 U.S.C. } 7521 et seq.

2 13 The department of natural resources shall establish a
2 14 program to allow persons to report obvious motor vehicle
2 15 polluters. The program includes the operation of a toll-free
2 16 telephone line by which persons may report obvious motor
2 17 vehicle polluters by leaving the polluter's registration plate
2 18 number.

2 19 The state department of transportation is to cooperate with
2 20 the department of natural resources in locating the motor
2 21 vehicle. The department of natural resources is to

2 22 investigate the report and test the emissions of the motor
2 23 vehicle. If the pollutants that are emitted are in violation
2 24 of standards established by the department of natural
2 25 resources, the department of natural resources shall issue a
2 26 citation requiring the owner to repair the motor vehicle in
2 27 order to bring it into compliance with the standards. The
2 28 owner of the motor vehicle has the right to choose the person
2 29 who will repair the motor vehicle. The offending motor
2 30 vehicle shall not be operated until it has been repaired to
2 31 the satisfaction of the department. However, the offending
2 32 motor vehicle may be operated strictly in association with
2 33 repairing or retesting the offending motor vehicle.
2 34 A person operating a motor vehicle in violation of this
2 35 section is guilty of a simple misdemeanor. A simple
3 1 misdemeanor is currently punishable by a fine of at least \$50
3 2 but not to exceed \$100, or imprisonment not to exceed 30 days
3 3 under Code section 903.1. Each separate incident of operation
3 4 of the motor vehicle is considered a separate violation.
3 5 LSB 2832YH 78
3 6 nh/cf/24