

CHAPTER NO. 926

HOUSE BILL NO. 3498

By Representatives McMillan, Briley, Bowers, Cooper, Brenda Turner

Substituted for: Senate Bill No. 3410

By Senators Haynes, Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 4 and Title 68, Chapter 2, relative to the emission of certain air pollutants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-4-128, is amended by deleting subdivision (a)(3) and substituting instead the following:

(a)

(3) The Air Pollution Control Board created by Tennessee Code Annotated, Section 67-201-104, shall promulgate rules providing conditions under which owners of motor vehicles that do not successfully complete an emissions test may apply for waivers or variances. Such rules may set appropriate conditions for such waivers that are consistent with federal as well as state law and consider the expenditures made by the owner in order to come into compliance.

SECTION 2. Tennessee Code Annotated, Section 55-4-130 is amended by deleting subsection (a) and substituting instead the following:

(a) Sections 55-4-101(d)(2), 55-4-104(d)(2), and 55-6-105(a)(9) shall only apply in those counties:

(1) that have been designated by the Air Pollution Control Board to have an inspection and maintenance program because it is necessary to attain or maintain compliance with national ambient air standards, provided that the board may only designate counties that:

(A) have been designated by the US EPA as not attaining the national ambient air standards and have over 50,000 registered vehicles in the most recent year;

(B) are former non-attainment counties with over 50,000 registered vehicles in the most recent year that are under a maintenance plan designed to continue to meet the national ambient air standards; or

(C) that contribute significantly to non-attainment in another county and have more than 60,000 motor vehicles registered in the county in the most recent year; or

(2) for which a resolution has been passed by the governing body of the county which specifically establishes an inspection and maintenance program for the county and the board approves such resolution as providing for a program that is consistent with the programs operated under subsection (1). The board may also oversee the implementation of such program to assure statewide consistency and shall review such programs at least once every three (3) years. The implementation of §§ 55-4-101(d)(2), 55-4-104(d)(2), and 55-6-105(a)(9) shall be in a manner as to assure compliance with the Clean Air Act, 42 U.S.C. § 7401 et seq., and the Air Pollution Control Act, Title 68, Ch. 201, Pt. 1. All such counties implementing a vehicle inspection and maintenance program may only charge fees that are directly related to the county's cost of establishing and implementing the vehicle inspection and maintenance program.

SECTION 3. Tennessee Code Annotated, Section 55-4-130(b), is amended by deleting it in its entirety and by substituting instead the following:

For purposes of this section, the state or county may purchase goods and services on the same terms and conditions as such goods and services have been purchased by the state or a county where such contract, as amended or extended, is in effect at the date of the purchase by the state or a county and where such contract was executed in the first instance by the state or a county pursuant to its regular purchasing procedures for such goods and services. Such contract, whether the existing contract from which the purchase is made or the new contract, may be modified by the state or county for one (1) additional term of not more than sixty (60) months, the policy of the state being to promote statewide uniformity of price and term of such contracts.

SECTION 4. Tennessee Code Annotated, Section 55-4-130(c), is amended by deleting such subsection and substituting instead the following:

(c) The rules promulgated by the Tennessee Air Pollution Control Board shall provide that, with respect to any fleet of motor vehicles owned or leased by any manufacturer of motor vehicles located in any county designated in subsection (a) of this section, such manufacturer shall be allowed to provide its own vehicle inspection and maintenance program so long as such vehicle inspection and maintenance program meets the standards required by the board.

SECTION 5. Tennessee Code Annotated, Title 68, Chapter 201, Part 1, is amended by adding the following as a new, appropriately designated section:

Section ___. The Tennessee Air Pollution Control Board shall promulgate rules that:

(a) Specify the type of vehicle inspection and maintenance program to be established and implemented; and

(b) Establish that the inspection associated with the vehicle inspection and maintenance program will occur on an annual basis in connection with vehicle registration renewal.

SECTION 6. Tennessee Code Annotated, Title 68, Chapter 201, Part 1, is amended by adding the following as a new, appropriately designated section:

Section __. It is unlawful for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under the federal Clean Air Act, 42 U.S.C. §§ 7401 et seq., prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.

SECTION 7. Tennessee Code Annotated, Section 68-201-102(2), is amended by inserting a period after the words "chimney outlets from any of the foregoing" and deleting the remainder of the subsection.

SECTION 8. Tennessee Code Annotated, Section 68-201-203, is amended by deleting such section in its entirety.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 19, 2004


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 8th day of June 2004


PHIL BREDESEN, GOVERNOR