



State of Tennessee

PUBLIC CHAPTER NO. 953

HOUSE BILL NO. 1782

By Representatives Carter, Madam Speaker Harwell, McCormick, Gravitt, Hazlewood, Favors, Lamberth, Dawn White, Sparks, Terry, Rudd, Lynn, Boyd, Howell, Faison, Williams, Mark White, Tillis

Substituted for: Senate Bill No. 2656

By Senators Watson, Gardenhire, Ketron, Haile, Pody, Johnson, Kelsey, Stevens

AN ACT to amend Tennessee Code Annotated, Title 55 and Title 68, relative to motor vehicle inspection requirements.

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

SECTION 1. Tennessee Code Annotated, Section 68-201-119, is amended by designating the current language as subsection (a) and by adding the following language as a new subsection (b):

(b)

(1) Notwithstanding subsection (a) or any other law to the contrary, no inspection and maintenance program shall be employed in this state on or after the effective date of this act, except in accordance with Section 2.

(2) If at any time under the federal Clean Air Act, compiled in 42 U.S.C. § 7401 et seq., an inspection and maintenance program is mandated instead of available as a voluntary state implementation plan measure in any county of this state, then subdivision (b)(1) shall not apply in that county.

SECTION 2. An inspection and maintenance program may be employed in a county that, on the effective date of this act, has a local air pollution control program and implements its own inspection and maintenance program, if the county authorizes the continuation of its own inspection and maintenance program by action of its governing body; provided, that in order to authorize the continuation of the inspection and maintenance program, the governing body must authorize the continuation within thirty (30) days of the effective date of this act, and the presiding officer of the county governing body must furnish a certified copy of the approved resolution to the technical secretary of the air pollution control board within sixty (60) days of the effective date of this act.

SECTION 3. The Tennessee air pollution control board is authorized to promulgate rules to effectuate the purposes of this act. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. Any new contract between the department or a local government and a contractor providing inspection services, any new contract between a local government and the department relative to the inspection and maintenance program, and any renewals of such contracts occurring after the effective date of this act, shall include a provision stating that the contract must conform to any changes in state law. Any existing contracts as described in this section shall be amended to include a provision stating that the contract must conform to any changes in state law.

SECTION 5. Tennessee Code Annotated, Section 55-4-104, is amended by adding the following as a new subsection:

() Any county that ceases to have an inspection and maintenance program pursuant to Section 1(b)(1) of this act may, by action of its governing body, increase the amount of any clerk's fee imposed on any initial registration, or at the time of renewal, by

HB 1782

an amount up to four dollars (\$4.00). Of any increase up to four dollars (\$4.00), the clerk shall retain one dollar (\$1.00) and remit, as directed by the county governing body, the balance of any funds to the county general fund.

SECTION 6 Any fee increase promulgated by the air pollution control board in order to offset any revenue lost as the result of the implementation of this act shall not be imposed on major sources of air pollutants under Title V of the Clean Air Act (42 U.S.C. § 7401 et seq.) except to the extent that such fees are used to pay for indirect and direct costs related to the Title V program as provided in Title 68, Chapter 203 and 42 U.S.C. § 7661a, and indirect and direct costs specified in 40 CFR § 70.9.

SECTION 7. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 8.

(a) Section 1 shall take effect one hundred twenty (120) calendar days following the date on which the United States environmental protection agency (EPA) approves a revised state implementation plan consistent with this act, the public welfare requiring it; provided, however, that if on such date, a contract exists between the department and a contractor providing inspection services, then Section 1 shall take effect upon the date of the contract's termination or expiration, the public welfare requiring it. For all other purposes, this act shall take effect upon becoming a law, the public welfare requiring it.

(b)

(1) The commissioner of environment and conservation shall certify in writing to the executive secretary of the Tennessee code commission the date of the approval by the EPA described in Section 6(a) and provide the executive secretary of the commission with a copy of such approval.

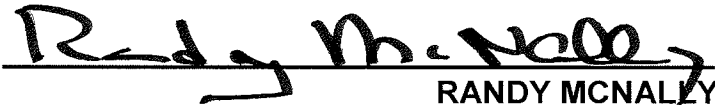
(2) If a contract exists on the date one hundred twenty (120) calendar days following the date of approval of the revised state implementation plan, then the commissioner shall also certify in writing the date of the department's contract termination or expiration, and provide the executive secretary of the commission with a copy of the signed document.

HOUSE BILL NO. 1782

PASSED: April 24, 2018

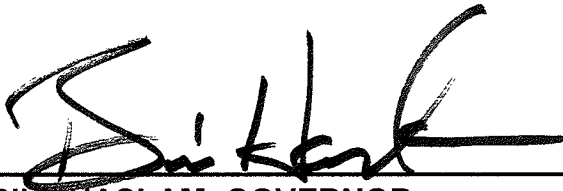


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 15th day of May 2018



BILL HASLAM, GOVERNOR