

Sec. 14. [363.15] NOTICE OF APPEAL TO THE COMMISSIONER.

In any case that is appealed to the supreme court or the court of appeals in which an issue is raised under this chapter, the party raising the issue shall serve a copy of the notice of appeal on the commissioner. The clerk of the appellate courts may not accept a notice of appeal or other papers, documents, or briefs from any party in an action involving this chapter without proof of service of the papers, documents, or briefs upon the commissioner.

Approved April 26, 1988

CHAPTER 661—S.F.No. 1783

An act relating to motor vehicles; requiring mandatory annual inspection of motor vehicle emission control equipment on vehicles registered in the metropolitan area; prescribing powers and duties of the pollution control agency and the department of public safety; imposing fees for inspection; prescribing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [116.60] DEFINITIONS.

Subdivision 1. APPLICABILITY. The definitions in this section apply to sections 1 to 6.

Subd. 2. AGENCY. "Agency" means the pollution control agency.

Subd. 3. CERTIFICATE OF COMPLIANCE. "Certificate of compliance" means a serially numbered written instrument or device indicating that a motor vehicle complies with the standards and criteria adopted by the agency under section 3.

Subd. 4. CERTIFICATE OF WAIVER. "Certificate of waiver" means a serially numbered written instrument or device indicating that the requirement of compliance with the standards and criteria of the agency has been waived for a motor vehicle under section 3.

Subd. 5. DEPARTMENT. "Department" means the department of public safety.

Subd. 6. METROPOLITAN AREA. "Metropolitan area" has the meaning given in section 473.121.

Subd. 7. MOTOR VEHICLE. "Motor vehicle" means a passenger automobile, station wagon, pickup truck, or van, as defined in section 168.011, licensed for use on the public streets and highways.

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Subd. 8. PUBLIC INSPECTION STATION. "Public inspection station" means a facility for motor vehicle inspection operated under contract with the agency under section 3.

Subd. 9. FLEET INSPECTION STATION. "Fleet inspection station" means a facility for the inspection of motor vehicle fleets operated under license issued by the agency under section 3.

Subd. 10. OWNER. "Owner" has the meaning given it in section 168.011.

Subd. 11. REGISTRAR. "Registrar" means the registrar of motor vehicles under section 168.33.

Sec. 2. [116.61] INSPECTION REQUIRED.

Subdivision 1. REQUIREMENT. (a) Beginning no later than July 1, 1991, each motor vehicle registered to an owner residing in the metropolitan area and each motor vehicle customarily domiciled in the metropolitan area but exempt from registration under section 168.012 or 473.448 must be inspected annually for air pollution emissions as provided in sections 1 to 6.

(b) The inspections must take place at a public or fleet inspection station. The inspections must take place within 90 days prior to the registration deadline for the vehicle or, for vehicles that are exempt from license fees under section 168.012 or 473.448, at a time set by the agency.

(c) The registration on a motor vehicle subject to paragraph (a) may not be renewed unless the vehicle has been inspected for air pollution emissions as provided in sections 1 to 6 and received a certificate of compliance or a certificate of waiver.

Subd. 2. EXEMPT VEHICLES. The following motor vehicles are exempt from the requirements of this section:

(1) a motor vehicle manufactured before the 1976 model year or with an engine manufactured before the 1976 model year;

(2) a motor vehicle registered as classic, pioneer, collector, or street rod under section 168.10;

(3) a motor vehicle that is exempted in accordance with rules of the agency because the vehicle, although registered to an owner residing in the metropolitan area, is customarily domiciled outside of the metropolitan area; and

(4) any class of motor vehicle that is exempted by rule of the agency because the vehicles present prohibitive inspection problems or are inappropriate for inspection.

Sec. 3. [116.62] MOTOR VEHICLE INSPECTION PROGRAM.

Subdivision 1. ESTABLISHMENT. The agency shall establish and admin-

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ister a program to test and inspect for air pollution emissions the motor vehicles that are subject to the requirement of section 2.

Subd. 2. CRITERIA AND STANDARDS. (a) The agency shall adopt rules for the program under chapter 14 establishing standards and criteria governing the testing and inspection of motor vehicles for air pollution emissions.

(b) The rules must specify maximum pollutant emission levels for motor vehicles, giving consideration to the levels of emissions necessary to achieve applicable federal and state air quality standards. The standards may be different for different model years, sizes, and types of motor vehicles.

(c) The rules must establish testing procedures and standards for test equipment used for the inspection. The test procedures or procedures producing comparable results must be available to the automobile pollution equipment repair industry. The test equipment used for the inspection or comparable equipment must be available to the repair industry on the open market.

(d) The rules must establish standards and procedures for the issuance of licenses for fleet inspection stations.

(e) The rules must establish standards and procedures for the issuance of certificates of compliance and waiver.

Subd. 3. PUBLIC INSPECTION STATIONS; CONTRACT. (a) The program shall provide for the inspection of motor vehicles at public inspection stations. The number and location of the stations must provide convenient public access.

(b) The agency shall contract with a private entity for the design, construction, equipment, establishment, maintenance, and operation of the public inspection stations and the provision of related services and functions. The contractor and its officers and employees may not be engaged in the business of selling, maintaining, or repairing motor vehicles or selling motor vehicle replacement or repair parts, except that the contractor may repair any motor vehicle owned or operated by the contractor. The contractor's employees are not employees of the state for any purpose. In evaluating contractors, the agency shall consider the contractors' policies and standards on working conditions of employees. Contracts must require the contractor to operate the public inspection stations for a minimum of five years and may provide for equitable compensation, from the vehicle emission inspection account established by section 6, for capital costs and other appropriate expenditures to the contractor, as determined by the agency.

(c) A public inspection station shall inspect and reinspect motor vehicles in accordance with the agency rules and contract. The inspection station shall issue a certificate of compliance for a motor vehicle that has been inspected and determined to comply with the standards and criteria of the agency adopted under this section. If a certificate of compliance cannot be issued, the inspection

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station shall provide a written inspection report describing the reasons for rejection and, when appropriate, the repairs needed or likely to be needed to bring the vehicle into compliance with the standards and criteria.

(d) The agency shall develop a means of responding to inquiries from members of the public about the current status of a motor vehicle under the program, including the last date of inspection, certification of compliance, and the terms under which a certificate of waiver has been issued. The agency shall ensure in its public information program that the public is aware of this service. The agency may contract for the provision of this service.

Subd. 4. FLEET INSPECTION STATIONS; LICENSE. (a) The program shall provide for the licensing of fleet inspection stations by the agency. The license must be issued by the agency, upon payment of a licensing fee in a manner and an amount prescribed by the agency, when the agency determines that an applicant satisfies the requirements of this section and agency rules.

(b) Owners of a fleet of 50 or more motor vehicles may apply for a fleet inspection station license. Two or more persons each owning 25 or more motor vehicles may apply jointly for a fleet inspection station license.

(c) A licensee shall have the facilities, equipment, and personnel to competently perform the inspections required by sections 1 to 6 and the rules of the agency. A licensee shall provide for the inspection of each fleet vehicle in accordance with the requirements of section 2 and before registration of the vehicle shall indicate in a manner prescribed by the agency whether the vehicle complies with the emission standards of the agency.

(d) A fleet inspection station license authorizes and obligates the licensee to perform inspections only on motor vehicles owned or operated exclusively by the fleet licensee.

(e) A licensee shall maintain records of all inspections in a manner prescribed by the agency and shall make the records available for inspection by authorized representatives of the agency during normal business hours.

(f) To ensure compliance, the agency may require fleet licensees to submit motor vehicles designated by the agency numbering five percent or five motor vehicles, whichever is larger, but no more than 25 vehicles, to annual inspection at public inspection stations.

Subd. 5. CERTIFICATES OF WAIVER. (a) A certificate of waiver, valid for one year, must be issued for a motor vehicle following inspection if:

(1) a low emissions adjustment has been performed on the vehicle, following inspection and within 90 days prior to the renewal of registration, and

(2) either the estimated cost of repairs and adjustments necessary to bring the vehicle into compliance with emissions standards or the actual cost of repairs already performed on a vehicle in accordance with the inspection report under subdivision 3 exceeds the repair cost limit.

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(b) The following costs may not be considered in determining eligibility for waiver under paragraph (a): costs for repairs made under warranty and costs necessary to repair or replace any emission control equipment that has been removed, dismantled, tampered with, misfueled, or otherwise rendered inoperative in violation of section 325E.0951.

(c) The repair cost limit is \$75 for vehicles manufactured before the 1981 model year, and \$200 for vehicles manufactured in the 1981 model year and after.

(d) A temporary certificate of waiver, valid for not more than 30 days, may be issued to a vehicle to allow time for inspection and necessary repairs and adjustments.

Subd. 6. FEDERAL GRANTS. The agency shall apply for and accept on behalf of the state any funds made available by the federal government or by any other sources for motor vehicle pollution control programs.

Subd. 7. STUDIES; DATA COLLECTIONS; ANNUAL REPORT. The agency shall collect data and undertake studies necessary to evaluate the cost, effectiveness, and benefits of the motor vehicle inspection program. The agency shall compile data on failure rate, compliance rate, the number of certificates issued, and other similar matters. The agency shall report on the operation of the motor vehicle inspection program to the legislature by January 1, 1992, and every two years thereafter.

Subd. 8. PUBLIC INFORMATION; TRAINING. The agency shall design, prepare, and implement a public information program for the motor vehicle inspection program, in cooperation with the department and the contractor under section 3, subdivision 3. The program must include material for distribution, presentations, mass media releases, and other appropriate material.

Sec. 4. [116.63] PROHIBITED ACTS.

Subdivision 1. WRONGFUL CERTIFICATION. No person may issue a certificate of compliance for a motor vehicle that has not been inspected in accordance with or is not in compliance with the rules of the agency.

Subd. 2. REFERRAL FOR PARTS OR REPAIR. An employee, owner, or operator of a public inspection station may not furnish information, except information provided by the state, about the name or other description of a parts or repair facility or other place where parts, repairs, or adjustments may be obtained to bring a motor vehicle into compliance with the rules of the agency.

Subd. 3. ALTERATION. A person may not materially alter or change any equipment or mechanism of a motor vehicle that has been certified to comply with the rules of the agency, so that the motor vehicle is no longer in compliance with those rules.

Subd. 4. FALSE REPAIR COSTS. A person may not provide false information to a public inspection station or the agency about estimated or actual

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repair costs or repairs needed to bring a motor vehicle into compliance with the standards of the agency. A person may not claim an amount spent for repair if the repairs were not made or the amount not spent.

Sec. 5. [116.64] INSPECTION FEE.

Subdivision 1. AMOUNT. Beginning January 1, 1991, an annual fee established in accordance with the rules of the agency, not to exceed \$10, is imposed for the cost of the inspection of a motor vehicle at a public inspection station and such reinspections as the rules of the agency allow, the cost of the contract entered under section 3, subdivision 3, and the administrative costs of the agency and the department.

Subd. 2. APPLICATION. The fee must be paid for each motor vehicle inspected at a public inspection station, including a motor vehicle that is exempt from license fees under section 168.012 or 473.448.

Subd. 3. PAYMENT. The fee must be paid to the registrar at the time that the motor vehicle is reregistered or, for vehicles exempt from license fees under section 168.012 or 473.448, at a time set by the agency.

Sec. 6. [116.65] VEHICLE EMISSION INSPECTION ACCOUNT.

Subdivision 1. ESTABLISHMENT; PURPOSE. A vehicle emission inspection account is created in the state treasury and may be used only to pay the cost of the motor vehicle inspection program and the costs of the agency and department to administer sections 1 to 6.

Subd. 2. REVENUE SOURCE. Revenue from the following sources must be deposited in the vehicle emission inspection account:

(1) money recovered by the state under section 4, and money paid under any agreement, stipulation, or settlement;

(2) money received by the agency in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for the purpose of the account;

(3) fleet inspection station licensing fees;

(4) interest attributable to investment of money deposited in the fund; and

(5) the proceeds of the inspection fee.

Subd. 3. APPROPRIATION. By the end of the initial contract entered by the agency under section 3, subdivision 3, the amounts appropriated from the motor vehicle transfer fund to the vehicle emission inspection account must be repaid to the transfer fund, and the amounts necessary for this repayment are appropriated from the vehicle emission inspection account.

Sec. 7. APPROPRIATION.

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\$10,000 is appropriated to the agency from the motor vehicle transfer fund for transfer to the vehicle emission inspection account.

Sec. 8. APPROPRIATION.

\$200,000 is appropriated to the agency from the motor vehicle transfer fund for transfer to the vehicle emission inspection account.

Sec. 9. APPROVED COMPLEMENT.

The approved complement of the agency is increased by four classified positions. The positions approved by this section must be paid from the vehicle emission inspection account.

Sec. 10. STUDY.

The agency shall study and report to the legislature on the effectiveness, costs, and benefits of requiring the use of alternative fuels and of extending the requirements of section 2 to other vehicles registered in the metropolitan area and to other pollution by these vehicles.

Sec. 11. EFFECTIVE DATE.

Sections 1 to 7 and 9 are effective the day following final enactment. Section 8 is effective July 1, 1988.

Approved April 26, 1988

CHAPTER 662—S.F.No. 1871

An act relating to family law; prohibiting certain false allegations of child abuse; regulating child custody hearings; prescribing the penalty of murder in the first degree for the new crime of causing the death of a child while committing child abuse; requiring members of the clergy to report maltreatment of children; providing penalties; amending Minnesota Statutes 1986, sections 518.17, by adding a subdivision; 609.185; Minnesota Statutes 1987 Supplement, section 626.556, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 518.17, is amended by adding a subdivision to read:

Subd. 1a. EVIDENCE OF FALSE ALLEGATIONS OF CHILD ABUSE. The court shall consider evidence of a violation of section 3 in determining the best interests of the child.

Sec. 2. Minnesota Statutes 1986, section 609.185, is amended to read:

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