

224.20-755 Operation of vehicle emission control program by county.

- (1) A county fiscal court may apply to the cabinet for authority to operate a vehicle emission control program. The cabinet may delegate authority when it has found that the applicant:
 - (a) Has obtained approved machinery, tools, and equipment approved by the cabinet and adequate to conduct the required emission inspections;
 - (b) Has provided for a sufficient number of facilities to ensure minimum waiting time for vehicles to be inspected;
 - (c) Employs properly trained personnel with whom to perform the necessary inspections;
 - (d) Has adopted minimum emission standards for vehicles at least as stringent as those adopted by the cabinet; and
 - (e) Agrees to provide information prescribed by the cabinet concerning the implementation, administration, and operation of the vehicle emission control program.
- (2) Any county that has received authority to operate a vehicle emission control program shall be prohibited from inspecting motorcycles as defined in KRS 189.285(6). The provisions of this subsection shall supersede any existing local ordinance involving the inspection of motorcycles under a vehicle emission control program administered by a county. All counties, cities, special districts, and other units of local government shall be prohibited from enacting an ordinance contrary to the provisions of this subsection.
- (3) Any county that has received authority to operate a vehicle emission control program shall honor and issue reciprocal certificates as required under KRS 224.20-717. The provisions of this subsection shall supersede any existing local ordinance involving the inspection of motor vehicles under a vehicle emission control program administered by a county. All counties, cities, special districts, and other units of local government shall be prohibited from enacting an ordinance contrary to the provisions of this subsection.
- (4) Any county which has received authority to operate a vehicle emission control program may charge an inspection fee. There shall be established an emission inspection account in the county. Unless an independent contractor is authorized pursuant to KRS 224.20-740 to collect inspection fees, the county clerk shall collect the fee at the time of registration renewal in the manner provided for cabinet programs. The inspection fees collected by the county clerk shall be immediately transferred to the county emission inspection account, except for a sum of no more than twenty-five cents (\$0.25) per vehicle which the county clerk may retain.
- (5) A county which has received authority to operate a vehicle emission control program shall transmit to the cabinet's vehicle emission control fund two percent (2%) of the funds received from inspection fees or from the independent contractor authorized pursuant to KRS 224.20-740.

- (6) The county may use the county's emission inspection fund to acquire any special equipment, tools, employees, material, or facilities needed to adequately administer, investigate, or enforce the provisions of KRS 224.20-710 to 224.20-765.
- (7) The county may enter into a contract with the cabinet and receive state funds charged to the cabinet's vehicle emission control fund to start a vehicle emission control program.
- (8) A county applying for delegation pursuant to this section may enter into a contract with one (1) or more independent contractors subject to the provisions of KRS 224.20-740 to provide for construction, equipment, establishment, maintenance and operation of inspection stations for the purpose of obtaining delegation pursuant to KRS 224.20-710 to 224.20-765.
- (9) If the cabinet determines, after a hearing with notice, that a delegated vehicle emission control program is not being administered in accordance with KRS 224.20-710 to 224.20-765, the delegation of authority may be revoked by order of the cabinet and all unexpended money, equipment and facilities acquired by the county with funds granted by the cabinet shall be transferred to the cabinet.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 66, sec. 2, effective July 14, 2000; and ch. 226, sec. 3, effective July 14, 2000. -- Created 1990 Ky. Acts ch. 467, sec. 9, effective July 13, 1990.

Formerly codified as KRS 224.478.

Legislative Research Commission Note (7/14/2000). This section was amended by 2000 Ky. Acts chs. 66 and 226, which do not appear to be in conflict and have been codified together.