

CHAPTER 236
HB 1209 – FINAL VERSION

19Feb2014... 0275h

2014 SESSION

14-2141
03/06

HOUSE BILL ***1209***

AN ACT relative to On-Board Diagnostics (OBD II) testing and the OBD II testing advisory committee.

SPONSORS: Rep. Cooney, Graf 8; Rep. Packard, Rock 5

COMMITTEE: Science, Technology and Energy

ANALYSIS

 This bill modifies the membership and the meeting and reporting requirements of the OBD II testing advisory committee.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to On-Board Diagnostics (OBD II) testing and the OBD II testing advisory committee.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 236:1 Emission Control Equipment; Applicability. Amend RSA 266:59-b, III to read as follows:

2 III. The commissioner, after public hearing and consultation with the commissioner of the
3 department of environmental services and the air pollution advisory committee, and notification of
4 the house science, technology, and energy committee and the senate environment committee, and
5 with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which
6 require ~~[all model year 1996 and newer gasoline powered and model year 1997 and newer diesel~~
7 ~~powered]~~ motor vehicles equipped with **an** on-board diagnostic ~~[systems]~~ **system** meeting ~~[the]~~
8 federal EPA OBD II **(On-Board Diagnostics)** standards **that are** driven on the ways of this state
9 **and** which are subject to inspection under this chapter, after a date specified by the commissioner, to
10 be tested for OBD II indications of failures as a component of the inspection. **Vehicles subject to**
11 **this requirement shall include model year 1997 and newer diesel-powered motor vehicles**
12 **and model year 1996 and newer motor vehicles powered by any other fuel source.** To the
13 extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests
14 required by paragraph I.

15 236:2 OBD II Testing Advisory Committee. Amend RSA 266:59-b, VII to read as follows:

16 VII.(a) There is established an OBD II testing advisory committee. The committee shall be
17 composed of the following:

- 18 (1) Three representatives, appointed by the speaker of the house of representatives.
19 (2) ~~[Three]~~ **Two** senators, appointed by the president of the senate.
20 (3) The director of the division of motor vehicles of the department of safety, **or**
21 **designee.**
22 (4) The attorney general, or designee.
23 (5) The commissioner of environmental services, or designee.
24 (6) One member nominated by the New Hampshire Automobile Dealers Association
25 and appointed by the governor.

26 ~~[(7) One member nominated by the New Hampshire Motor Transport Association~~
27 ~~and appointed by the governor.]~~

28 (b) Members' terms shall be coterminous with their terms in office, except that
29 ~~[members]~~ **the member** appointed pursuant to ~~[subparagraphs (a)(6) and (a)(7)]~~ **subparagraph**

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1 **(a)(6)** shall serve at the discretion of the appointing authority.

2 (c) The committee shall:

3 (1) Review and make recommendations on any contracts between the state and any
4 private entities relating to OBD II testing.

5 (2) Review program operations on any contracts between the state and any private
6 entities relating to OBD II testing.

7 (3) Make recommendations for statutory and rules changes to the amounts and types
8 of repair waivers granted in the OBD II testing program.

9 (4) ~~Report by May 1, 2006 its recommendation whether to extend the electronic~~
10 ~~reporting exemption for inspection stations performing less than 200 inspections in a consecutive 12-~~
11 ~~month period] **Meet at least annually and more often as needed.**~~

12 (5) Submit ~~[an annual]~~ **a** report **at least biennially or as needed** to the governor,
13 senate president, and speaker of the house of representatives **by November 1st of odd-numbered**
14 **years** on the operation of the motor vehicle inspection and emissions testing program.

15 236:3 Effective Date. This act shall take effect 60 days after its passage.

16 Approved: July 21, 2014

17 Effective Date: September 19, 2014