

## **REGULATION 8.03     Commuter Vehicle Testing Requirements**

### **Air Pollution Control District Of Jefferson County Jefferson County, Kentucky**

**Relates To:** KRS 77 Air Pollution Control  
Jefferson Fiscal Court Ordinance Number 8 Series 1992

**Pursuant To:** KRS 77 Air Pollution Control  
Jefferson Fiscal Court Ordinance Number 8 Series 1992

which provides for emissions testing of vehicles owned or operated by certain non-resident commuters employed in Jefferson County, Kentucky.

**Necessity And Function:** KRS 77.180 provides that the Air Pollution Control Board may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation provides for control of motor vehicle emissions of commuters to Jefferson County, Kentucky.

#### **SECTION 1   Applicability**

This regulation applies to the owners or operators of vehicles who routinely or regularly commute to Jefferson County, Kentucky for employment or self-employment. It also applies to all employers and self-employers with one or more employees who routinely or regularly commute to Jefferson County for employment or self-employment.

#### **SECTION 2   Definitions**

Terms used in this regulation not defined herein have the meaning given them in Regulations 1.02 and 8.01.

- 2.1 "Commuter" means every person who does not reside in Jefferson County but who is employed or self-employed in Jefferson County and operates a motor vehicle to routinely or regularly drive to a place of employment or self-employment in Jefferson County.
- 2.2 "Employer" means every business, trade, occupation, profession or commercial enterprise located in Jefferson County which pays salaries, wages, commissions, or other compensation to any person or persons for work or services performed in the furtherance of its business, trade, occupation, profession or commercial activities.
- 2.3 "Vehicle" means any motor vehicle as defined in Regulation 8.01 which is owned, leased, or operated by a commuter.

#### **SECTION 3   Commuter Requirements**

- 3.1 Each commuter shall supply to employer a current residence address and social security number, and may be required to provide the license number of each vehicle owned, leased, or operated by a commuter. Each commuter who operates a vehicle not owned or leased by the commuter may be required to provide employer the name, current residence address, and social security number of the vehicle's owner, and license plate number of the vehicle.
- 3.2 The District shall notify commuters of the certification month assigned to each vehicle and the test months of the vehicles.

- 3.3 Commuters shall have their vehicles emissions tested on an annual basis at a Jefferson County Vehicle Emissions Testing Center and shall comply with Regulation 8.01 unless exempted pursuant to Section 5.

#### **SECTION 4 Employer Requirements**

- 4.1 Each employer who employs one or more commuters and each self-employed commuter shall submit a complete and accurate list of the name, current residence address, and social security number of each commuter. If determined to be necessary by the Administrator, the list may further require the license plate number of each vehicle owned, leased, or operated by each commuter. This list shall be submitted to the District by January 31 and July 31 of each calendar year.
- 4.2 In a form designated by the Administrator, a statement shall accompany the submitted list of commuters attesting to the accuracy and completeness of the list, which shall be signed by an officer of the corporation, partner, sole proprietor, or other legally responsible party. If an employer has no nonresident commuter employees, the designated statement form shall be completed, signed, and submitted indicating "none" or zero commuter employees.
- 4.3 When possible, the commuter list should be submitted to the District on computer diskettes in a format determined by the Administrator. All employers or self-employers not having computer capability shall submit the information required in Section 4.1 typed or legibly hand printed in blue or black ink on standard 8 1/2 inch by 11 inch paper.

#### **SECTION 5 Exceptions**

- 5.1 The testing requirement shall not apply to any commuter whose vehicle is subject to and maintained in continuous compliance with any official state, local, or municipal mandatory vehicle emissions inspection and maintenance program similar to the Jefferson County program including, but not limited to, the program in Clark and Floyd counties of Indiana. To qualify for an exemption from testing, each commuter or owner of such vehicle shall provide a copy of the current compliance certificate for each vehicle.
- 5.2 A commuter may submit an affidavit pursuant to Regulation 8.01 attesting that a vehicle owned or leased by the commuter is never driven within Jefferson County. The vehicle would then be eligible for an exemption from emissions testing in Jefferson County during the current certification period. The commuter shall be notified by the District that the vehicle is exempt from testing for the current certification year.

#### **SECTION 6 Enforcement**

- 6.1 A sworn criminal complaint may be taken out in Jefferson District Court against any commuter vehicle owner or operator who fails to obtain a compliance certificate by the end of the certification month. In addition, the department of motor vehicle licensing in the state of that commuter vehicle shall be notified of the commuter vehicle's non-compliance.
- 6.2 Every employer and every self-employed person who fail to submit the required list of commuter employees shall be guilty of a violation. Every employer and every self-employed person who fail to remedy such violation within 45 days after receiving a written notice of non-compliance from the District shall be fined not less than ten dollars nor more than \$500 for such violation. Each day of non-compliance after the 45 day grace period shall be considered a separate violation. Taxation of court costs shall be mandatory upon conviction

and shall not be probated or suspended. The failure of a commuter or commuters to provide complete and accurate information to an employer shall be a defense to any prosecution under this section.

- 6.3 Every commuter who fails to submit the correct information required by section 3.1 shall be guilty of a violation and shall be fined not less than ten dollars nor more than \$500.00. Taxation of court costs shall be mandatory upon conviction and shall not be probated or suspended.

**SECTION 7 Severability**

If any provision of this regulation or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or application of any other part of this regulation and to this end each provision of this regulation, and the various applications thereof, is declared to be severable.

Adopted v1/2-17-93; effective 3-1-93; amended v2/9-15-93.

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