

**53-8-204 Division duties -- Official inspection stations -- Permits -- Fees -- Suspension or revocation -- Utah-based interstate commercial motor carriers.**

- (1) The division shall:
  - (a) conduct examinations of every safety inspection station permit applicant and safety inspector certificate applicant to determine whether the applicant is properly equipped and qualified to make safety inspections;
  - (b) issue safety inspection station permits and safety inspector certificates to qualified applicants;
  - (c) establish application, renewal, and reapplication fees in accordance with Section 63J-1-504 for safety inspection station permits and safety inspector certificates;
  - (d) provide instructions and all necessary forms, including safety inspection certificates, to safety inspection stations for the inspection of motor vehicles and the issuance of the safety inspection certificates;
  - (e) investigate complaints regarding safety inspection stations and safety inspectors;
  - (f) compile and publish all applicable safety inspection laws, rules, instructions, and standards and distribute them to all safety inspection stations and provide updates to the compiled laws, rules, instructions, and standards as needed;
  - (g) establish a fee in accordance with Section 63J-1-504 to cover the cost of compiling and publishing the safety inspection laws, rules, instructions, and standards and any updates; and
  - (h) assist the council in conducting its meetings and hearings.
- (2)
  - (a) Receipts from the fees established in accordance with Subsection (1)(g) are fixed collections to be used by the division for the expenses of the Utah Highway Patrol incurred under Subsection (1)(g).
  - (b) Funds received in excess of the expenses under Subsection (1)(g) shall be deposited in the Transportation Fund.
- (3) The division may:
  - (a) before issuing a safety inspection permit, require an applicant, other than a fleet station or government station, to file a bond that will provide a guarantee that the applicant safety inspection station will make compensation for any damage to a motor vehicle during an inspection or adjustment due to negligence on the part of an applicant or the applicant's employees;
  - (b) establish procedures governing the issuance of safety inspection certificates to Utah-based interstate commercial motor carriers;
  - (c) suspend, revoke, or refuse renewal of any safety inspection station permit issued when the division finds that the safety inspection station is not:
    - (i) properly equipped; or
    - (ii) complying with rules made by the division; and
  - (d) suspend, revoke, or refuse renewal of any safety inspection station permit or safety inspector certificate issued when the station or inspector has violated any safety inspection law or rule.
- (4) The division shall maintain a record of safety inspection station permits and safety inspector certificates issued, suspended, revoked, or refused renewal under Subsection (3)(c).
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:
  - (a) setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway;
  - (b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can be operated safely;

- (c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections;
  - (d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate;
  - (e) establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students;
  - (f) establishing requirements:
    - (i) designed to protect consumers from unwanted or unneeded repairs or adjustments;
    - (ii) for maintaining safety inspection records;
    - (iii) for providing reports to the division; and
    - (iv) for maintaining and protecting safety inspection certificates;
  - (g) establishing procedures for a motor vehicle that fails a safety inspection;
  - (h) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and
  - (i) establishing procedures for a safety inspection station to follow if the station is going out of business.
- (6) The rules of the division:
- (a) shall conform as nearly as practical to federal motor vehicle safety standards including 49 C.F.R. Parts 393, 396, 396 Appendix G, and Federal Motor Vehicle Safety Standards 205; and
  - (b) may incorporate by reference, in whole or in part, the federal standards under Subsection (6)(a) and nationally recognized and readily available standards and codes on motor vehicle safety.

Amended by Chapter 356, 2012 General Session