

VEHICLE SAFETY INSPECTION

AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Chris Buttars

Peter C. Knudson
Ed P. Mayne

Pete Suazo

John L. Valentine

This act modifies the Public Safety Code by authorizing a safety inspection apprenticeship program for high schools. This act amends the frequency for the safety inspections of new vehicles and increases the authorized safety inspection fees. § This act takes effect on January 1, 2002. §

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-8-204, as last amended by Chapter 238, Laws of Utah 1998

53-8-205, as last amended by Chapters 128 and 238, Laws of Utah 1998

~~§ [53-8-206, as last amended by Chapter 238, Laws of Utah 1998] §~~

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-8-204** is amended to read:

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 63-38-3.2 for safety inspection station permits and safety inspector certificates;



28 (d) provide instructions and all necessary forms, including safety inspection certificates,
29 to safety inspection stations for the inspection of motor vehicles and the issuance of the safety
30 inspection certificates;

31 (e) charge a \$1.50 fee for each safety inspection certificate;

32 (f) investigate complaints regarding safety inspection stations and safety inspectors;

33 (g) compile and publish all applicable safety inspection laws, rules, instructions, and
34 standards and distribute them to all safety inspection stations and provide updates to the compiled
35 laws, rules, instructions, and standards as needed;

36 (h) establish a fee in accordance with Section 63-38-3.2 to cover the cost of compiling and
37 publishing the safety inspection laws, rules, instructions, and standards and any updates; and

38 (i) assist the council in conducting its meetings and hearings.

39 (2) (a) (i) Receipts from the fees established in accordance with Subsection (1)(h) are fixed
40 collections to be used by the division for the expenses of the Utah Highway Patrol incurred under
41 Subsection (1)(h).

42 (ii) Funds received in excess of the expenses under Subsection (1)(h) shall be deposited
43 in the Transportation Fund.

44 (b) (i) The first \$.50 of the fee under Subsection (1)(e) is a dedicated credit to be used
45 solely by the Utah Highway Patrol for the expenses of administering this section.

46 (ii) Funds in excess of the first \$.50 collected under Subsection (1)(e) shall be deposited
47 in the Transportation Fund.

48 (iii) The dedicated credits described under Subsection (2)(b)(i) are in addition to any other
49 appropriations provided to administer the safety inspection program duties under this section.

50 (3) The division may:

51 (a) before issuing a safety inspection permit, require an applicant, other than a fleet station
52 or government station, to file a bond that will provide a guarantee that the applicant safety
53 inspection station will make compensation for any damage to a motor vehicle during an inspection
54 or adjustment due to negligence on the part of an applicant or his employees;

55 (b) establish procedures governing the issuance of safety inspection certificates to
56 Utah-based interstate commercial motor carriers; and

57 (c) suspend, revoke, or refuse renewal of any safety inspection station permit issued when
58 the division finds that the safety inspection station is not:

59 (i) properly equipped; or
60 (ii) complying with rules made by the division; and
61 (d) suspend, revoke, or refuse renewal of any safety inspection station permit or safety
62 inspector certificate issued when the station or inspector has violated any safety inspection law or
63 rule.

64 (4) The division shall maintain a record of safety inspection station permits and safety
65 inspector certificates issued, suspended, revoked, or refused renewal under Subsection (3)(c).

66 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
67 division shall make rules:

68 (a) setting minimum standards covering the design, construction, condition, and operation
69 of motor vehicle equipment for safely operating a motor vehicle on the highway;

70 (b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can
71 be operated safely;

72 (c) establishing safety inspection station building, equipment, and personnel requirements
73 necessary to qualify to perform safety inspections;

74 (d) establishing age, training, examination, and renewal requirements to qualify for a safety
75 inspector certificate;

76 (e) establishing a safety inspection apprenticeship program for high school students;

77 [~~e~~] (f) establishing requirements:

78 (i) designed to protect consumers from unwanted or unneeded repairs or adjustments;

79 (ii) for maintaining safety inspection records;

80 (iii) for providing reports to the division; and

81 (iv) for maintaining and protecting safety inspection certificates;

82 [~~f~~] (g) establishing procedures for a motor vehicle that fails a safety inspection;

83 [~~g~~] (h) setting bonding amounts for safety inspection stations if bonds are required under
84 Subsection (3)(a); and

85 [~~h~~] (i) establishing procedures for a safety inspection station to follow if the station is
86 going out of business.

87 (6) The rules of the division:

88 (a) shall conform as nearly as practical to federal motor vehicle safety standards including
89 49 CFR 393, 396, 396 Appendix G, and Federal Motor Vehicle Safety Standards 205; and

90 (b) may incorporate by reference, in whole or in part, the federal standards under
 91 Subsection (6)(a) and nationally recognized and readily available standards and codes on motor
 92 vehicle safety.

93 Section 2. Section **53-8-205** is amended to read:

94 **53-8-205. Safety inspection required -- Safety inspection certificate required -- Out**
 95 **of state permits.**

96 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway
 97 a motor vehicle required to be registered in this state unless the motor vehicle has passed a safety
 98 inspection.

99 (b) Subsection (1)(a) does not apply to:

- 100 (i) vehicles exempt from registration under Section 41-1a-205; and
 101 (ii) off-highway vehicles.

102 (2) The ~~§~~ **[+]** frequency of the ~~[+]~~ **§** safety inspection ~~§~~ **[+]** shall be determined based
 102a on the age of the

103 vehicle determined by model year and shall be required ~~[+]~~ **[+]** ~~is required every year following the~~

104 ~~[initial registration of a new motor vehicle except the first and second year of renewal of the~~

105 ~~registration of the motor vehicle.] EACH YEAR FOR A VEHICLE § TWO FIVE § OR MORE YEARS~~

105a **OLD. §**

106 ~~[(a) each year for a vehicle that is five or more years old on January 1; or]~~

107 ~~[(b) every two years for each vehicle that is less than five years old on January 1 as~~

108 ~~follows:]~~

109 ~~[(i) in odd-numbered years for a vehicle with an odd-numbered model year; and]~~

110 ~~[(ii) in even-numbered years for a vehicle with an even-numbered model year;]~~

111 (3) A safety inspection shall:

112 ~~[(e)]~~ (a) be made by a safety inspector certified by the division at a safety inspection station
 113 authorized by the division;

114 ~~[(d)]~~ (b) cover an inspection of the motor vehicle mechanism, brakes, and equipment to
 115 ensure proper adjustment and condition as required by department rules; and

116 ~~[(e)]~~ (c) include an inspection for the display of license plates in accordance with Section
 117 41-1a-404.

118 ~~[(3)]~~ (4) A safety inspection station shall issue a safety inspection certificate to the owner
 119 of each motor vehicle that passes a safety inspection under this section.

120 ~~[(4)]~~ (5) The division may:

121 (a) authorize the acceptance in this state of a safety inspection certificate issued in another
 122 state having a safety inspection law similar to this state; and

123 (b) extend the time within which a safety inspection certificate must be obtained by the
 124 resident owner of a vehicle that was not in this state during the time a safety inspection was
 125 required.

126 § ~~[Section 3. Section 53-8-206 is amended to read:~~

127 ~~53-8-206. Safety inspection -- Station requirements -- Permits not transferable --~~

128 ~~Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of permits.~~

129 ~~(1) The safety inspection required under Section 53-8-205 may only be performed:~~

130 ~~(a) by a person certified by the division as a safety inspector; and~~

131 ~~(b) at a safety inspection station with a valid safety inspection station permit issued by the~~
 132 ~~division.~~

133 ~~(2) A safety inspection station permit may not be assigned or transferred or used at any~~
 134 ~~location other than a designated location, and every safety inspection station permit shall be posted~~
 135 ~~in a conspicuous place at the location designated.~~

136 ~~(3) If required by the division, a record and report shall be made of every safety inspection~~
 137 ~~and every safety inspection certificate issued.~~

138 ~~(4) A safety inspection station holding a safety inspection station permit issued by the~~
 139 ~~division may charge:~~

140 ~~(a) a fee as reimbursement for the safety inspection certificate fee as specified in~~
 141 ~~Subsection 53-8-204(1)(e); and~~

142 ~~(b) a reasonable fee for labor in performing safety inspections, not to exceed:~~

143 ~~(i) [\$5] \$7 or less for motorcycles;~~

144 ~~(ii) unless Subsection (4)(b)(i) or (iii) applies, [\$9] \$15 or less for motor vehicles; or~~

145 ~~(iii) [\$12] \$20 or less for 4-wheel drive, split axle, and any motor vehicles that necessitate~~
 146 ~~disassembly of front hub or removal of rear axle for inspection.~~

147 ~~(5) A safety inspection station may return unused safety inspection certificates in a~~
 148 ~~quantity of ten or more and shall be reimbursed by the division for the cost of the safety inspection~~
 149 ~~certificates.~~

150 ~~(6) (a) Upon receiving notice of the suspension or revocation of a safety inspection station~~
 151 ~~permit, the safety inspection station permit holder shall immediately terminate all safety inspection] §~~

152 § ~~[activities and return all safety inspection certificates and the safety inspection station permit to the~~
153 ~~division:~~

154 ~~—— (b) The division shall issue a receipt for all unused safety inspection certificates.] §~~

154a § Section § ~~[4.]~~ 3. § Effective Date.

154b THIS ACT TAKES EFFECT ON JANUARY 1, 2002. §

Legislative Review Note

as of 1-23-01 2:00 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel