

**VEHICLE INSPECTION AND EMISSION
TESTING EXEMPTIONS**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kenneth W. Sumsion

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicle Code by providing a definition for a street rod vehicle.

Highlighted Provisions:

This bill:

- ▶ defines a street rod and a custom vehicle;
- ▶ includes street rod in the definition of a vintage vehicle;
- ▶ provides that a custom vehicle is exempt from the requirement of having a certificate of emissions inspection as a condition of registration or renewal of registration; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1507, as renumbered and amended by Laws of Utah 2005, Chapter 2

41-6a-1633, as renumbered and amended by Laws of Utah 2005, Chapter 2



28 **41-6a-1642**, as last amended by Laws of Utah 2008, Chapter 210

29 **41-21-1**, as last amended by Laws of Utah 1992, Chapter 218

30

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

32 Section 1. Section **41-6a-1507** is amended to read:

33 **41-6a-1507. Custom vehicles -- Defined -- Compliance with all laws and**
34 **standards -- Exceptions -- Revocation -- Signed statement required.**

35 (1) (a) As used in this section, [~~"replica"~~] "custom vehicle" means a motor vehicle that:

36 (i) (A) is at least 25 years old and of a model year after 1948; or

37 [~~(i) with a body that is or resembles the body of a motor vehicle with a model year~~
38 ~~prior to 1975; and]~~

39 [~~(ii) that may have a significant drive train or equipment upgrade;]~~

40 [~~(b) A replica vehicle is for occasional pleasure rides and is not used for general daily~~
41 ~~transportation;]~~

42 [~~(c) A replica vehicle does not include a vintage vehicle as defined in Section 41-21-1,~~
43 ~~nor a special interest vehicle as defined in Section 41-1a-102;]~~

44 (B) (I) was manufactured to resemble a vehicle that is at least 25 years old and of a
45 model year after 1948; and

46 (II) (Aa) has been altered from the manufacturers original design; or

47 (Bb) has a body constructed of non-original materials; and

48 (ii) is primarily a collector's item that is used for:

49 (A) club activities;

50 (B) exhibitions;

51 (C) tours;

52 (D) parades;

53 (E) occasional transportation; and

54 (F) other similar uses.

55 (b) A custom vehicle does not include:

56 (i) a motor vehicle that is used for general, daily transportation;

57 (ii) a vintage vehicle as defined in Section 41-21-1; or

58 (iii) a special interest vehicle as defined in Section 41-1a-102.

59 (c) The model year that is listed on the certificate of title of a custom vehicle shall be
60 the model year that the body of such vehicle resembles.

61 (2) Except as specified under this section, a [~~replica~~] custom vehicle shall meet all
62 safety, [~~emissions,~~] registration, insurance, fees, and taxes required under this title.

63 (3) (a) Except as provided in Subsection (3)(b), all safety equipment of a [~~replica~~]
64 custom vehicle shall at least meet the safety standards applicable to the model year of the
65 vehicle being replicated. Any replacement equipment shall comply with the design standards
66 of the replacement equipment's manufacture.

67 (b) A [~~replica~~] custom vehicle shall comply with current vehicle brake and stopping
68 standards.

69 [~~(c) A replica vehicle shall comply with emissions standards applicable to the model~~
70 ~~year of the engine of the replica vehicle.]~~

71 (4) A custom vehicle is exempt from motor vehicle emissions inspection and
72 maintenance program requirements under Section 41-6a-1642.

73 [~~(4)~~] (5) The tax commission may revoke or deny the registration of a [~~replica~~] custom
74 vehicle for failure to comply with this section.

75 [~~(5)~~] (6) The owner of a [~~replica~~] custom vehicle shall provide a signed statement
76 certifying that the [~~replica~~] custom vehicle is owned and operated for the purposes enumerated
77 in this section to the safety inspection [~~and emissions inspection~~] station in order to qualify for
78 the exceptions provided under this section.

79 Section 2. Section **41-6a-1633** is amended to read:

80 **41-6a-1633. Mudguards or flaps at rear wheels of trucks, trailers, truck tractors,**
81 **or altered motor vehicles -- Exemptions.**

82 (1) (a) Except as provided in Subsection (2), when operated on a highway, the
83 following vehicles shall be equipped with wheel covers, mudguards, flaps, or splash aprons
84 behind the rearmost wheels to prevent, as far as practicable, the wheels from throwing dirt,
85 water, or other materials on other vehicles:

86 (i) a vehicle that has been altered:

87 (A) from the original manufacturer's frame height; or

88 (B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or
89 other materials on other vehicles;

- 90 (ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;
- 91 (iii) any truck tractor; and
- 92 (iv) any trailer or semitrailer with an unladen weight of 750 pounds or more.
- 93 (b) The wheel covers, mudguards, flaps, or splash aprons shall:
- 94 (i) be at least as wide as the tires they are protecting;
- 95 (ii) be directly in line with the tires; and
- 96 (iii) have a ground clearance of not more than 50% of the diameter of a rear-axle
- 97 wheel, under any conditions of loading of the motor vehicle.

- 98 (2) Wheel covers, mudguards, flaps, or splash aprons are not required:
- 99 (a) if the motor vehicle, trailer, or semitrailer is designed and constructed so that the
- 100 requirements of Subsection (1) are accomplished by means of fenders, body construction, or
- 101 other means of enclosure; or

- 102 (b) on a vehicle operated or driven during fair weather on well-maintained,
- 103 hard-surfaced roads if the motor vehicle:

- 104 (i) was made in America prior to 1935;
- 105 (ii) is registered as a vintage vehicle; or
- 106 (iii) is a [~~replica~~] custom vehicle as defined under Section 41-6a-1507.

- 107 (3) Except as provided in Subsection (2)(b), rear wheels not covered at the top by
- 108 fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means
- 109 extending rearward at least to the center line of the rearmost axle.

110 Section 3. Section **41-6a-1642** is amended to read:

111 **41-6a-1642. Emissions inspection -- County program.**

- 112 (1) The legislative body of each county required under federal law to utilize a motor
- 113 vehicle emissions inspection and maintenance program or in which an emissions inspection
- 114 and maintenance program is necessary to attain or maintain any national ambient air quality
- 115 standard shall require:

- 116 (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle
- 117 is exempt from emissions inspection and maintenance program requirements be presented:

- 118 (i) as a condition of registration or renewal of registration; and
- 119 (ii) at other times as the county legislative body may require to enforce inspection
- 120 requirements for individual motor vehicles, except that the county legislative body may not

121 routinely require a certificate of emission inspection, or waiver of the certificate, more often
122 than required under Subsection (6); and

123 (b) compliance with this section for a motor vehicle registered or principally operated
124 in the county and owned by or being used by a department, division, instrumentality, agency, or
125 employee of:

- 126 (i) the federal government;
- 127 (ii) the state and any of its agencies; or
- 128 (iii) a political subdivision of the state, including school districts.

129 (2) (a) The legislative body of a county identified in Subsection (1), in consultation
130 with the Air Quality Board created under Section 19-1-106, shall make regulations or
131 ordinances regarding:

- 132 (i) emissions standards;
- 133 (ii) test procedures;
- 134 (iii) inspections stations;
- 135 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 136 (v) certificates of emissions inspections.

137 (b) The regulations or ordinances shall:

- 138 (i) be made to attain or maintain ambient air quality standards in the county, consistent
139 with the state implementation plan and federal requirements; and
- 140 (ii) may allow for a phase-in of the program by geographical area.

141 (c) The county legislative body and the Air Quality Board shall give preference to an
142 inspection and maintenance program that is:

- 143 (i) decentralized, to the extent the decentralized program will attain and maintain
144 ambient air quality standards and meet federal requirements;
- 145 (ii) the most cost effective means to achieve and maintain the maximum benefit with
146 regard to ambient air quality standards and to meet federal air quality requirements as related to
147 vehicle emissions; and

148 (iii) providing a reasonable phase-out period for replacement of air pollution emission
149 testing equipment made obsolete by the program.

150 (d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out:

- 151 (i) may be accomplished in accordance with applicable federal requirements; and

152 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
153 quality standards.

154 (3) The following vehicles are exempt from the provisions of this section:

155 (a) an implement of husbandry;

156 (b) a motor vehicle that:

157 (i) meets the definition of a farm truck under Section 41-1a-102; and

158 (ii) has a gross vehicle weight rating of 12,001 pounds or more; [~~and~~]

159 (c) a vintage vehicle as defined in Section 41-21-1[-]; and

160 (d) a custom vehicle as defined in Section 41-6a-1507.

161 (4) (a) The legislative body of a county identified in Subsection (1) shall exempt a
162 pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000 pounds or
163 less from the emission inspection requirements of this section, if the registered owner of the
164 pickup truck provides a signed statement to the legislative body stating the truck is used:

165 (i) by the owner or operator of a farm located on property that qualifies as land in
166 agricultural use under Sections 59-2-502 and 59-2-503; and

167 (ii) exclusively for the following purposes in operating the farm:

168 (A) for the transportation of farm products, including livestock and its products,
169 poultry and its products, floricultural and horticultural products; and

170 (B) in the transportation of farm supplies, including tile, fence, and every other thing or
171 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production
172 and maintenance.

173 (b) The county shall provide to the registered owner who signs and submits a signed
174 statement under this section a certificate of exemption from emission inspection requirements
175 for purposes of registering the exempt vehicle.

176 (5) (a) Subject to Subsection (5)(c), the legislative body of each county required under
177 federal law to utilize a motor vehicle emissions inspection and maintenance program or in
178 which an emissions inspection and maintenance program is necessary to attain or maintain any
179 national ambient air quality standard may require each college or university located in a county
180 subject to this section to require its students and employees who park a motor vehicle not
181 registered in a county subject to this section to provide proof of compliance with an emissions
182 inspection accepted by the county legislative body if the motor vehicle is parked on the college

183 or university campus or property.

184 (b) College or university parking areas that are metered or for which payment is
185 required per use are not subject to the requirements of this Subsection (5).

186 (c) The legislative body of a county shall make the reasons for implementing the
187 provisions of this Subsection (5) part of the record at the time that the county legislative body
188 takes its official action to implement the provisions of this Subsection (5).

189 (6) (a) An emissions inspection station shall issue a certificate of emissions inspection
190 for each motor vehicle that meets the inspection and maintenance program requirements
191 established in rules made under Subsection (2).

192 (b) The frequency of the emissions inspection shall be determined based on the age of
193 the vehicle as determined by model year and shall be required annually subject to the
194 provisions of Subsection (6)(c).

195 (c) (i) To the extent allowed under the current federally approved state implementation
196 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative
197 body of a county identified in Subsection (1) shall only require the emissions inspection every
198 two years for each vehicle.

199 (ii) The provisions of Subsection (6)(c)(i) apply only to a vehicle that is less than six
200 years old on January 1.

201 (d) If an emissions inspection is only required every two years for a vehicle under
202 Subsection (6)(c), the inspection shall be required for the vehicle in:

203 (i) odd-numbered years for vehicles with odd-numbered model years; or

204 (ii) in even-numbered years for vehicles with even-numbered model years.

205 (7) The emissions inspection shall be required within the same time limit applicable to
206 a safety inspection under Section 41-1a-205.

207 (8) (a) A county identified in Subsection (1) shall collect information about and
208 monitor the program.

209 (b) A county identified in Subsection (1) shall supply this information to an appropriate
210 legislative committee, as designated by the Legislative Management Committee, at times
211 determined by the designated committee to identify program needs, including funding needs.

212 (9) If approved by the county legislative body, a county that had an established
213 emissions inspection fee as of January 1, 2002, may increase the established fee that an

214 emissions inspection station may charge by \$2.50 for each year that is exempted from
215 emissions inspections under Subsection (6)(c) up to a \$7.50 increase.

216 Section 4. Section **41-21-1** is amended to read:

217 **41-21-1. Street rod and vintage vehicle defined.**

218 (1) (a) "Street rod" means a motor vehicle that:

219 (i) (A) was manufactured in 1948 or before; or

220 (B) (I) was manufactured after 1948 to resemble a vehicle that was manufactured in
221 1948 or before; and

222 (II) (Aa) has been altered from the manufacturer's original design; or

223 (Bb) has a body constructed from non-original materials; and

224 (ii) is primarily a collector's item that is used for:

225 (A) club activities;

226 (B) exhibitions;

227 (C) tours;

228 (D) parades;

229 (E) occasional transportation; and

230 (F) other similar uses.

231 (b) A street rod does not include a motor vehicle that is used for general, daily
232 transportation.

233 (c) The model year that is listed on the certificate of title of a street rod shall be the
234 model year that the body of such vehicle resembles.

235 (2) (a) "Vintage vehicle" means a motor vehicle that is 40 years old or older, from the
236 current year, primarily a collector's item, and used for participation in club activities,
237 exhibitions, tours, parades, occasional transportation, and similar uses, but that is not used for
238 general daily transportation.

239 (b) "Vintage vehicle" includes a street rod.

Legislative Review Note
as of 1-28-09 12:52 PM

Office of Legislative Research and General Counsel

H.B. 143 - Vehicle Inspection and Emission Testing Exemptions

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
