



30 emissions inspection and maintenance program; and

31       ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33       None

34 **Other Special Clauses:**

35       None

36 **Utah Code Sections Affected:**

37 AMENDS:

38       **41-1a-203**, as last amended by Laws of Utah 2009, Chapter 26

39       **41-1a-215**, as last amended by Laws of Utah 2008, Chapter 210

40       **41-1a-905**, as renumbered and amended by Laws of Utah 1992, Chapter 1

41       **41-1a-1103**, as last amended by Laws of Utah 2009, Chapter 388

42       **41-1a-1201**, as last amended by Laws of Utah 2009, First Special Session, Chapter 6

43       **41-6a-1642**, as last amended by Laws of Utah 2009, Chapter 171

44 ENACTS:

45       **41-1a-1223**, Utah Code Annotated 1953



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

48       Section 1. Section **41-1a-203** is amended to read:

49       **41-1a-203. Prerequisites for registration, transfer of ownership, or registration**  
50 **renewal.**

51       (1) Except as otherwise provided, prior to registration of a vehicle, an owner shall:

52       (a) obtain an identification number inspection under Section 41-1a-204;

53       (b) obtain a safety inspection certificate, if required in the current year, as provided  
54 under Sections 41-1a-205 and 53-8-205;

55       (c) obtain a certificate of emissions inspection, if required in the current year, as  
56 provided under Section 41-6a-1642;

57       (d) pay property taxes, the in lieu fee, or receive a property tax clearance under Section

58 41-1a-206 or 41-1a-207;

59 (e) pay the automobile driver education tax required by Section 41-1a-208;

60 (f) pay the applicable registration fee under Part 12, Fee and Tax Requirements;

61 (g) pay the uninsured motorist identification fee under Section 41-1a-1218, if

62 applicable;

63 (h) pay the motor carrier fee under Section 41-1a-1219, if applicable; ~~and~~

64 (i) pay any applicable local emissions compliance fee under Section 41-1a-1223; and

65 ~~(i)~~ (j) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.

66 (2) In addition to the requirements in Subsection (1), an owner whose vehicle has not  
67 been previously registered or that is currently registered under a previous owner's name shall  
68 also apply for a valid certificate of title in the owner's name prior to registration.

69 (3) A new registration, transfer of ownership, or registration renewal under Section  
70 73-18-7 may not be issued for a vessel or outboard motor that is subject to the title provisions  
71 of this chapter unless a certificate of title has been or is in the process of being issued in the  
72 same owner's name.

73 (4) A new registration, transfer of ownership, or registration renewal under Section  
74 41-22-3 may not be issued for an off-highway vehicle that is subject to the titling provisions of  
75 this chapter unless a certificate of title has been or is in the process of being issued in the same  
76 owner's name.

77 Section 2. Section **41-1a-215** is amended to read:

78 **41-1a-215. Staggered registration dates -- Exceptions.**

79 (1) (a) Except as provided under Subsections (2) and (3), every vehicle registration,  
80 every registration card, and every registration plate issued under this chapter for the first  
81 registration of the vehicle in this state, continues in effect for a period of 12 months beginning  
82 with the first day of the calendar month of registration and does not expire until the last day of  
83 the same month in the following year.

84 (b) If the last day of the registration period falls on a day in which the appropriate state  
85 or county offices are not open for business, the registration of the vehicle is extended to

86 midnight of the next business day.

87 (2) The provisions of Subsection (1) do not apply to the following:

88 (a) registration issued to government vehicles under Section 41-1a-221;

89 (b) registration issued to apportioned vehicles under Section 41-1a-301;

90 (c) multiyear registration issued under Section 41-1a-222;

91 (d) lifetime trailer registration issued under Section 41-1a-1206;

92 (e) partial year registration issued under Section 41-1a-1207;

93 (f) registration issued under Section 41-1a-215.5; or

94 (g) plates issued to a dealer, dismantler, manufacturer, remanufacturer, and transporter  
95 under Title 41, Chapter 3, Part 5, Special Dealer License Plates.

96 (3) (a) Upon application of the owner or lessee of a fleet of commercial vehicles not  
97 apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax  
98 Commission may permit the vehicles to be registered for a registration period commencing on  
99 the first day of March, June, September, or December of any year and expiring on the last day  
100 of March, June, September, or December in the following year.

101 (b) Upon application of the owner or lessee of a fleet of commercial vehicles  
102 apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax  
103 Commission may permit the vehicles to be registered for a registration period commencing on  
104 the first day of January, April, July, or October of any year and expiring on the last day of  
105 March, June, September, or December in the following year.

106 (4) When the expiration of a registration plate is extended by affixing a registration  
107 decal to it, the expiration of the decal governs the expiration date of the plate.

108 Section 3. Section **41-1a-905** is amended to read:

109 **41-1a-905. Division to print mileage on certificate of title -- Exceptions.**

110 (1) The division, before accepting an application for transfer of ownership of a motor  
111 vehicle under Part 7, Transfer of Ownership, shall require the transferee to furnish the  
112 completed odometer disclosure statement required by Section 41-1a-902 and shall, upon the  
113 transfer of ownership, print the mileage on the new certificate of title.

114 (2) This section does not apply to motor vehicles exempted from mileage disclosure  
115 statements under Section 41-1a-902.

116 ~~[(3) The division, before accepting any application for renewal of registration of a  
117 motor vehicle, shall require the owner to record the actual miles on the application.]~~

118 Section 4. Section **41-1a-1103** is amended to read:

119 **41-1a-1103. Sale.**

120 (1) If the owner or lienholder of a seized vehicle, vessel, or outboard motor does not  
121 recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the  
122 division is unable to determine the owner or lienholder through reasonable efforts, the division  
123 shall sell the vehicle, vessel, or outboard motor.

124 (2) The sale shall:

125 (a) be held in the form of a public auction at the place of storage; and

126 (b) at the discretion of the division, be conducted by:

127 (i) an authorized representative of the division; or

128 (ii) a public garage, impound lot, or impound yard that:

129 (A) is authorized by the division;

130 (B) meets the standards under Subsection 41-1a-1101(4); and

131 (C) complies with the requirements of Section 72-9-603.

132 (3) At least five days prior to the date set for sale, the division shall publish a notice of  
133 sale setting forth the date, time, and place of sale and a description of the vehicle, vessel, or  
134 outboard motor to be sold:

135 ~~[(a) in a newspaper of general statewide circulation; and]~~

136 (a) on the division's website; and

137 (b) as required in Section 45-1-101.

138 (4) At the time of sale the division or other person authorized to conduct the sale shall  
139 tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the  
140 vehicle, vessel, or outboard motor.

141 (5) The proceeds from the sale of a vehicle, vessel, or outboard motor under this

142 section shall be distributed as provided under Section 41-1a-1104.

143 (6) If the owner or lienholder of a vehicle, vessel, or outboard motor seized under  
144 Section 41-1a-1101 and subsequently released by the division fails to take possession of the  
145 vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30  
146 days from the date of release, the division shall renotify the owner or lienholder and sell the  
147 vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of  
148 the notice.

149 Section 5. Section **41-1a-1201** is amended to read:

150 **41-1a-1201. Disposition of fees.**

151 (1) All fees received and collected under this part shall be transmitted daily to the state  
152 treasurer.

153 (2) Except as provided in Subsections (3), (4), (6), and (7) and Sections 41-1a-422,  
154 41-1a-1220, [~~and~~] 41-1a-1221, and 41-1a-1223, all fees collected under this part shall be  
155 deposited in the Transportation Fund.

156 (3) (a) Funds generated under Subsections 41-1a-1211(1)(b)(i), (6)(b)(i), and (7) and  
157 Section 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs  
158 incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

159 (b) Fees for statehood centennial license plates shall be collected and deposited in the  
160 Transportation Fund, less production and administrative costs incurred by the commission.

161 (4) All funds available to the commission for purchase and distribution of license  
162 plates and decals are nonlapsing.

163 (5) Except as provided in Subsection (3) and Section 41-1a-1205, the expenses of the  
164 commission in enforcing and administering this part shall be provided for by legislative  
165 appropriation from the revenues of the Transportation Fund.

166 (6) (a) Except as provided in Subsection (6)(b), the following portions of the  
167 registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the  
168 Centennial Highway Fund Restricted Account created under Section 72-2-118:

169 (i) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b),

170 (2), and (5);

171 (ii) \$1 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i),

172 (1)(c)(ii), and (1)(d)(ii);

173 (iii) \$2 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

174 (iv) \$3 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); and

175 (v) \$4.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i).

176 (b) When the highway general obligation bonds have been paid off and the highway

177 projects completed that are intended to be paid from revenues deposited in the Centennial

178 Highway Fund Restricted Account as determined by the Executive Appropriations Committee

179 under Subsection 72-2-118(6)(d), the portions of the registration fees deposited under

180 Subsection (6)(a) for each vehicle shall be deposited in the Transportation Investment Fund of

181 2005 created by Section 72-2-124.

182 (7) The following portions of the registration fees imposed under Section 41-1a-1206

183 for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created by

184 Section 72-2-124:

185 (a) \$20 of each registration fee collected under Subsections 41-1a-1206(1)(a), (1)(b),

186 (1)(c), (1)(d)(i), (1)(e)(i), (2)(a), and (5); and

187 (b) 50 cents of each registration fee collected under Subsection 41-1a-1206(1)(e)(ii).

188 Section 6. Section **41-1a-1223** is enacted to read:

189 **41-1a-1223. Local emissions compliance fee -- Exemptions -- Transfer -- County**  
190 **ordinance -- Notice.**

191 (1) (a) (i) A county legislative body of a county that is required to utilize a motor  
192 vehicle emissions inspection and maintenance program or in which an emissions inspection  
193 and maintenance program is necessary to attain or maintain any national ambient air quality  
194 standard in accordance with Section 41-6a-1642 may impose a local emissions compliance fee  
195 of up to \$3 on each motor vehicle registration within the county.

196 (ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.

197 (b) If imposed under Subsection (1)(a), at the time application is made for registration

198 or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the  
199 local emissions compliance fee established by the county legislative body.

200 (c) The following are exempt from the fee required under Subsection (1)(a):

201 (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209  
202 or Subsection 41-1a-419(3); and

203 (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301.

204 (2) The revenue generated from the fees collected under this section shall be  
205 transferred to the county that imposed the fee.

206 (3) To impose or change the amount of a fee under this section, the county legislative  
207 body shall pass an ordinance:

208 (a) approving the fee;

209 (b) setting the amount of the fee; and

210 (c) providing an effective date for the fee as provided in Subsection (4).

211 (4) (a) If a county legislative body enacts, changes, or repeals a fee under this section,  
212 the enactment, change, or repeal shall take effect on July 1 if the commission receives notice  
213 meeting the requirements of Subsection (4)(b) from the county prior to April 1.

214 (b) The notice described in Subsection (4)(a) shall:

215 (i) state that the county will enact, change, or repeal a fee under this section;

216 (ii) include a copy of the ordinance imposing the fee; and

217 (iii) if the county enacts or changes the fee under this section, state the amount of the  
218 fee.

219 Section 7. Section **41-6a-1642** is amended to read:

220 **41-6a-1642. Emissions inspection -- County program.**

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

225 (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle

226 is exempt from emissions inspection and maintenance program requirements be presented:

227 (i) as a condition of registration or renewal of registration; and

228 (ii) at other times as the county legislative body may require to enforce inspection  
229 requirements for individual motor vehicles, except that the county legislative body may not  
230 routinely require a certificate of emission inspection, or waiver of the certificate, more often  
231 than required under Subsection (6); and

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

235 (i) the federal government;

236 (ii) the state and any of its agencies; or

237 (iii) a political subdivision of the state, including school districts.

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

241 (i) emissions standards;

242 (ii) test procedures;

243 (iii) inspections stations;

244 (iv) repair requirements and dollar limits for correction of deficiencies; and

245 (v) certificates of emissions inspections.

246 (b) The regulations or ordinances shall:

247 (i) be made to attain or maintain ambient air quality standards in the county,

248 consistent with the state implementation plan and federal requirements; and

249 (ii) may allow for a phase-in of the program by geographical area.

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

252 (i) decentralized, to the extent the decentralized program will attain and maintain  
253 ambient air quality standards and meet federal requirements;

254 (ii) the most cost effective means to achieve and maintain the maximum benefit with  
255 regard to ambient air quality standards and to meet federal air quality requirements as related  
256 to vehicle emissions; and

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

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

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

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

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

264 (a) an implement of husbandry;

265 (b) a motor vehicle that:

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

267 (ii) has a gross vehicle weight rating of 12,001 pounds or more;

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

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

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

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

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

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

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

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

285 (5) (a) Subject to Subsection (5)(c), the legislative body of each county required under  
286 federal law to utilize a motor vehicle emissions inspection and maintenance program or in  
287 which an emissions inspection and maintenance program is necessary to attain or maintain any  
288 national ambient air quality standard may require each college or university located in a  
289 county subject to this section to require its students and employees who park a motor vehicle  
290 not registered in a county subject to this section to provide proof of compliance with an  
291 emissions inspection accepted by the county legislative body if the motor vehicle is parked on  
292 the college or university campus or property.

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

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

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

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

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

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

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

- 312 (i) odd-numbered years for vehicles with odd-numbered model years; or
- 313 (ii) in even-numbered years for vehicles with even-numbered model years.

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

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

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

322 (9) If approved by the county legislative body, a county that had an established  
323 emissions inspection fee as of January 1, 2002, may increase the established fee that an  
324 emissions inspection station may charge by \$2.50 for each year that is exempted from  
325 emissions inspections under Subsection (6)(c) up to a \$7.50 increase.

326 (10) (a) A county identified in Subsection (1) may impose a local emissions  
327 compliance fee on each motor vehicle registration within the county in accordance with the  
328 procedures and requirements of Section 41-1a-1223.

329 (b) A county that imposes a local emissions compliance fee shall use revenues  
330 generated from the fee for the establishment and enforcement of an emissions inspection and  
331 maintenance program in accordance with the requirements of this section.