

**Representative John Dougall** proposes the following substitute bill:

**MOTOR VEHICLE SAFETY INSPECTION AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Dougall**

Senate Sponsor: Michael G. Waddoups

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to the motor vehicle safety inspections.

**Highlighted Provisions:**

This bill:

- ▶ reduces the frequency of the requirement that an owner of certain vehicles is required to obtain a safety inspection certificate prior to registering the vehicle;
- ▶ increases the registration fee for motor vehicles and motorcycles to offset the reduced revenues from the repeal of the safety inspection certificate fee;
- ▶ provides that a portion of the revenues from the increased motor vehicle and motorcycle registration fees shall be:
  - deposited in the Public Safety Restricted Account; and
  - used to pay a portion of the costs to employ highway patrol officers to police or patrol the highways within this state; and
- ▶ makes conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2012.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **41-1a-1201**, as last amended by Laws of Utah 2011, Chapters 189 and 268

29 **41-1a-1206**, as last amended by Laws of Utah 2011, Chapter 268

30 **53-3-106**, as last amended by Laws of Utah 2011, Chapter 428

31 **53-8-204**, as last amended by Laws of Utah 2009, Chapter 183

32 **53-8-205**, as last amended by Laws of Utah 2009, Chapters 155 and 311

33 **53-8-206**, as last amended by Laws of Utah 2009, Chapter 311



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

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

37 **41-1a-1201. Disposition of fees.**

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

40 (2) Except as provided in Subsections (3), (6), ~~and~~ (7), and (8) and Sections  
41 41-1a-422, 41-1a-1220, 41-1a-1221, and 41-1a-1223 all fees collected under this part shall be  
42 deposited in the Transportation Fund.

43 (3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and  
44 Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing  
45 license plates under Part 4, License Plates and Registration Indicia.

46 (4) In accordance with Section 63J-1-602.2, all funds available to the commission for  
47 the purchase and distribution of license plates and decals are nonlapsing.

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

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

54 (i) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b),  
55 (1)(f), (2), and (5);

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

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

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

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

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

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

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

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

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

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

66 2005 created by Section 72-2-124.

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

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

69 Section 72-2-124:

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

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

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

73 (8) Sixty cents of each registration fee imposed under Subsections 41-1a-1206(1)(a)

74 and (b) for each vehicle shall be deposited in the Public Safety Restricted Account created in

75 Section 53-3-106.

76 Section 2. Section **41-1a-1206** is amended to read:

77 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

78 (1) Except as provided in Subsection (2), at the time application is made for

79 registration or renewal of registration of a vehicle or combination of vehicles under this

80 chapter, a registration fee shall be paid to the division as follows:

81 (a) [~~\$42.50~~] \$44.25 for each motorcycle;

82 (b) [~~\$41~~] \$42.75 for each motor vehicle of 12,000 pounds or less gross laden weight,

83 excluding motorcycles;

84 (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202

85 or is registered under Section 41-1a-301:

86 (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

87 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less

88 gross unladen weight;

89 (d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds

90 gross laden weight; plus

91 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

92 (e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm  
93 trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

94 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight; and

95 (f) \$45 for each vintage vehicle that is less than 40 years old.

96 (2) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is  
97 \$40.

98 (b) A vintage vehicle that is 40 years old or older is exempt from the renewal of  
99 registration fees under Subsection (1).

100 (c) A vehicle with a Purple Heart special group license plate issued in accordance with  
101 Section 41-1a-421 is exempt from the registration fees under Subsection (1).

102 (3) If a motor vehicle is operated in combination with a semitrailer or trailer, each  
103 motor vehicle shall register for the total gross laden weight of all units of the combination if the  
104 total gross laden weight of the combination exceeds 12,000 pounds.

105 (4) (a) Registration fee categories under this section are based on the gross laden  
106 weight declared in the licensee's application for registration.

107 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part  
108 of 2,000 pounds is a full unit.

109 (5) The owner of a commercial trailer or commercial semitrailer may, as an alternative  
110 to registering under Subsection (1)(c), apply for and obtain a special registration and license  
111 plate for a fee of \$130.

112 (6) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm  
113 truck unless:

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

115 (b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

116 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner  
117 submits to the division a certificate of emissions inspection or a waiver in compliance with  
118 Section 41-6a-1642.

119 (7) A violation of Subsection (6) is a class B misdemeanor that shall be punished by a  
120 fine of not less than \$200.

121 (8) Trucks used exclusively to pump cement, bore wells, or perform crane services  
122 with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees  
123 required for those vehicles under this section.

124 Section 3. Section **53-3-106** is amended to read:

125 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**  
126 **-- Uses as provided by appropriation -- Nonlapsing.**

127 (1) There is created within the Transportation Fund a restricted account known as the  
128 "Department of Public Safety Restricted Account."

129 (2) The account consists of money generated from the following revenue sources:

130 (a) all money received under this chapter;

131 (b) administrative fees received according to the fee schedule authorized under this  
132 chapter and Section 63J-1-504; [~~and~~]

133 (c) moneys received in accordance with Section 41-1a-1201; and

134 [~~(c)~~] (d) any appropriations made to the account by the Legislature.

135 (3) (a) The account shall earn interest.

136 (b) All interest earned on account money shall be deposited in the account.

137 (4) The expenses of the department in carrying out this chapter shall be provided for by  
138 legislative appropriation from this account.

139 (5) The amount in excess of \$45 of the fees collected under Subsection 53-3-105(24)  
140 shall be appropriated by the Legislature from this account to the department to implement the  
141 provisions of Section 53-1-117, except that of the amount in excess of \$45, \$40 shall be  
142 deposited in the State Laboratory Drug Testing Account created in Section 26-1-34.

143 (6) All money received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by  
144 the Legislature from this account to the department to implement the provisions of Section  
145 53-1-117.

146 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000  
147 annually from the account to the state medical examiner appointed under Section 26-4-4 for  
148 use in carrying out duties related to highway crash deaths under Subsection 26-4-7(1).

149 (8) The division shall remit the fees collected under Subsection 53-3-105(28) to the

150 Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal  
151 Identification provides under Section 53-3-205.5.

152 (9) Appropriations to the department from the account are nonlapsing.

153 Section 4. Section **53-8-204** is amended to read:

154 **53-8-204. Division duties -- Official inspection stations -- Permits -- Fees --**  
155 **Suspension or revocation -- Utah-based interstate commercial motor carriers.**

156 (1) The division shall:

157 (a) conduct examinations of every safety inspection station permit applicant and safety  
158 inspector certificate applicant to determine whether the applicant is properly equipped and  
159 qualified to make safety inspections;

160 (b) issue safety inspection station permits and safety inspector certificates to qualified  
161 applicants;

162 (c) establish application, renewal, and reapplication fees in accordance with Section  
163 63J-1-504 for safety inspection station permits and safety inspector certificates;

164 (d) provide instructions and all necessary forms, including safety inspection  
165 certificates, to safety inspection stations for the inspection of motor vehicles and the issuance  
166 of the safety inspection certificates;

167 [~~(e)~~ charge a \$2 fee for each safety inspection certificate;]

168 [~~(f)~~] (e) investigate complaints regarding safety inspection stations and safety  
169 inspectors;

170 [~~(g)~~] (f) compile and publish all applicable safety inspection laws, rules, instructions,  
171 and standards and distribute them to all safety inspection stations and provide updates to the  
172 compiled laws, rules, instructions, and standards as needed;

173 [~~(h)~~] (g) establish a fee in accordance with Section 63J-1-504 to cover the cost of  
174 compiling and publishing the safety inspection laws, rules, instructions, and standards and any  
175 updates; and

176 [~~(i)~~] (h) assist the council in conducting its meetings and hearings.

177 (2) (a) [~~(i)~~] Receipts from the fees established in accordance with Subsection  
178 (1)[~~(h)~~](g) are fixed collections to be used by the division for the expenses of the Utah  
179 Highway Patrol incurred under Subsection (1)[~~(h)~~](g).

180 [~~(i)~~] (b) Funds received in excess of the expenses under Subsection (1)[~~(h)~~](g) shall be

181 deposited in the Transportation Fund.

182 ~~[(b) (i) The first \$.75 of the fee under Subsection (1)(e) is a dedicated credit to be used~~  
183 ~~solely by the Utah Highway Patrol for the expenses of administering this section.]~~

184 ~~[(ii) The remaining funds collected under Subsection (1)(e) shall be deposited in the~~  
185 ~~Transportation Fund.]~~

186 ~~[(iii) The dedicated credits described under Subsection (2)(b)(i) are in addition to any~~  
187 ~~other appropriations provided to administer the safety inspection program duties under this~~  
188 ~~section.]~~

189 (3) The division may:

190 (a) before issuing a safety inspection permit, require an applicant, other than a fleet  
191 station or government station, to file a bond that will provide a guarantee that the applicant  
192 safety inspection station will make compensation for any damage to a motor vehicle during an  
193 inspection or adjustment due to negligence on the part of an applicant or the applicant's  
194 employees;

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

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

199 (i) properly equipped; or

200 (ii) complying with rules made by the division; and

201 (d) suspend, revoke, or refuse renewal of any safety inspection station permit or safety  
202 inspector certificate issued when the station or inspector has violated any safety inspection law  
203 or rule.

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

206 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
207 division shall make rules:

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

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

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

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

216 (e) establishing program guidelines for a school district that elects to implement a  
217 safety inspection apprenticeship program for high school students;

218 (f) establishing requirements:

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

220 (ii) for maintaining safety inspection records;

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

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

223 (g) establishing procedures for a motor vehicle that fails a safety inspection;

224 (h) setting bonding amounts for safety inspection stations if bonds are required under  
225 Subsection (3)(a); and

226 (i) establishing procedures for a safety inspection station to follow if the station is  
227 going out of business.

228 (6) The rules of the division:

229 (a) shall conform as nearly as practical to federal motor vehicle safety standards  
230 including 49 CFR 393, 396, 396 Appendix G, and Federal Motor Vehicle Safety Standards  
231 205; and

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

235 Section 5. Section **53-8-205** is amended to read:

236 **53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety**  
237 **inspection certificate required -- Out-of-state permits.**

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

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

242 (i) a vehicle that is exempt from registration under Section 41-1a-205;



- 243 (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a  
244 street-legal all-terrain vehicle in accordance with Section 41-6a-1509;
- 245 (iii) a vintage vehicle as defined in Section 41-21-1;
- 246 (iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:  
247 (A) is operating with an apportioned registration under Section 41-1a-301; and  
248 (B) has a valid annual federal inspection that complies with the requirements of 49  
249 C.F.R. 396.17; and
- 250 (v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle  
251 described in Subsection (1)(a)(iv) that has a valid annual federal inspection that complies with  
252 the requirements of 49 C.F.R. 396.17.
- 253 (2) Except as provided in Subsection (3), the frequency of the safety inspection shall be  
254 determined based on the age of the vehicle determined by model year and shall:
- 255 (a) be required each year for a vehicle that is ~~[eight]~~ 10 or more years old on January 1;  
256 or
- 257 ~~[(b) every two years for each vehicle that is less than eight years old on January 1 as  
258 follows:]~~
- 259 ~~[(i) in odd-numbered years for a vehicle with an odd-numbered model year; and]  
260 [(ii) in even-numbered years for a vehicle with an even-numbered model year;]~~
- 261 (b) be required every four years for each vehicle that is less than eight years old on  
262 January 1 in the fourth year and the eighth year;
- 263 (c) be made by a safety inspector certified by the division at a safety inspection station  
264 authorized by the division;
- 265 (d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to  
266 ensure proper adjustment and condition as required by department rules; and
- 267 (e) include an inspection for the display of license plates in accordance with Section  
268 41-1a-404.
- 269 (3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a  
270 safety inspection when an application is made for initial registration as a salvage vehicle.
- 271 (ii) After initial registration as a salvage vehicle, the frequency of the safety inspection  
272 shall correspond with the model year, as provided in Subsection (2).
- 273 (b) A motor vehicle with a gross vehicle weight rating of 10,001 pounds or more is

274 required to pass a safety inspection annually.

275 (4) (a) A safety inspection station shall issue two safety inspection certificates to the  
276 owner of:

277 (i) each motor vehicle that passes a safety inspection under this section; and

278 (ii) a street-legal all-terrain vehicle that meets all the equipment requirements in  
279 Section 41-6a-1509.

280 (b) A safety inspection station shall use one safety inspection certificate issued under  
281 this Subsection (4) for processing the vehicle registration.

282 (c) A person operating a motor vehicle shall have in the person's immediate possession  
283 a safety inspection certificate or other evidence of compliance with the requirement to obtain a  
284 safety inspection under this section.

285 (5) The division may:

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

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

291 Section 6. Section **53-8-206** is amended to read:

292 **53-8-206. Safety inspection -- Station requirements -- Permits not transferable --**  
293 **Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of**  
294 **permits.**

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

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

297 (b) at a safety inspection station with a valid safety inspection station permit issued by  
298 the division.

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

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

304 (4) A safety inspection station holding a safety inspection station permit issued by the

305 division may charge ~~[(a) a fee as reimbursement for the safety inspection certificate fee as~~  
306 ~~specified in Subsection 53-8-204(1)(c); and (b)]~~ a reasonable fee for labor in performing safety  
307 inspections, not to exceed:

308       ~~(i)~~ (a) \$7 or less for motorcycles and street-legal all-terrain vehicles;

309       ~~(ii)~~ (b) unless Subsection (4)~~(b)(i)~~(a) or ~~(iii)~~ (c) applies, \$15 or less for motor  
310 vehicles; or

311       ~~(iii)~~ (c) \$20 or less for 4-wheel drive, split axle, and any motor vehicles that  
312 necessitate disassembly of front hub or removal of rear axle for inspection.

313       (5) A safety inspection station may return unused safety inspection certificates in a  
314 quantity of 10 or more and shall be reimbursed by the division for the cost of the safety  
315 inspection certificates.

316       (6) (a) Upon receiving notice of the suspension or revocation of a safety inspection  
317 station permit, the safety inspection station permit holder shall immediately terminate all safety  
318 inspection activities and return all safety inspection certificates and the safety inspection station  
319 permit to the division.

320       (b) The division shall issue a receipt for all unused safety inspection certificates.

321       Section 7. **Effective date.**

322       This bill takes effect on July 1, 2012.