

MOTOR VEHICLE EMISSION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Edward H. Redd

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to motor vehicle emissions inspections.

Highlighted Provisions:

This bill:

- ▶ amends the date that notice is required and the date the enactment, change, or repeal will take effect if a county legislative body enacts, changes, or repeals the local emissions compliance fee;

- ▶ provides that for a county required to implement a new vehicle emissions inspection and maintenance program, but for which no current federally approved state implementation plan exists, a vehicle shall be tested at a frequency determined by the county legislative body, in consultation with the Air Quality Board, that is necessary to comply with federal law or attain or maintain any national ambient air quality standard; and

- ▶ establishes procedures and notice requirements for a county legislative body to establish or change the frequency of a vehicle emissions inspection and maintenance program.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 This bill provides an effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-1a-1223 (Superseded 07/01/13)**, as enacted by Laws of Utah 2010, Chapter 295

32 **41-1a-1223 (Effective 07/01/13)**, as last amended by Laws of Utah 2012, Chapter 397

33 **41-6a-1642**, as last amended by Laws of Utah 2012, Chapter 64



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

36 Section 1. Section **41-1a-1223 (Superseded 07/01/13)** is amended to read:

37 **41-1a-1223 (Superseded 07/01/13). Local emissions compliance fee -- Exemptions**
38 **-- Transfer -- County ordinance -- Notice.**

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

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

45 (b) If imposed under Subsection (1)(a), at the time application is made for registration
46 or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local
47 emissions compliance fee established by the county legislative body.

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

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

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

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

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

56 (a) approving the fee;

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

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

59 (4) (a) If a county legislative body enacts, changes, or repeals a fee under this section,
 60 the enactment, change, or repeal shall take effect on ~~[July]~~ January 1 if the commission
 61 receives notice meeting the requirements of Subsection (4)(b) from the county prior to ~~[April]~~
 62 October 1.

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

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

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

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

68 Section 2. Section **41-1a-1223 (Effective 07/01/13)** is amended to read:

69 **41-1a-1223 (Effective 07/01/13). Local emissions compliance fee -- Exemptions --**
 70 **Transfer -- County ordinance -- Notice.**

71 (1) (a) (i) A county legislative body of a county that is required to utilize a motor
 72 vehicle emissions inspection and maintenance program or in which an emissions inspection
 73 and maintenance program is necessary to attain or maintain any national ambient air quality
 74 standard in accordance with Section 41-6a-1642 may impose a local emissions compliance fee
 75 of up to:

76 (A) \$3 on each motor vehicle registration within the county for a motor vehicle
 77 registration under Section 41-1a-215; or

78 (B) \$2.25 on each motor vehicle registration within the county for a six-month
 79 registration period under Section 41-1a-215.5.

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

81 (b) If imposed under Subsection (1)(a)(i), at the time application is made for
 82 registration or renewal of registration of a motor vehicle under this chapter, the applicant shall
 83 pay the local emissions compliance fee established by the county legislative body.

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

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

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

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

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

92 (a) approving the fee;

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

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

95 (4) (a) If a county legislative body enacts, changes, or repeals a fee under this section,
96 the enactment, change, or repeal shall take effect on [~~July~~] January 1 if the commission
97 receives notice meeting the requirements of Subsection (4)(b) from the county prior to [~~April~~]
98 October 1.

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

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

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

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

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

105 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

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

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

120 (i) the federal government;

- 121 (ii) the state and any of its agencies; or
- 122 (iii) a political subdivision of the state, including school districts.
- 123 (2) (a) The legislative body of a county identified in Subsection (1), in consultation
- 124 with the Air Quality Board created under Section 19-1-106, shall make regulations or
- 125 ordinances regarding:
 - 126 (i) emissions standards;
 - 127 (ii) test procedures;
 - 128 (iii) inspections stations;
 - 129 (iv) repair requirements and dollar limits for correction of deficiencies; and
 - 130 (v) certificates of emissions inspections.
- 131 (b) The regulations or ordinances shall:
 - 132 (i) be made to attain or maintain ambient air quality standards in the county, consistent
 - 133 with the state implementation plan and federal requirements;
 - 134 (ii) may allow for a phase-in of the program by geographical area; and
 - 135 (iii) be compliant with the analyzer design and certification requirements contained in
 - 136 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
- 137 (c) The county legislative body and the Air Quality Board shall give preference to an
- 138 inspection and maintenance program that is:
 - 139 (i) decentralized, to the extent the decentralized program will attain and maintain
 - 140 ambient air quality standards and meet federal requirements;
 - 141 (ii) the most cost effective means to achieve and maintain the maximum benefit with
 - 142 regard to ambient air quality standards and to meet federal air quality requirements as related to
 - 143 vehicle emissions; and
 - 144 (iii) providing a reasonable phase-out period for replacement of air pollution emission
 - 145 testing equipment made obsolete by the program.
- 146 (d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out:
 - 147 (i) may be accomplished in accordance with applicable federal requirements; and
 - 148 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
 - 149 quality standards.
- 150 (3) The following vehicles are exempt from the provisions of this section:
 - 151 (a) an implement of husbandry;

152 (b) a motor vehicle that:
153 (i) meets the definition of a farm truck under Section 41-1a-102; and
154 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
155 (c) a vintage vehicle as defined in Section 41-21-1;
156 (d) a custom vehicle as defined in Section 41-6a-1507; and
157 (e) to the extent allowed under the current federally approved state implementation
158 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
159 vehicle that is less than two years old on January 1 based on the age of the vehicle as
160 determined by the model year identified by the manufacturer.

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 (iii) For a county required to implement a new vehicle emissions inspection and
202 maintenance program on or after December 1, 2012, under Subsection (1), but for which no
203 current federally approved state implementation plan exists, a vehicle shall be tested at a
204 frequency determined by the county legislative body, in consultation with the Air Quality
205 Board created under Section 19-1-106, that is necessary to comply with federal law or attain or
206 maintain any national ambient air quality standard.

207 (iv) If a county legislative body establishes or changes the frequency of a vehicle
208 emissions inspection and maintenance program under Section (5)(c)(iii), the establishment or
209 change shall take effect on January 1 if the Tax Commission receives notice meeting the
210 requirements of Subsection (5)(c)(v) from the county prior to October 1.

211 (v) The notice described in Subsection (5)(c)(iv) shall:

212 (A) state that the county will establish or change the frequency of the vehicle emissions
213 inspection and maintenance program under this section;

214 (B) include a copy of the ordinance establishing or changing the frequency; and
215 (C) if the county establishes or changes the frequency under this section, state how
216 frequent the emissions will be required.

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

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

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

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

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

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

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

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

238 **Section 4. Effective date.**

239 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
240 elected to each house, this bill takes effect upon approval by the governor, or the day following
241 the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's
242 signature, or in the case of a veto, the date of veto override.

243 (2) The actions affecting Section 41-1a-1223 (Effective 07/01/13) take effect on July 1,
244 2013.

Legislative Review Note
as of 2-8-13 9:34 AM

Office of Legislative Research and General Counsel