

Representative Norman K Thurston proposes the following substitute bill:

SAFETY INSPECTION AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to motor vehicle safety inspection programs.

Highlighted Provisions:

This bill:

- ▶ repeals the requirement that certain vehicles obtain a safety inspection certificate in order to be registered and to operate on a highway; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates:

- ▶ to the Highway Patrol - Field Operations, as an ongoing appropriation:
 - from the Highway Patrol - Safety Inspections, \$951,000.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

13-51-107, as enacted by Laws of Utah 2015, Chapter 461

41-1a-203, as last amended by Laws of Utah 2010, Chapter 295

41-1a-205, as last amended by Laws of Utah 2015, Chapter 412



- 26 [41-1a-217](#), as last amended by Laws of Utah 2005, Chapter 2
- 27 [41-1a-226](#), as last amended by Laws of Utah 2015, Chapter 400
- 28 [41-3-303](#), as last amended by Laws of Utah 2013, Chapter 207
- 29 [41-6a-1508](#), as last amended by Laws of Utah 2015, Chapter 412
- 30 [41-6a-1509](#), as last amended by Laws of Utah 2015, Chapters 412 and 454
- 31 [41-6a-1642](#), as last amended by Laws of Utah 2015, Chapter 258
- 32 [53-8-205](#), as last amended by Laws of Utah 2015, Chapter 412
- 33 [53-8-206](#), as last amended by Laws of Utah 2015, Chapter 429

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

36 Section 1. Section **13-51-107** is amended to read:

37 **13-51-107. Driver requirements.**

38 (1) Before a transportation network company allows an individual to use the
39 transportation network company's software application as a transportation network driver, the
40 transportation network company shall:

41 (a) require the individual to submit to the transportation network company:

42 (i) the individual's name, address, and age;

43 (ii) a copy of the individual's driver license, including the driver license number; and

44 (iii) proof that the vehicle that the individual will use to provide transportation network
45 services is registered with the Division of Motor Vehicles;

46 (b) require the individual to consent to a criminal background check of the individual
47 by the transportation network company or the transportation network company's designee; and

48 (c) obtain and review a report that lists the individual's driving history.

49 (2) A transportation company may not allow an individual to provide transportation
50 network services as a transportation network driver if the individual:

51 (a) has committed more than three moving violations in the three years before the day
52 on which the individual applies to become a transportation network driver;

53 (b) has been convicted, in the seven years before the day on which the individual
54 applies to become a transportation network driver, of:

55 (i) driving under the influence of alcohol or drugs;

56 (ii) fraud;

- 57 (iii) a sexual offense;
- 58 (iv) a felony involving a motor vehicle;
- 59 (v) a crime involving property damage;
- 60 (vi) a crime involving theft;
- 61 (vii) a crime of violence; or
- 62 (viii) an act of terror;
- 63 (c) is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex
- 64 and Kidnap Offender Registry;
- 65 (d) does not have a valid Utah driver license; or
- 66 (e) is not at least 19 years of age.

67 (3) A transportation network company shall prohibit a transportation network driver
 68 from accepting a request for a prearranged ride if the motor vehicle that the transportation
 69 network driver uses to provide transportation network services fails to comply with:

- 70 [~~(a)~~] ~~safety and inspection requirements described in Section 53-8-205;~~
- 71 [~~(b)~~] (a) equipment standards described in Section 41-6a-1601; and
- 72 [~~(c)~~] (b) emission requirements adopted by a county under Section 41-6a-1642.

73 (4) A transportation network driver, while providing transportation network services,
 74 shall carry proof, in physical or electronic form, that the transportation network driver is
 75 covered by insurance that satisfies the requirements of Section 13-51-108.

76 Section 2. Section 41-1a-203 is amended to read:

77 **41-1a-203. Prerequisites for registration, transfer of ownership, or registration**
 78 **renewal.**

79 (1) Except as otherwise provided, [~~prior to~~] before registration of a vehicle, an owner
 80 shall:

- 81 (a) obtain an identification number inspection under Section 41-1a-204;
- 82 [~~(b)~~] ~~obtain a safety inspection certificate, if required in the current year, as provided~~
 83 ~~under Sections 41-1a-205 and 53-8-205;~~
- 84 [~~(c)~~] (b) obtain a certificate of emissions inspection, if required in the current year, as
 85 provided under Section 41-6a-1642;
- 86 [~~(d)~~] (c) pay property taxes, the in lieu fee, or receive a property tax clearance under
 87 Section 41-1a-206 or 41-1a-207;

88 ~~[(e)]~~ (d) pay the automobile driver education tax required by Section 41-1a-208;
89 ~~[(f)]~~ (e) pay the applicable registration fee under Part 12, Fee and Tax Requirements;
90 ~~[(g)]~~ (f) pay the uninsured motorist identification fee under Section 41-1a-1218, if
91 applicable;
92 ~~[(h)]~~ (g) pay the motor carrier fee under Section 41-1a-1219, if applicable;
93 ~~[(i)]~~ (h) pay any applicable local emissions compliance fee under Section 41-1a-1223;
94 and
95 ~~[(j)]~~ (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.

96 (2) In addition to the requirements in Subsection (1), an owner ~~[whose]~~ of a vehicle
97 that has not been previously registered or that is currently registered under a previous owner's
98 name shall ~~[also]~~ apply for a valid certificate of title in the owner's name ~~[prior to]~~ before
99 registration.

100 (3) ~~[A]~~ The division may not issue a new registration, transfer of ownership, or
101 registration renewal under Section 73-18-7 ~~[may not be issued]~~ for a vessel or outboard motor
102 that is subject to the title provisions of this chapter unless a certificate of title has been or is in
103 the process of being issued in the same owner's name.

104 (4) ~~[A]~~ The division may not issue a new registration, transfer of ownership, or
105 registration renewal under Section 41-22-3 ~~[may not be issued]~~ for an off-highway vehicle that
106 is subject to the ~~[tinting]~~ title provisions of this chapter unless a certificate of title has been or is
107 in the process of being issued in the same owner's name.

108 Section 3. Section 41-1a-205 is amended to read:

109 **41-1a-205. Safety inspection certificate required for commercial motor vehicles**
110 **and initial registration of street-legal ATVs.**

111 ~~[(1) If required in the current year, a safety inspection certificate, as required by Section~~
112 ~~53-8-205, or proof of exemption from safety inspection shall be presented at the time of, and as~~
113 ~~a condition of, registration or renewal of registration of a motor vehicle.]~~

114 ~~[(2) (a) Except as provided in Subsections (2)(b), (c), and (d), the safety inspection~~
115 ~~required under this section may be made no more than two months prior to the renewal of~~
116 ~~registration.]~~

117 ~~[(b) (i) If the title of a used motor vehicle is being transferred, a safety inspection~~
118 ~~certificate issued for the motor vehicle during the previous 11 months may be used to satisfy~~

119 the requirement under Subsection (1).]

120 ~~[(ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety~~
121 ~~inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle~~
122 ~~dealer's name during the previous 11 months may be used to satisfy the requirement under~~
123 ~~Subsection (1).]~~

124 ~~[(c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, a~~
125 ~~safety inspection certificate issued during the previous 11 months may be used to satisfy the~~
126 ~~requirement under Subsection (1).]~~

127 ~~[(d) If the motor vehicle is part of a fleet of 101 or more vehicles, the safety inspection~~
128 ~~required under this section may be made no more than 11 months prior to the renewal of~~
129 ~~registration.]~~

130 ~~[(e) If the application for renewal of registration is for a six-month registration period~~
131 ~~under Section 41-1a-215.5, a safety inspection certificate issued during the previous eight~~
132 ~~months may be used to satisfy the requirement under Subsection (1).]~~

133 ~~[(3) (a) The following motor vehicles are exempt from this section:]~~

134 ~~[(i) except as provided in Subsection (3)(b), a new motor vehicle when registered the~~
135 ~~first time, if:]~~

136 ~~[(A) a new car predelivery inspection has been made by a dealer;]~~

137 ~~[(B) the dealer provides a written disclosure statement listing any known deficiency;~~
138 ~~existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle~~
139 ~~to fail a safety inspection given in accordance with Section 53-8-205; and]~~

140 ~~[(C) the buyer signs the disclosure statement to acknowledge that the buyer has read~~
141 ~~and understands the listed deficiencies;]~~

142 ~~[(ii) a motor vehicle required to be registered under this chapter that bears a dealer~~
143 ~~plate or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates,~~
144 ~~except that if the motor vehicle is propelled by its own power and is not being moved for repair~~
145 ~~or dismantling, the motor vehicle shall comply with Section 41-6a-1601 regarding safe~~
146 ~~mechanical condition; and]~~

147 ~~[(iii) a vintage vehicle as defined in Section 41-21-1.]~~

148 (1) A salvage vehicle as defined in Section 41-1a-1001 must pass a safety inspection
149 when the owner makes the initial application to register the vehicle as a salvage vehicle.

150 ~~[(b)]~~ (2) A street-legal all-terrain vehicle registered in accordance with Section
 151 [41-6a-1509](#) is subject to a safety inspection~~[-(i)]~~ the first time that a person registers an
 152 off-highway vehicle as a street-legal all-terrain vehicle~~[-and]~~.

153 ~~[(ii)]~~ ~~subsequently, on the same frequency as described in Subsection [53-8-205\(2\)](#) based~~
 154 ~~on the age of the vehicle as determined by the model year identified by the manufacturer.]~~

155 ~~[(4)(a)]~~ (3) A safety inspection certificate shall be displayed on:

156 ~~[(i)]~~ (a) all registered commercial [~~motor~~] vehicles [~~with a gross vehicle weight rating~~
 157 ~~of 26,000 pounds or more~~] as defined in Section [72-9-102](#);

158 ~~[(ii)]~~ (b) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer
 159 with multiple axles;

160 ~~[(iii)]~~ (c) a combination unit; [~~and]~~

161 ~~[(iv)]~~ (d) a bus or van for hire~~[-]~~;

162 (e) a taxicab; and

163 (f) a motor vehicle operated by a ground transportation service provider as defined in
 164 Section [72-10-601](#).

165 ~~[(b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of~~
 166 ~~Subsection (1).]~~

167 ~~[(5) A motor vehicle may be sold and the title assigned to the new owner without a~~
 168 ~~valid safety inspection, but the motor vehicle may not be registered in the new owner's name~~
 169 ~~until the motor vehicle complies with this section.]~~

170 ~~[(6)]~~ (4) A violation of this section is an infraction.

171 Section 4. Section **41-1a-217** is amended to read:

172 **41-1a-217. Application for renewal of registration.**

173 (1) [~~Renewal of~~] An applicant may renew a vehicle registration [~~shall be made by the~~
 174 ~~owner upon~~] by:

175 (a) filing an application for registration renewal; and [~~by payment of~~]

176 (b) paying the fees or taxes required under Subsection [41-1a-203\(1\)](#).

177 (2) The applicant shall ensure that the application for registration renewal and the
 178 payment for applicable fees or taxes [~~shall be~~] is accompanied by a~~[-(a) safety inspection~~
 179 ~~certificate as required under Section [41-1a-205](#); and (b)]~~ certificate of emissions inspection [~~as]~~
 180 if required under Section [41-6a-1642](#).

181 (3) The division shall issue a new registration card [~~issued shall show~~] that contains:

182 (a) the identical information with respect to the owner and the vehicle description

183 required by Section 41-1a-213; and

184 (b) the new expiration date.

185 Section 5. Section **41-1a-226** is amended to read:

186 **41-1a-226. Vintage vehicle -- Signed statement -- Registration.**

187 (1) The owner of a vintage vehicle who applies for registration under this part shall
188 provide a signed statement that the vintage vehicle:

189 (a) is owned and operated for the purposes described in Section 41-21-1; and

190 (b) is safe to operate on the highways of this state as described in Section 41-21-4.

191 (2) The signed statement described in Subsection (1) is in lieu of [~~(a) a safety~~
192 ~~inspection, from which a vintage vehicle is exempt under Subsection 41-1a-205(3); and (b)] an~~
193 ~~emissions inspection, from which a vintage vehicle is exempt under Subsection 41-6a-1642(3).~~

194 Section 6. Section **41-3-303** is amended to read:

195 **41-3-303. Temporary permits -- Inspections required before issuance.**

196 (1) [~~A~~] Except as provided in Subsections (2) and (3), a dealer licensed in accordance
197 with this chapter may not issue a temporary permit for a motor vehicle under Section 41-3-302
198 unless [~~(a) (i) the motor vehicle for which the temporary permit is issued has received and~~
199 ~~passed the safety inspection if required in the current year under Section 53-8-205 within the~~
200 ~~previous 11 months; (ii) the safety inspection certificate was issued in the name of a licensed~~
201 ~~and bonded dealer; and (iii) a copy of the safety inspection certificate is given to the customer;~~
202 ~~and (b)] the motor vehicle passed [the emission] an emissions inspection test if required by
203 Section 41-6a-1642.~~

204 [~~(2) Notwithstanding Subsection (1)(a), a dealer may issue a temporary permit without~~
205 ~~a safety inspection certificate if the motor vehicle complies with the safety inspection as~~
206 ~~provided in Section 41-1a-205.]~~

207 [~~(3) Notwithstanding Subsection (1)(b), a~~

208 (2) A dealer may issue a temporary permit without proof of an [emission] emissions
209 inspection if:

210 (a) the motor vehicle is exempt from [~~emission~~] an emissions inspection [~~as provided~~
211 ~~in] under Section 41-6a-1642;~~

212 (b) the purchaser is a resident of a county that does not require [~~emission~~] emissions
213 inspections; or

214 (c) the motor vehicle is otherwise exempt from [~~emission~~] emissions inspections.

215 [~~(4) Notwithstanding Subsection (1), a~~]

216 (3) A dealer may sell a motor vehicle as is without [having it safety or emission
217 inspected provided that no] an emissions inspection if the dealer does not issue a temporary
218 permit [is issued].

219 Section 7. Section **41-6a-1508** is amended to read:

220 **41-6a-1508. Low-speed vehicle.**

221 (1) Except as otherwise provided in this section, a low-speed vehicle is considered a
222 motor vehicle for purposes of the Utah Code including requirements for:

223 (a) traffic rules under Title 41, Chapter 6a, Traffic Code;

224 (b) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

225 (c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
226 Motor Vehicle Owners and Operators Act;

227 (d) vehicle registration, titling, vehicle identification numbers, license plates, and
228 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

229 (e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and
230 fee in lieu of property taxes or in lieu fees under Section 59-2-405;

231 (f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business
232 Regulation Act; and

233 [~~(g) motor vehicle safety inspection requirements under Section 53-8-205; and]~~

234 [~~(h)~~] (g) safety belt requirements under Title 41, Chapter 6a, Part 18, Motor Vehicle
235 Safety Belt Usage Act.

236 (2) (a) [~~A~~] The owner of a low-speed vehicle shall [comply] ensure that the low-speed
237 vehicle:

238 (i) complies with federal safety standards established in 49 C.F.R. 571.500; and [~~shall~~
239 ~~be~~]

240 (ii) is equipped with:

241 [~~(i)~~] (A) headlamps;

242 [~~(i)~~] (B) front and rear turn signals, tail lamps, and stop lamps;

243 [(iii)] (C) turn signal lamps;
244 [(iv)] (D) reflex reflectors one on the rear of the vehicle and one on the left and right
245 side and as far to the rear of the vehicle as practical;
246 [(v)] (E) a parking brake;
247 [(vi)] (F) a windshield that meets the standards under Section 41-6a-1635, including a
248 device for cleaning rain, snow, or other moisture from the windshield; and
249 [(vii)] (G) an exterior rearview mirror on the driver's side and either an interior
250 rearview mirror or an exterior rearview mirror on the passenger side.

251 (b) A low-speed vehicle that complies with this Subsection (2) and Subsection (3) and
252 that is not altered from the manufacturer is considered to comply with equipment requirements
253 under Part 16, Vehicle Equipment.

254 (3) A person may not operate a low-speed vehicle that has been structurally altered
255 from the original manufacturer's design.

256 (4) A low-speed vehicle is exempt from a motor vehicle emissions inspection and
257 maintenance program requirements under Section 41-6a-1642.

258 (5) (a) Except to cross a highway at an intersection, a low-speed vehicle may not be
259 operated on a highway with a posted speed limit of more than 35 miles per hour.

260 (b) In addition to the restrictions under Subsection (5)(a), a highway authority, may
261 prohibit or restrict the operation of a low-speed vehicle on any highway under its jurisdiction, if
262 the highway authority determines the prohibition or restriction is necessary for public safety.

263 (6) A person may not operate a low-speed vehicle on a highway without displaying on
264 the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies
265 with the Society of Automotive Engineers standard SAE J943.

266 (7) A person who violates Subsection (2), (3), (5), or (6) is guilty of an infraction.

267 Section 8. Section 41-6a-1509 is amended to read:

268 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**

269 **Registration and licensing requirements -- Equipment requirements.**

270 (1) (a) Except as provided in Subsection (1)(b), an all-terrain type I vehicle, utility type
271 vehicle, or full-sized all-terrain vehicle that meets the requirements of this section may be
272 operated as a street-legal ATV on a street or highway unless the highway is an interstate
273 freeway as defined in Section 41-6a-102.

274 (b) Unless a street or highway is designated as open for street-legal ATV use by the
275 controlling highway authority in accordance with Section 41-22-10.5, a person may not operate
276 a street-legal ATV on a street or highway in accordance with Subsection (1)(a) if the highway
277 is under the jurisdiction of:

278 (i) a county of the first class; or

279 (ii) a municipality that is within a county of the first class.

280 (2) A street-legal ATV shall comply with Subsection 41-1a-205(1), Subsection
281 53-8-205(1)(b), and the same requirements as:

282 (a) a motorcycle for:

283 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;

284 (ii) registration, titling, odometer statement, vehicle identification, license plates, and
285 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

286 (iii) fees in lieu of property taxes or in lieu of fees under Section 59-2-405.2; and

287 (iv) the county motor vehicle emissions inspection and maintenance programs under
288 Section 41-6a-1642;

289 (b) a motor vehicle for:

290 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and

291 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
292 Motor Vehicle Owners and Operators Act; and

293 ~~[(iii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle~~
294 ~~Safety Inspection Act, except that a street-legal ATV shall be subject to a safety inspection: (A)~~
295 ~~when registered for the first time; and]~~

296 ~~[(B) subsequently, on the same frequency as described in Subsection 53-8-205(2)~~
297 ~~based on the age of the vehicle as determined by the model year identified by the manufacturer;~~
298 ~~and]~~

299 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
300 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
301 Regulation Act, unless otherwise specified in this section.

302 (3) (a) ~~[An]~~ The owner of an all-terrain type I vehicle ~~[and]~~ or a utility type vehicle
303 being operated as a street-legal ATV shall ~~[be]~~ ensure that the vehicle is equipped with:

304 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;

- 305 (ii) one or more tail lamps;
- 306 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
307 with a white light;
- 308 (iv) one or more red reflectors on the rear;
- 309 (v) one or more stop lamps on the rear;
- 310 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 311 (vii) a braking system, other than a parking brake, that meets the requirements of
312 Section 41-6a-1623;
- 313 (viii) a horn or other warning device that meets the requirements of Section
314 41-6a-1625;
- 315 (ix) a muffler and emission control system that meets the requirements of Section
316 41-6a-1626;
- 317 (x) rearview mirrors on the right and left side of the driver in accordance with Section
318 41-6a-1627;
- 319 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 320 (xii) a speedometer, illuminated for nighttime operation;
- 321 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
322 seat designed for passengers, including a footrest and handhold for each passenger;
- 323 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
- 324 (xv) tires that:
- 325 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available
326 for the all-terrain vehicle model; and
- 327 (B) have at least 2/32 inches or greater tire tread.
- 328 (b) [~~A~~] The owner of a full-sized all-terrain vehicle being operated as a street-legal
329 all-terrain vehicle shall [be] ensure that the vehicle is equipped with:
- 330 (i) two headlamps that meet the requirements of Section 41-6a-1603;
- 331 (ii) two tail lamps;
- 332 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
333 with a white light;
- 334 (iv) one or more red reflectors on the rear;
- 335 (v) two stop lamps on the rear;

- 336 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 337 (vii) a braking system, other than a parking brake, that meets the requirements of
- 338 Section 41-6a-1623;
- 339 (viii) a horn or other warning device that meets the requirements of Section
- 340 41-6a-1625;
- 341 (ix) a muffler and emission control system that meets the requirements of Section
- 342 41-6a-1626;
- 343 (x) rearview mirrors on the right and left side of the driver in accordance with Section
- 344 41-6a-1627;
- 345 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 346 (xii) a speedometer, illuminated for nighttime operation;
- 347 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
- 348 seat designed for passengers, including a footrest and handhold for each passenger;
- 349 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
- 350 (xv) tires that:
- 351 (A) do not exceed 44 inches in height; and
- 352 (B) have at least 2/32 inches or greater tire tread.
- 353 (c) ~~[A]~~ The owner of a street-legal all-terrain vehicle is not required to ~~[be equipped]~~
- 354 equip the vehicle with wheel covers, mudguards, flaps, or splash aprons.
- 355 (4) (a) Subject to the ~~[requirement in]~~ requirements of Subsection (4)(b), an operator of
- 356 a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway,
- 357 may not exceed the lesser of:
- 358 (i) the posted speed limit; or
- 359 (ii) 50 miles per hour.
- 360 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
- 361 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
- 362 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
- 363 roadway; and
- 364 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front
- 365 and back of both sides of the vehicle.
- 366 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be

367 operated on the highways of another state has the same rights and privileges as a street-legal
368 ATV that is granted operating privileges on the highways of this state, subject to the
369 restrictions under this section and rules made by the Board of Parks and Recreation, if the other
370 state offers reciprocal operating privileges to Utah residents.

371 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
372 Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating
373 privileges for nonresident users granted under Subsection (5)(a).

374 (6) Nothing in this chapter [~~shall restrict the operation of~~] restricts the owner of an
375 off-highway vehicle from operating the off-highway vehicle in accordance with Section
376 [41-22-10.5](#).

377 (7) A violation of this section is an infraction.

378 Section 9. Section **41-6a-1642** is amended to read:

379 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

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

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

394 (i) the federal government;

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

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

397 (2) (a) The legislative body of a county identified in Subsection (1), in consultation

398 with the Air Quality Board created under Section 19-1-106, shall make regulations or
399 ordinances regarding:

- 400 (i) emissions standards;
- 401 (ii) test procedures;
- 402 (iii) inspections stations;
- 403 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 404 (v) certificates of emissions inspections.

405 (b) The regulations or ordinances shall:

406 (i) be made to attain or maintain ambient air quality standards in the county, consistent
407 with the state implementation plan and federal requirements;

408 (ii) may allow for a phase-in of the program by geographical area; and

409 (iii) be compliant with the analyzer design and certification requirements contained in
410 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.

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

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

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

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

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

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

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

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

425 (a) an implement of husbandry;

426 (b) a motor vehicle that:

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

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

429 (c) a vintage vehicle as defined in Section 41-21-1;
430 (d) a custom vehicle as defined in Section 41-6a-1507; and
431 (e) to the extent allowed under the current federally approved state implementation
432 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
433 vehicle that is less than two years old on January 1 based on the age of the vehicle as
434 determined by the model year identified by the manufacturer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

481 (iv) If a county legislative body establishes or changes the frequency of a vehicle
482 emissions inspection and maintenance program under Subsection (6)(c)(iii), the establishment
483 or change shall take effect on January 1 if the Tax Commission receives notice meeting the
484 requirements of Subsection (6)(c)(v) from the county [~~prior to~~] before October 1.

485 (v) The notice described in Subsection (6)(c)(iv) shall:

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

488 (B) include a copy of the ordinance establishing or changing the frequency; and

489 (C) if the county establishes or changes the frequency under this section, state how
490 frequently the emissions testing will be required.

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

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

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

497 (7) (a) Except as provided in Subsections (7)(b), (c), and (d), the emissions inspection
498 required under this section may be made no more than two months before the renewal of
499 registration.

500 (b) (i) If the title of a used motor vehicle is being transferred, the owner may use an
501 emissions inspection certificate issued for the motor vehicle during the previous 11 months to
502 satisfy the requirement under this section.

503 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may
504 use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded
505 motor vehicle dealer's name during the previous 11 months to satisfy the requirement under
506 this section.

507 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the
508 lessee may use an emissions inspection certificate issued during the previous 11 months to
509 satisfy the requirement under this section.

510 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not
511 use an emissions inspection made more than 11 months before the renewal of registration to
512 satisfy the requirement under this section.

513 (e) If the application for renewal of registration is for a six-month registration period
514 under Section 41-1a-215.5, the owner may use an emissions inspection certificate issued during
515 the previous eight months to satisfy the requirement under this section.

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

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

521 (9) If approved by the county legislative body, a county that had an established

522 emissions inspection fee as of January 1, 2002, may increase the established fee that an
523 emissions inspection station may charge by \$2.50 for each year that is exempted from
524 emissions inspections under Subsection (6)(c) up to a \$7.50 increase.

525 (10) (a) A county identified in Subsection (1) may impose a local emissions
526 compliance fee on each motor vehicle registration within the county in accordance with the
527 procedures and requirements of Section [41-1a-1223](#).

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

531 Section 10. Section **53-8-205** is amended to read:

532 **53-8-205. Safety inspection required for certain vehicles -- Out-of-state permits.**

533 [~~(1)(a) Except as provided in Subsection (1)(b), a person may not operate on a
534 highway a motor vehicle required to be registered in this state unless the motor vehicle has
535 passed a safety inspection if required in the current year.]~~

536 [~~(b) Subsection (1)(a) does not apply to:~~

537 [~~(i) a vehicle that is exempt from registration under Section [41-1a-205](#);~~

538 [~~(ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a
539 street-legal all-terrain vehicle in accordance with Section [41-6a-1509](#);~~

540 [~~(iii) a vintage vehicle as defined in Section [41-21-1](#);~~

541 [~~(iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:]~~

542 [~~(A) is operating with an apportioned registration under Section [41-1a-301](#); and]~~

543 [~~(B) has a valid annual federal inspection that complies with the requirements of 49
544 C.F.R. Sec. 396.17; and]~~

545 [~~(v) a trailer, semitrailer, or trailering equipment attached to a commercial motor
546 vehicle described in Subsection (1)(b)(iv) that has a valid annual federal inspection that
547 complies with the requirements of 49 C.F.R. Sec. 396.17.]~~

548 [~~(2) Except as provided in Subsection (3), the frequency of the safety inspection shall
549 be determined based on the age of the vehicle determined by model year and shall:]~~

550 [~~(a) be required each year for a vehicle that is 10 or more years old on January 1; or]~~

551 [~~(b) for each vehicle that is less than 10 years old on January 1, be required in the
552 fourth year and the eighth year;]~~

553 ~~[(c) be made by a safety inspector certified by the division at a safety inspection station~~
554 ~~authorized by the division;]~~

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

557 ~~[(e) include an inspection for the display of license plates in accordance with Section~~
558 ~~41-1a-404.]~~

559 ~~[(3)(a)(i)]~~ (1)(a) A salvage vehicle as defined in Section 41-1a-1001 ~~[is required to]~~
560 must pass a safety inspection when [am] the owner makes the initial application [is made for
561 initial registration] to register the vehicle as a salvage vehicle.

562 ~~[(ii) After initial registration as a salvage vehicle, the frequency of the safety inspection~~
563 ~~shall correspond with the model year, as provided in Subsection (2).]~~

564 (b) An off-highway vehicle being registered for the first time as a street-legal all-terrain
565 vehicle as described in Section 41-6a-1509 is required to pass a safety inspection when the
566 owner makes the initial application to register the vehicle as a street-legal all-terrain vehicle.

567 ~~[(b)]~~ (c) ~~[Beginning on the date that the Motor Vehicle Division has implemented the~~
568 ~~Motor Vehicle Division's GenTax system;]~~ The owner of a commercial vehicle, as defined in
569 Section [41-1a-102, with a gross vehicle weight rating of 10,001 pounds or more is required to
570 pass] 72-9-102, must:

571 (i) ensure that the commercial vehicle passes a safety inspection annually [or comply
572 with Subsection (1)(b)(iv)(B)]; or

573 (ii) provide evidence of a valid annual federal inspection that complies with the
574 requirements of 49 C.F.R. Sec. 396.17.

575 (d) The owner of a vehicle operated by a ground transportation service provider as
576 defined in Section 72-10-601 shall ensure that the vehicle passes a safety inspection annually.

577 (e) An owner of one or more of the following types of vehicles shall ensure that the
578 vehicle passes a safety inspection annually:

579 (i) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with
580 multiple axles;

581 (ii) a combination unit;

582 (iii) a bus or van for hire; or

583 (iv) a taxicab.

584 ~~[(4)(a)]~~ (2) A safety inspection station shall issue two safety inspection certificates to
585 the owner of:

586 ~~[(i)]~~ (a) each motor vehicle that passes a safety inspection under this section; and

587 ~~[(ii)]~~ (b) a street-legal all-terrain vehicle that meets all the equipment requirements in
588 Section [41-6a-1509](#).

589 ~~[(b) A safety inspection station shall use one safety inspection certificate issued under
590 this Subsection (4) for processing the vehicle registration.]~~

591 ~~[(c) A person operating a motor vehicle shall have in the person's immediate
592 possession a safety inspection certificate or other evidence of compliance with the requirement
593 to obtain a safety inspection under this section.]~~

594 (3) A person operating a motor vehicle required to have an annual safety inspection
595 shall have in the person's immediate possession a safety inspection certificate or other evidence
596 of compliance.

597 ~~[(5)]~~ (4) The division may~~[(a)]~~ authorize the acceptance ~~[in this state]~~ of a safety
598 inspection certificate issued in another state having a safety inspection law similar to ~~[this state;~~
599 ~~and]~~ Utah's law.

600 ~~[(b) extend the time within which a safety inspection certificate must be obtained by
601 the resident owner of a vehicle that was not in this state during the time a safety inspection was
602 required.]~~

603 ~~[(6)]~~ (5) A violation of this section is an infraction.

604 Section 11. Section **53-8-206** is amended to read:

605 **53-8-206. Safety inspection -- Station requirements -- Permits not transferable --**
606 **Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of**
607 **permits.**

608 (1) The safety inspection required under ~~[Section [53-8-205](#)]~~ this part may only be
609 performed:

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

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

613 (2) (a) A safety inspection station permit may not be assigned₂ or transferred₂ or used at
614 any location other than a designated location~~[, and every]~~₂.

615 (b) The holder of a safety inspection station permit shall ~~[be posted]~~ post the permit in
616 a conspicuous place at the location designated in the permit.

617 (3) If required by the division, the safety inspector shall keep a record and file a report
618 ~~[shall be made]~~ of every safety inspection and every safety inspection certificate issued.

619 (4) A safety inspection station holding a safety inspection station permit issued by the
620 division may charge a reasonable fee for labor in performing safety inspections, not to exceed:

- 621 (a) \$7 or less for motorcycles and street-legal all-terrain vehicles;
- 622 (b) unless Subsection (4)(a) or (c) applies, \$15 or less for motor vehicles; or
- 623 (c) \$20 or less for 4-wheel drive, split axle, and any motor vehicles that necessitate
624 disassembly of front hub or removal of rear axle for inspection.

625 (5) (a) A safety inspection station may return to the division unused safety inspection
626 certificates in a quantity of 10 or more ~~[and]~~.

627 (b) The division shall ~~[be reimbursed by the division]~~ reimburse the station for the cost
628 of ~~[the]~~ the returned safety inspection certificates.

629 (6) (a) Upon receiving notice of the suspension or revocation of a safety inspection
630 station permit and after the conclusion of any adjudicative proceedings upholding the
631 suspension or revocation, the safety inspection station permit holder shall:

- 632 (i) immediately terminate all safety inspection activities; and
- 633 (ii) return all safety inspection certificates and the safety inspection station permit to
634 the division.

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

636 Section 12. **Appropriation.**

637 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
638 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money
639 are appropriated from resources not otherwise appropriated, or reduced from amounts
640 previously appropriated, out of the funds or amounts indicated. These sums of money are in
641 addition to amounts previously appropriated for fiscal year 2017.

642	<u>To Department of Public Safety -- Programs and Operations</u>	
643	<u>From General Fund</u>	<u>(\$234,200)</u>
644	<u>From Transportation Fund Restricted -- Department of</u>	
645	<u>Public Safety Account</u>	<u>(\$716,800)</u>

646	<u>Schedule of Programs:</u>	
647	<u>Highway Patrol -- Safety Inspections</u>	<u>(\$951,000)</u>
648	<u>To Department of Public Safety -- Programs and Operations</u>	
649	<u>From General Fund</u>	<u>\$234,200</u>
650	<u>From Transportation Fund Restricted -- Department of</u>	
651	<u>Public Safety Account</u>	<u>\$716,800</u>
652	<u>Schedule of Programs:</u>	
653	<u>Highway Patrol -- Field Operations</u>	<u>\$951,000</u>
654	Section 13. Effective date.	
655	<u>This bill takes effect on October 1, 2016.</u>	