

MOTOR VEHICLE EMISSION

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Logan Wilde

Senate Sponsor: Allen M. Christensen

Cosponsors: Jefferson Moss Mike Winder
Walt Brooks Christine F. Watkins

LONG TITLE

General Description:

This bill amends provisions relating to local emissions compliance fees.

Highlighted Provisions:

This bill:

- modifies provisions relating to the use of local emissions compliance fee revenues.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1642, as last amended by Laws of Utah 2015, Chapter 258

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

Section 1. Section **41-6a-1642** is amended to read:

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

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

29 standard shall require:

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

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

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

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

40 (i) the federal government;

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

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

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

46 (i) emissions standards;

47 (ii) test procedures;

48 (iii) inspections stations;

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

50 (v) certificates of emissions inspections.

51 (b) The regulations or ordinances shall:

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

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

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

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

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

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

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

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

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

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

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

71 (a) an implement of husbandry;

72 (b) a motor vehicle that:

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

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

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

76 (d) a custom vehicle as defined in Section 41-6a-1507; and

77 (e) to the extent allowed under the current federally approved state implementation
78 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
79 vehicle that is less than two years old on January 1 based on the age of the vehicle as
80 determined by the model year identified by the manufacturer.

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

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

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

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

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

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

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

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

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

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

112 (b) The frequency of the emissions inspection shall be determined based on the age of

113 the vehicle as determined by model year and shall be required annually subject to the
114 provisions of Subsection (6)(c).

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

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

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

127 (iv) If a county legislative body establishes or changes the frequency of a vehicle
128 emissions inspection and maintenance program under Subsection (6)(c)(iii), the establishment
129 or change shall take effect on January 1 if the Tax Commission receives notice meeting the
130 requirements of Subsection (6)(c)(v) from the county prior to October 1.

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

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

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

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

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

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

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

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

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

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

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

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

155 (b) A county that imposes a local emissions compliance fee [~~shall~~] may use revenues
156 generated from the fee for the establishment and enforcement of an emissions inspection and
157 maintenance program in accordance with the requirements of this section.

158 (c) A county that imposes a local emissions compliance fee may use revenues
159 generated from the fee to promote programs to maintain a local, state, or national ambient air
160 quality standard.