

MOTOR VEHICLE EMISSION

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Logan Wilde

Senate Sponsor: Allen M. Christensen

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 standard shall require:



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

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

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

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

38 (i) the federal government;

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

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

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

44 (i) emissions standards;

45 (ii) test procedures;

46 (iii) inspections stations;

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

48 (v) certificates of emissions inspections.

49 (b) The regulations or ordinances shall:

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

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

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

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

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

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

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

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

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

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

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

69 (a) an implement of husbandry;

70 (b) a motor vehicle that:

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

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

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

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

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

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

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

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

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

88 (B) in the transportation of farm supplies, including tile, fence, and every other thing or
89 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production

90 and maintenance.

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

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

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

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

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

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

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

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

119 (iii) For a county required to implement a new vehicle emissions inspection and
120 maintenance program on or after December 1, 2012, under Subsection (1), but for which no

121 current federally approved state implementation plan exists, a vehicle shall be tested at a
122 frequency determined by the county legislative body, in consultation with the Air Quality
123 Board created under Section 19-1-106, that is necessary to comply with federal law or attain or
124 maintain any national ambient air quality standard.

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

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

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

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

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

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

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

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

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

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

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

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

150 (10) (a) A county identified in Subsection (1) may impose a local emissions
151 compliance fee on each motor vehicle registration within the county in accordance with the

152 procedures and requirements of Section [41-1a-1223](#).

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

156 (c) A county that imposes a local emissions compliance fee may use revenues
157 generated from the fee to promote programs to maintain a national ambient air quality standard.

Legislative Review Note
Office of Legislative Research and General Counsel