

Representative Patrice M. Arent proposes the following substitute bill:

EMISSIONS TESTING AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends requirements for emissions testing of motor vehicles.

Highlighted Provisions:

This bill:

- ▶ restricts the authority of a county to exempt a motor vehicle from an emissions test;
- ▶ amends exemptions to emissions testing; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-1a-226, as last amended by Laws of Utah 2015, Chapter 400

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 **41-1a-226** is amended to read:



26 **41-1a-226. Vintage vehicle -- Signed statement -- Registration.**

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

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

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

31 (2) The signed statement described in Subsection (1) is in lieu of:

32 (a) a safety inspection, from which a vintage vehicle is exempt under Subsection
33 41-1a-205(3); and

34 (b) an emissions inspection, from which a vintage vehicle is exempt under Subsection
35 41-6a-1642~~(3)~~(4).

36 Section 2. Section 41-6a-1642 is amended to read:

37 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

45 (ii) at other times as the county legislative body may require to enforce inspection
46 requirements for individual motor vehicles, except that the county legislative body may not
47 routinely require a certificate of ~~[emission]~~ emissions inspection, or waiver of the certificate,
48 more often than required under Subsection ~~[(6)]~~ (8); and

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

52 (i) the federal government;

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

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

55 (2) (a) The legislative body of a county identified in Subsection (1), in consultation
56 with the Air Quality Board created under Section 19-1-106, shall make regulations or

57 ordinances regarding:

- 58 (i) emissions standards;
- 59 (ii) test procedures;
- 60 (iii) inspections stations;
- 61 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 62 (v) certificates of emissions inspections.

63 ~~[(b) The regulations or ordinances shall:]~~

64 (b) In accordance with Subsection (2)(a), a county legislative body:

65 (i) ~~[be made]~~ shall make regulations or ordinances to attain or maintain ambient air
66 quality standards in the county, consistent with the state implementation plan and federal
67 requirements;

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

69 (iii) ~~[be compliant]~~ shall comply with the analyzer design and certification
70 requirements contained in the state implementation plan prepared under Title 19, Chapter 2,
71 Air Conservation Act.

72 (c) The county legislative body and the Air Quality Board shall give preference to an
73 inspection and maintenance program that ~~[is]~~:

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

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

79 (iii) ~~[providing]~~ provides a reasonable phase-out period for replacement of air pollution
80 emission testing equipment made obsolete by the program.

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

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

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

85 (3) Except for the statewide exemptions provided in Subsection (4), a legislative body
86 of a county described in Subsection (1) may not exempt a motor vehicle from an emissions
87 inspection program.

88 ~~[(3)]~~ (4) The following vehicles are exempt from an emissions inspection program and
89 the provisions of this section:

90 (a) an implement of husbandry as defined in Section 41-1a-102;

91 (b) a motor vehicle that:

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

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

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

95 (d) a custom vehicle as defined in Section 41-6a-1507; ~~[and]~~

96 (e) to the extent allowed under the current federally approved state implementation
97 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
98 vehicle that is less than two years old on January 1 based on the age of the vehicle as
99 determined by the model year identified by the manufacturer~~[-]; and~~

100 ~~[(4)(a) The legislative body of a county identified in Subsection (1) shall exempt]~~

101 (f) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating
102 of 12,000 pounds or less ~~[from the emission inspection requirements of this section]~~, if the
103 registered owner of the pickup truck provides a signed statement to the legislative body stating
104 the truck is used:

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

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

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

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

113 ~~[(b)]~~ (5) The county shall ~~[provide]~~ issue to the registered owner who signs and
114 submits a signed statement under ~~[this section]~~ Subsection (4)(f) a certificate of exemption
115 from emission inspection requirements for purposes of registering the exempt vehicle.

116 (6) A legislative body of a county described in Subsection (1) shall require:

117 (a) a visual inspection of emissions equipment for a diesel-powered motor vehicle with
118 a gross vehicle weight rating of 14,000 pounds or less that was manufactured after 1997; and

119 (b) a computerized emissions inspection for a diesel-powered motor vehicle
120 manufactured after 2007 with a gross vehicle weight rating of 14,000 pounds or less.

121 [~~(5)~~] (7) (a) Subject to Subsection [~~(5)~~] (7)(c), the legislative body of each county
122 required under federal law to utilize a motor vehicle emissions inspection and maintenance
123 program or in which an emissions inspection and maintenance program is necessary to attain or
124 maintain any national ambient air quality standard may require each college or university
125 located in a county subject to this section to require its students and employees who park a
126 motor vehicle not registered in a county subject to this section to provide proof of compliance
127 with an emissions inspection accepted by the county legislative body if the motor vehicle is
128 parked on the college or university campus or property.

129 (b) College or university parking areas that are metered or for which payment is
130 required per use are not subject to the requirements of this Subsection [~~(5)~~] (7).

131 (c) The legislative body of a county shall make the reasons for implementing the
132 provisions of this Subsection [~~(5)~~] (7) part of the record at the time that the county legislative
133 body takes its official action to implement the provisions of this Subsection [~~(5)~~] (7).

134 [~~(6)~~] (8) (a) An emissions inspection station shall issue a certificate of emissions
135 inspection for each motor vehicle that meets the inspection and maintenance program
136 requirements established in rules made under Subsection (2).

137 (b) The frequency of the emissions inspection [~~shall be~~] is determined based on the age
138 of the vehicle as determined by model year and shall be required annually subject to the
139 provisions of Subsection [~~(6)~~] (8)(c).

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

144 (ii) The provisions of Subsection [~~(6)~~] (8)(c)(i) apply only to a vehicle that is less than
145 six years old on January 1.

146 (iii) For a county required to implement a new vehicle emissions inspection and
147 maintenance program on or after December 1, 2012, under Subsection (1), but for which no
148 current federally approved state implementation plan exists, a vehicle shall be tested at a
149 frequency determined by the county legislative body, in consultation with the Air Quality

150 Board created under Section 19-1-106, that is necessary to comply with federal law or attain or
151 maintain any national ambient air quality standard.

152 (iv) If a county legislative body establishes or changes the frequency of a vehicle
153 emissions inspection and maintenance program under Subsection ~~[(6)]~~ (8)(c)(iii), the
154 establishment or change shall take effect on January 1 if the State Tax Commission receives
155 notice meeting the requirements of Subsection ~~[(6)]~~ (8)(c)(v) from the county prior to October
156 1.

157 (v) The notice described in Subsection ~~[(6)]~~ (8)(c)(iv) shall:

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

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

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

163 (d) If an emissions inspection is only required every two years for a vehicle under
164 Subsection ~~[(6)]~~ (8)(c), the inspection shall be required for the vehicle in:

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

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

167 ~~[(7)]~~ (9) The emissions inspection shall be required within the same time limit
168 applicable to a safety inspection under Section 41-1a-205.

169 ~~[(8)]~~ (10) (a) A county identified in Subsection (1) shall collect information about and
170 monitor the program.

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

174 ~~[(9)]~~ (11) If approved by the county legislative body, a county that had an established
175 emissions inspection fee as of January 1, 2002, may increase the established fee that an
176 emissions inspection station may charge by \$2.50 for each year that is exempted from
177 emissions inspections under Subsection ~~[(6)]~~ (8)(c) up to a \$7.50 increase.

178 ~~[(10)]~~ (12) (a) A county identified in Subsection (1) may impose a local emissions
179 compliance fee on each motor vehicle registration within the county in accordance with the
180 procedures and requirements of Section 41-1a-1223.

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

184 Section 3. **Effective date.**

185 This bill takes effect on January 1, 2018.