

SB0090S01 compared with SB0090

~~deleted text~~ shows text that was in SB0090 but was deleted in SB0090S01.

Inserted text shows text that was not in SB0090 but was inserted into SB0090S01.

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Senator Jacob L. Anderegg proposes the following substitute bill:

VEHICLE INSPECTION AND REGISTRATION

AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: ~~_____~~ A. Cory Maloy

LONG TITLE

General Description:

This bill provides exemptions for certain infractions related to vehicle registration, safety inspection, and emissions inspection requirements.

Highlighted Provisions:

This bill:

- ▶ provides exemptions from infractions related to vehicle registration, safety inspection, and emissions inspection requirements; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-201, as last amended by Laws of Utah 2015, Chapter 412

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

41-6a-1601, as last amended by Laws of Utah 2015, Chapter 412

53-8-205, as last amended by Laws of Utah 2015, Chapter 412

53-8-209, as last amended by Laws of Utah 2016, Chapter 303

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

Section 1. Section **41-1a-201** is amended to read:

41-1a-201. Function of registration -- Registration required -- Penalty.

(1) Unless exempted, a person may not operate and an owner may not give another person permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, off-highway vehicle, vessel, or park model recreational vehicle in this state unless it has been registered in accordance with this chapter, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act.

(2) ~~[A]~~ Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Section 2. Section **41-1a-205** is amended to read:

41-1a-205. Safety inspection certificate required for renewal or registration of motor vehicle -- Exemptions.

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

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

(b) (i) If the title of a used motor vehicle is being transferred, a safety inspection certificate issued for the motor vehicle during the previous 11 months may be used to satisfy the requirement under Subsection (1).

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

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

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

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

(3) (a) The following motor vehicles are exempt from this section:

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

(A) a new car predelivery inspection has been made by a dealer;

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

(C) the buyer signs the disclosure statement to acknowledge that the buyer has read and understands the listed deficiencies;

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

(iii) a vintage vehicle as defined in Section 41-21-1.

(b) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509 is subject to a safety inspection:

(i) the first time that a person registers an off-highway vehicle as a street-legal

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all-terrain vehicle; and

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

(4) (a) A safety inspection certificate shall be displayed on:

(i) all registered commercial motor vehicles with a gross vehicle weight rating of 26,000 pounds or more;

(ii) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with multiple axles;

(iii) a combination unit; and

(iv) a bus or van for hire.

(b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of Subsection (1).

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

(6) [~~A~~] Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Section 3. Section **41-6a-1601** is amended to read:

41-6a-1601. Operation of unsafe or improperly equipped vehicles on public highways -- Exceptions.

(1) (a) A person may not operate or move and an owner may not cause or knowingly permit to be operated or moved on a highway a vehicle or combination of vehicles which:

(i) is in an unsafe condition that may endanger any person;

(ii) does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter;

(iii) is equipped in any manner in violation of this chapter; or

(iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local health departments.

(b) A person may not do any act forbidden or fail to perform any act required under this chapter.

(2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

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and in coordination with the rules made under Section 53-8-204, the department shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under this part.

(b) The rules under Subsection (2)(a):

(i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and Regulations;

(ii) may incorporate by reference, in whole or in part, the federal standards under Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on motor vehicle safety;

(iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;

(iv) shall include standards for the emergency lights of authorized emergency vehicles;

(v) may provide standards and specifications applicable to lighting equipment on school buses consistent with:

(A) this part;

(B) federal motor vehicle safety standards; and

(C) current specifications of the Society of Automotive Engineers;

(vi) shall provide procedures for the submission, review, approval, disapproval, issuance of an approval certificate, and expiration or renewal of approval of any part as required under Section 41-6a-1620;

(vii) shall establish specifications for the display or etching of a vehicle identification number on a vehicle;

(viii) shall establish specifications in compliance with this part for a flare, fusee, electric lantern, warning flag, or portable reflector used in compliance with this part;

(ix) shall establish approved safety and law enforcement purposes when video display is visible to the motor vehicle operator; and

(x) shall include standards and specifications for both original equipment and parts included when a vehicle is manufactured and aftermarket equipment and parts included after the original manufacture of a vehicle.

(c) The following standards and specifications for vehicle equipment are adopted:

(i) 49 C.F.R. 571.209 related to safety belts;

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- (ii) 49 C.F.R. 571.213 related to child restraint devices;
- (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles and trailers operated in interstate commerce;
- (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and
- (v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related to air conditioning equipment.

(3) Nothing in this chapter or the rules made by the department prohibit:

- (a) equipment required by the United States Department of Transportation; or
- (b) the use of additional parts and accessories on a vehicle not inconsistent with the provisions of this chapter or the rules made by the department.

(4) Except as specifically made applicable, the provisions of this chapter and rules of the department with respect to equipment required on vehicles do not apply to:

- (a) implements of husbandry;
- (b) road machinery;
- (c) road rollers;
- (d) farm tractors;
- (e) motorcycles;
- (f) motor-driven cycles;
- (g) vehicles moved solely by human power;
- (h) off-highway vehicles registered under Section 41-22-3 either:
 - (i) on a highway designated as open for off-highway vehicle use; or
 - (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
- (i) off-highway implements of husbandry when operated in the manner prescribed by Subsections 41-22-5.5(3) through (5).

(5) The vehicles referred to in Subsections (4)(h) and (i) are subject to the equipment requirements of Title 41, Chapter 22, Off-Highway Vehicles, and the rules made under that chapter.

(6) (a) (i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety standard supersedes any conflicting provision of this chapter.

(ii) Federal motor vehicle safety standards do not supersede the provisions of Section 41-6a-1509 governing the requirements for and use of street-legal all-terrain vehicles on

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highways.

(b) The department:

(i) shall report any conflict found under Subsection (6)(a) to the appropriate committees or officials of the Legislature; and

(ii) may adopt a rule to replace the superseded provision.

(7) [~~A~~] Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Section 4. Section **53-8-205** is amended to read:

53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety inspection certificate required -- Out-of-state permits.

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

(b) Subsection (1)(a) does not apply to:

(i) a vehicle that is exempt from registration under Section 41-1a-205;

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

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

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

(A) is operating with an apportioned registration under Section 41-1a-301; and

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

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

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

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

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

(c) be made by a safety inspector certified by the division at a safety inspection station authorized by the division;

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

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

(3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a safety inspection when an application is made for initial registration as a salvage vehicle.

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

(b) Beginning on the date that the Motor Vehicle Division has implemented the Motor Vehicle Division's GenTax system, a commercial vehicle as defined in Section 41-1a-102 with a gross vehicle weight rating of 10,001 pounds or more is required to pass a safety inspection annually or comply with Subsection (1)(b)(iv)(B).

(4) (a) A safety inspection station shall issue two safety inspection certificates to the owner of:

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

(ii) a street-legal all-terrain vehicle that meets all the equipment requirements in Section 41-6a-1509.

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

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

(5) The division may:

(a) authorize the acceptance in this state of a safety inspection certificate issued in another state having a safety inspection law similar to this state; and

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

(6) [~~A~~] Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Section 5. Section **53-8-209** is amended to read:

53-8-209. Inspection by officers -- Certificate of inspection.

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(1) A peace officer may stop, inspect, and test a vehicle at any time upon reasonable cause to believe that:

- (a) a vehicle is unsafe or not equipped as required by law; or
- (b) ~~[that its]~~ the vehicle's equipment is not in proper adjustment or repair.

(2) (a) (i) ~~{}~~ ~~If~~ ~~{}~~ Except as provided in Subsection (3), if a vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer ~~[shall]~~ may give a written notice to the driver and shall send a copy to the division.

(ii) The notice shall:

(A) require that the vehicle be placed in safe condition and ~~[its]~~ the vehicle's equipment in proper repair and adjustment;

(B) specify the repairs and adjustments needed; and

(C) require that a safety inspection certificate be obtained within five days.

(b) If a vehicle is, in the reasonable judgment of the peace officer, hazardous to operate, the peace officer may require that the vehicle:

(i) not be operated under its own power; or

(ii) be driven to the nearest garage or other place of safety.

(c) (i) If the owner or driver does not comply with the notice requirements and secure a safety inspection certificate within five days, the vehicle may not be operated on the highways of this state.

(ii) ~~{}~~ ~~A~~ ~~{}~~ Except as provided in Subsection (3), a violation of Subsection (2)(c)(i) is an infraction.

~~(3) (a) If a peace officer stops a vehicle under this section, or Section 41-1a-201, 41-1a-205, 41-6a-1601, or 53-8-205, within two months after the expiration of the vehicle registration, or the peace officer determines the vehicle is in unsafe condition, or any required part or equipment is not present or is not in proper repair or adjustment, the officer shall give a written notice to the driver and shall send a copy of the notice to the division.~~

~~(b) The notice shall:~~

~~(i) require the~~ An owner or driver of ~~{the vehicle to ensure the vehicle is placed in safe condition and the vehicle's equipment is in proper repair and adjustment;~~

~~(ii) specify the repairs and adjustments needed; and~~

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~~_____ (iii) require that the owner or driver obtain a safety or emissions inspection certificate, as applicable, and register the vehicle, within 14 days after the day on which the officer gives the notice.~~

~~_____ (c) If the owner or driver obtains a safety or emissions inspection certificate and, as applicable, registers the vehicle, within the time period described in Subsection (3)(b)(iii), the owner or driver} a vehicle is not guilty of an infraction and is not required to pay a fee or fine {for an infraction described in this section or} if the citation was issued for:~~

~~(a) expired registration in violation of Section 41-1a-201, and:~~

~~(i) the citation was issued within two months after the expiration of the vehicle's registration; and~~

~~(ii) the owner or driver registers the vehicle within 14 days after the citation was issued; or~~

~~(b) a violation of Section 41-1a-205, 41-6a-1601, or 53-8-205.~~

Legislative Review Note

~~Office of Legislative Research and General Counsel} or any other equipment related infraction under Title 41, Chapter 6a, Part 16, Vehicle Equipment, and the owner or driver obtains a safety inspection, emissions inspection, or proof of repair, as applicable, within 14 days after the citation was issued.~~