

# SB0222S01 compared with SB0222

{Omitted text} shows text that was in SB0222 but was omitted in SB0222S01

inserted text shows text that was not in SB0222 but was inserted into SB0222S01

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## Vehicle Emission Inspection Program Revisions

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Pitcher**

House Sponsor:

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### LONG TITLE

#### General Description:

This bill amends provisions related to vehicle emissions inspections to enhance the ability to investigate whether an individual has avoided a required emissions inspection.

#### Highlighted Provisions:

- This bill:
- ▶ allows the Motor Vehicle Division to revoke the vehicle owner's registration if the vehicle owner has provided a false or an improper address to register a vehicle to avoid an emissions inspection;
  - ▶ prohibits the Motor Vehicle Division from registering a motor vehicle if the owner of the motor vehicle has failed to pay a civil penalty for registering with a false or improper address;
  - ▶ allows the State Tax Commission to recover costs of investigation or administration; and
  - ▶ makes technical changes.

#### Money Appropriated in this Bill:

None

This bill provides a special effective date.

AMENDS:

SB0222

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23 **41-1a-110** , as last amended by Laws of Utah 2023, Chapter 212 , as last amended by Laws of Utah  
2023, Chapter 212

24 **41-1a-203** , as last amended by Laws of Utah 2024, Chapter 483 , as last amended by Laws of Utah  
2024, Chapter 483

25 **41-6a-1642** , as last amended by Laws of Utah 2024, Chapters 459, 483 , as last amended by Laws  
of Utah 2024, Chapters 459, 483

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

28 Section 1. Section **41-1a-110** is amended to read:

29 **41-1a-110. Authority of division to suspend or revoke registration, certificate of title, license  
plate, or permit.**

31 (1) Except as provided in Subsections (3) and (4), the division may suspend or revoke a registration,  
certificate of title, license plate, or permit if:

33 (a) the division is satisfied that a registration, certificate of title, license plate, or permit was  
fraudulently procured or erroneously issued;

35 (b) the division determines that a registered vehicle is mechanically unfit or unsafe to be operated or  
moved upon the highways;

37 (c) a registered vehicle has been dismantled;

38 (d) the division determines that the required fee has not been paid and the fee is not paid upon  
reasonable notice and demand;

40 (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle other than the one  
for which issued;

42 (f) the division determines that the owner has committed any offense under this chapter involving the  
registration, certificate of title, registration card, license plate, registration decal, or permit;~~[-or]~~

45 (g) the division receives notification by the Department of Transportation that the owner has committed  
any offence under Title 72, Chapter 9, Motor Carrier Safety Act~~[-]~~ ; or

47 (h) the division determines a vehicle owner has used an improper address to avoid an emissions  
inspection as described in Subsection 41-6a-1642(14).

49 (2)

. (a) The division shall revoke the registration of a vehicle if the division receives notification by the:

51 (i) Department of Public Safety that a person:

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- 52 (A) has been convicted of operating a registered motor vehicle in violation of Section 41-12a-301 or  
41-12a-303.2; or
- 54 (B) is under an administrative action taken by the Department of Public Safety for operating a  
registered motor vehicle in violation of Section 41-12a-301; or
- 56 (ii) designated agent that the owner of a motor vehicle:
- 57 (A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after  
the second notice provided under Section 41-12a-804; or
- 59 (B) provided a false or fraudulent statement to the designated agent.
- 60 (b) The division shall notify the Driver License Division if the division revokes the registration of a  
vehicle under Subsection (2)(a)(ii)(A).
- 62 (3) The division may not suspend or revoke the registration of a vessel or outboard motor unless  
authorized under Section 73-18-7.3.
- 64 (4) The division may not suspend or revoke the registration of an off-highway vehicle unless authorized  
under Section 41-22-17.
- 66 (5) The division shall charge a registration reinstatement fee under Section 41-1a-1220, if the  
registration is revoked under Subsection (2).
- 68 (6) Except as provided in Subsections (3), (4), and (7), the division may suspend or revoke a registered  
vehicle's registration if the division is notified by a local health department, as defined in Section  
26A-1-102, that the registered vehicle is unable to meet state or local air emissions standards or  
violates Subsection 41-6a-1626(2)(a) or (b).
- 72 (7) The division may not suspend or revoke a registered vehicle's registration under Subsection (6) if  
the registered vehicle has a manufacturer's gross vehicle weight rating that is greater than 26,000  
pounds.

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

76 **41-1a-203. Prerequisites for registration, transfer of ownership, or registration renewal.**

78 (1)

. (a)

. (i) Except as provided in Subsections (1)(b) and (1)(c), the division shall mail a notification to the  
owner of a vehicle at least 30 days before the date the vehicle's registration is due to expire.

81 (ii) The division shall ensure that mailing of notifications described in Section (1)(a)(i) begins as  
soon as practicable.

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- 83 (b)
- . (i) The division shall provide a process for a vehicle owner to choose to receive electronic notification of the pending expiration of a vehicle's registration.
- 85 (ii) If a vehicle owner chooses electronic notification, the division shall notify by email the owner of a vehicle at least 30 days before the date the vehicle's registration is due to expire.
- 88 (c) If at the time the owner renews the vehicle registration, the previous registration period has been expired at least 270 days, the division is not required to comply with the notification requirement described in Subsection (1) for the next registration period.
- 92 (2) Except as otherwise provided, before registration of a vehicle, an owner shall:
- 93 (a) obtain an identification number inspection under Section 41-1a-204;
- 94 (b) obtain a certificate of emissions inspection, if required in the current year, as provided under Section 41-6a-1642;
- 96 (c) pay property taxes, the in lieu fee, or receive a property tax clearance under Section 41-1a-206 or 41-1a-207;
- 98 (d) pay the automobile driver education tax required by Section 41-1a-208;
- 99 (e) pay the applicable registration fee under Part 12, Fee and Tax Requirements;
- 100 (f) pay the uninsured motorist identification fee under Section 41-1a-1218, if applicable;
- 101 (g) pay the motor carrier fee under Section 41-1a-1219, if applicable;
- 102 (h) pay any applicable local emissions compliance fee under Section 41-1a-1223;
- 103 (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act; and
- 104 (j) for a roadable aircraft, provide proof of registration of the roadable aircraft as an aircraft under Section 72-10-109.
- 106 (3) In addition to the requirements in Subsection (1), an owner of a vehicle that has not been previously registered or that is currently registered under a previous owner's name shall apply for a valid certificate of title in the owner's name before registration.
- 109 (4) The division may not issue a new registration, transfer of ownership, or registration renewal under Section 73-18-7 for a vessel or outboard motor that is subject to this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.
- 113 (5) The division may not issue a new registration, transfer of ownership, or registration renewal under Section 41-22-3 for an off-highway vehicle that is subject to this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.

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- 117 (6) The division may not issue a registration renewal for a motor vehicle if the division has received a  
hold request for the motor vehicle for which a registration renewal has been requested as described  
in:
- 120 (a) Section 72-1-213.1; or  
121 (b) Section 72-6-118.
- 122 (7) The division may not issue a new registration or registration renewal for a motor vehicle for which  
a civil penalty has been imposed by the commission pursuant to Subsection 41-6a-1642(14) but has  
not been paid by the motor vehicle owner unless the title of the motor vehicle has been transferred to  
a different owner.
- 126 Section 3. Section **41-6a-1642** is amended to read:  
127 **41-6a-1642. Emissions inspection -- County program.**
- 127 (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:
- 131 (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is exempt from  
emissions inspection and maintenance program requirements be presented:
- 134 (i) as a condition of registration or renewal of registration; and  
135 (ii) at other times as the county legislative body may require to enforce inspection requirements for  
individual motor vehicles, except that the county legislative body may not routinely require a  
certificate of emissions inspection, or waiver of the certificate, more often than required under  
Subsection (9); and
- 139 (b) compliance with this section for a motor vehicle registered or principally operated in the county and  
owned by or being used by a department, division, instrumentality, agency, or employee of:
- 142 (i) the federal government;  
143 (ii) the state and any of its agencies; or  
144 (iii) a political subdivision of the state, including school districts.
- 145 (2)  
. (a) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions inspection and  
maintenance program certificate of emissions inspection as described in Subsection (1), but the  
program may not deny vehicle registration based solely on the presence of a defeat device covered

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in the Volkswagen partial consent decrees or a United States Environmental Protection Agency-approved vehicle modification in the following vehicles:

- 151 (i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are  
mitigated in the state pursuant to a partial consent decree, including:
- 153 (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;  
154 (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;  
156 (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;  
157 (D) Volkswagen Golf Sportwagen, model year 2015;  
158 (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;  
159 (F) Volkswagen Beetle, model years 2013, 2014, and 2015;  
160 (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and  
161 (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
- 162 (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are  
mitigated in the state to a settlement, including:
- 164 (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;  
166 (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;  
167 (C) Audi A6 Quattro, model years 2014, 2015, and 2016;  
168 (D) Audi A7 Quattro, model years 2014, 2015, and 2016;  
169 (E) Audi A8, model years 2014, 2015, and 2016;  
170 (F) Audi A8L, model years 2014, 2015, and 2016;  
171 (G) Audi Q5, model years 2014, 2015, and 2016; and  
172 (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
- 173 (b)
- . (i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain a motor vehicle  
emissions inspection and maintenance program certificate of emissions inspection as described in  
Subsection (1).
- 176 (ii) A county emissions program may not refuse to perform an emissions inspection or indicate a failed  
emissions test of the vehicle based solely on a modification to the engine or component of the motor  
vehicle if:
- 179 (A) the modification is not likely to result in the motor vehicle having increased emissions relative to  
the emissions of the motor vehicle before the modification; and

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- 182 (B) the motor vehicle modification is a change to an engine that is newer than the engine with which the  
motor vehicle was originally equipped, or the engine includes technology that increases the facility  
of the administration of an emissions test, such as an on-board diagnostics system.
- 186 (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite to registration of a  
restored-modified vehicle:
- 188 (A) the owner shall present the signed statement described in Subsection 41-1a-226(4); and
- 190 (B) the county emissions program shall perform the emissions test.
- 191 (iv) If a motor vehicle is registered as a restored-modified vehicle and the registration certificate is  
notated as described in Subsection 41-1a-226(4), a county emissions program may not refuse to  
perform an emissions test based solely on the restored-modified status of the motor vehicle.
- 195 (3)
- . (a) The legislative body of a county identified in Subsection (1), in consultation with the Air Quality  
Board created under Section 19-1-106, shall make regulations or ordinances regarding:
- 198 (i) emissions standards;
- 199 (ii) test procedures;
- 200 (iii) inspections stations;
- 201 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 202 (v) certificates of emissions inspections.
- 203 (b) In accordance with Subsection (3)(a), a county legislative body:
- 204 (i) shall make regulations or ordinances to attain or maintain ambient air quality standards in the county,  
consistent with the state implementation plan and federal requirements;
- 207 (ii) may allow for a phase-in of the program by geographical area; and
- 208 (iii) shall comply with the analyzer design and certification requirements contained in the state  
implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
- 211 (c) The county legislative body and the Air Quality Board shall give preference to an inspection and  
maintenance program that:
- 213 (i) is decentralized, to the extent the decentralized program will attain and maintain ambient air quality  
standards and meet federal requirements;
- 215 (ii) is the most cost effective means to achieve and maintain the maximum benefit with regard to  
ambient air quality standards and to meet federal air quality requirements as related to vehicle  
emissions; and

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- 218 (iii) provides a reasonable phase-out period for replacement of air pollution emission testing equipment  
made obsolete by the program.
- 220 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
- 221 (i) may be accomplished in accordance with applicable federal requirements; and
- 222 (ii) does not otherwise interfere with the attainment and maintenance of ambient air quality standards.
- 224 (4) The following vehicles are exempt from an emissions inspection program and the provisions of this  
section:
- 226 (a) an implement of husbandry as defined in Section 41-1a-102;
- 227 (b) a motor vehicle that:
- 228 (i) meets the definition of a farm truck under Section 41-1a-102; and
- 229 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
- 230 (c) a vintage vehicle as defined in Section 41-21-1:
- 231 (i) if the vintage vehicle has a model year of 1982 or older; or
- 232 (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner provides proof of vehicle  
insurance that is a type specific to a vehicle collector;
- 234 (d) a custom vehicle as defined in Section 41-6a-1507;
- 235 (e) a vehicle registered as a novel vehicle under Section 41-27-201;
- 236 (f) to the extent allowed under the current federally approved state implementation plan, in accordance  
with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor vehicle that is less than two  
years old on January 1 based on the age of the vehicle as determined by the model year identified by  
the manufacturer;
- 240 (g) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of 12,000 pounds  
or less, if the registered owner of the pickup truck provides a signed statement to the legislative  
body stating the truck is used:
- 243 (i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under  
Sections 59-2-502 and 59-2-503; and
- 245 (ii) exclusively for the following purposes in operating the farm:
- 246 (A) for the transportation of farm products, including livestock and its products, poultry and its  
products, floricultural and horticultural products; and
- 248 (B) in the transportation of farm supplies, including tile, fence, and every other thing or commodity  
used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance;



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- 251 (h) a motorcycle as defined in Section 41-1a-102;
- 252 (i) an electric motor vehicle as defined in Section 41-1a-102;
- 253 (j) a motor vehicle with a model year of 1967 or older; and
- 254 (k) a roadable aircraft as defined in Section 72-10-102.
- 255 (5) The county shall issue to the registered owner who signs and submits a signed statement under Subsection (4)(g) a certificate of exemption from emissions inspection requirements for purposes of registering the exempt vehicle.
- 258 (6) A legislative body of a county described in Subsection (1) may exempt from an emissions inspection program a diesel-powered motor vehicle with a:
- 260 (a) gross vehicle weight rating of more than 14,000 pounds; or
- 261 (b) model year of 1997 or older.
- 262 (7) The legislative body of a county required under federal law to utilize a motor vehicle emissions inspection program shall require:
- 264 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
- 265 (i) a model year of 2007 or newer;
- 266 (ii) a gross vehicle weight rating of 14,000 pounds or less; and
- 267 (iii) a model year that is five years old or older; and
- 268 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
- 269 (i) with a gross vehicle weight rating of 14,000 pounds or less;
- 270 (ii) that has a model year of 1998 or newer; and
- 271 (iii) that has a model year that is five years old or older.
- 272 (8)
- . (a) Subject to [~~Subsection (8)(e)] Subsections (8)(b) and (c), 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 may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.~~

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- (b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (8).
- 283 (c) The legislative body of a county shall make the reasons for implementing the provisions of this Subsection (8) part of the record at the time that the county legislative body takes its official action to implement the provisions of this Subsection (8).
- 287 (9)
- . (a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in regulations or ordinances made under Subsection (3).
- 290 (b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (9) (c).
- 293 (c)
- . (i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.
- 297 (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six years old on January 1.
- 299 (iii) For a county required to implement a new vehicle emissions inspection and maintenance program on or after December 1, 2012, under Subsection (1), but for which no current federally approved state implementation plan exists, a vehicle shall be tested at a frequency determined by the county legislative body, in consultation with the Air Quality Board created under Section 19-1-106, that is necessary to comply with federal law or attain or maintain any national ambient air quality standard.
- 306 (iv) If a county legislative body establishes or changes the frequency of a vehicle emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment or change shall take effect on January 1 if the State Tax Commission receives notice meeting the requirements of Subsection (9)(c)(v) from the county before October 1.
- 311 (v) The notice described in Subsection (9)(c)(iv) shall:
- 312 (A) state that the county will establish or change the frequency of the vehicle emissions inspection and maintenance program under this section;

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- 314 (B) include a copy of the ordinance establishing or changing the frequency; and
- 315 (C) if the county establishes or changes the frequency under this section, state how frequently the  
emissions testing will be required.
- 317 (d) If an emissions inspection is only required every two years for a vehicle under Subsection (9)(c), the  
inspection shall be required for the vehicle in:
- 319 (i) odd-numbered years for vehicles with odd-numbered model years; or
- 320 (ii) in even-numbered years for vehicles with even-numbered model years.
- 321 (10)
- . (a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection required under this  
section may be made no more than two months before the renewal of registration.
- 324 (b)
- . (i) If the title of a used motor vehicle is being transferred, the owner may use an emissions inspection  
certificate issued for the motor vehicle during the previous 11 months to satisfy the requirement  
under this section.
- 327 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may use an emissions  
inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's  
name during the previous 11 months to satisfy the requirement under this section.
- 331 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the lessee may use  
an emissions inspection certificate issued during the previous 11 months to satisfy the requirement  
under this section.
- 334 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use an emissions  
inspection made more than 11 months before the renewal of registration to satisfy the requirement  
under this section.
- 337 (e) If the application for renewal of registration is for a six-month registration period under Section  
41-1a-215.5, the owner may use an emissions inspection certificate issued during the previous eight  
months to satisfy the requirement under this section.
- 340 (11)
- . (a) A county identified in Subsection (1) shall collect information about and monitor the program.
- 342 (b) A county identified in Subsection (1) shall supply this information to an appropriate legislative  
committee, as designated by the Legislative Management Committee, at times determined by the  
designated committee to identify program needs, including funding needs.

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- 346 (12) If approved by the county legislative body, a county that had an established emissions inspection  
fee as of January 1, 2002, may increase the established fee that an emissions inspection station may  
charge by \$2.50 for each year that is exempted from emissions inspections under Subsection (9)(c)  
up to a \$7.50 increase.
- 350 (13)
- . (a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in Subsection (1) may  
impose a local emissions compliance fee on each motor vehicle registration within the county in  
accordance with the procedures and requirements of Section 41-1a-1223.
- 354 (b) A county that imposes a local emissions compliance fee may use revenues generated from the fee  
for the establishment and enforcement of an emissions inspection and maintenance program in  
accordance with the requirements of this section.
- 357 (c) A county that imposes a local emissions compliance fee may use revenues generated from the fee to  
promote programs to maintain a local, state, or national ambient air quality standard.
- 360 (14)
- . (a) If a county or the State Tax Commission has reason to believe that a vehicle owner has provided  
an address as required in Section 41-1a-209 to register or attempt to register a motor vehicle in a  
county other than the county of the bona fide residence of the owner in order to avoid an emissions  
inspection required under this section, the county or the State Tax Commission may investigate and  
gather evidence to determine whether the vehicle owner has used a false address or an address other  
than the vehicle owner's bona fide residence or place of business.
- 367 (b) If a county or the State Tax Commission conducts an investigation as described in Subsection (14)  
(a) and determines that the vehicle owner has used a false or improper address in an effort to avoid  
an emissions inspection as required in this section[-] :
- 370 (i) the county or the State Tax Commission may impose a civil penalty of \$1,000[-] ; and
- 372 (ii) the State Tax Commission may revoke or suspend the registration certificate of the vehicle as  
provided in Section 41-1a-110.
- 374 (c) The State Tax Commission may retain a portion of the civil penalty described in Subsection (14)(b)  
to cover the State Tax Commission's costs to conduct the investigations described in this Subsection  
(14).

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(d) The State Tax Commission shall transfer to the relevant county any portion of the civil penalty imposed under Subsection (14)(b) that is not necessary to cover the costs of the State Tax Commission described in Subsection (14)(c).

380 (15) A county legislative body described in Subsection (1) may exempt a motor vehicle from an  
emissions inspection if:

382 (a) the motor vehicle is 30 years old or older;

383 (b) the county determines that the motor vehicle was driven less than 1,500 miles during the preceding  
12-month period; and

385 (c) the owner provides to the county legislative body a statement signed by the owner that states the  
motor vehicle:

387 (i) is primarily a collector's item used for:

388 (A) participation in club activities;

389 (B) exhibitions;

390 (C) tours; or

391 (D) parades; or

392 (ii) is only used for occasional transportation.

394 Section 4. **Effective date.**

This bill takes effect on {~~May 7, 2025~~} January 1, 2026.

2-10-25 3:37 PM