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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

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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- 31 (1) Except as provided in Subsections (3) and (4), the division may suspend or revoke a
32 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
34 was fraudulently procured or erroneously issued;
- 35 (b) the division determines that a registered vehicle is mechanically unfit or unsafe to be
36 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
39 upon reasonable notice and demand;
- 40 (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle
41 other than the one for which issued;
- 42 (f) the division determines that the owner has committed any offense under this chapter
43 involving the registration, certificate of title, registration card, license plate,
44 registration decal, or permit;~~[-or]~~
- 45 (g) the division receives notification by the Department of Transportation that the owner
46 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
48 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
50 notification by the:
- 51 (i) Department of Public Safety that a person:
- 52 (A) has been convicted of operating a registered motor vehicle in violation of
53 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
55 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
58 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
61 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
63 unless authorized under Section 73-18-7.3.
- 64 (4) The division may not suspend or revoke the registration of an off-highway vehicle

- 65 unless authorized under Section 41-22-17.
- 66 (5) The division shall charge a registration reinstatement fee under Section 41-1a-1220, if
67 the registration is revoked under Subsection (2).
- 68 (6) Except as provided in Subsections (3), (4), and (7), the division may suspend or revoke
69 a registered vehicle's registration if the division is notified by a local health department,
70 as defined in Section 26A-1-102, that the registered vehicle is unable to meet state or
71 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
73 Subsection (6) if the registered vehicle has a manufacturer's gross vehicle weight rating
74 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**
77 **renewal.**
- 78 (1)(a)(i) Except as provided in Subsections (1)(b) and (1)(c), the division shall mail a
79 notification to the owner of a vehicle at least 30 days before the date the vehicle's
80 registration is due to expire.
- 81 (ii) The division shall ensure that mailing of notifications described in Section
82 (1)(a)(i) begins as soon as practicable.
- 83 (b)(i) The division shall provide a process for a vehicle owner to choose to receive
84 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
86 email the owner of a vehicle at least 30 days before the date the vehicle's
87 registration is due to expire.
- 88 (c) If at the time the owner renews the vehicle registration, the previous registration
89 period has been expired at least 270 days, the division is not required to comply with
90 the notification requirement described in Subsection (1) for the next registration
91 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
95 provided under Section 41-6a-1642;
- 96 (c) pay property taxes, the in lieu fee, or receive a property tax clearance under Section
97 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
105 aircraft under Section 72-10-109.

106 (3) In addition to the requirements in Subsection (1), an owner of a vehicle that has not
107 been previously registered or that is currently registered under a previous owner's name
108 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
110 renewal under Section 73-18-7 for a vessel or outboard motor that is subject to this
111 chapter unless a certificate of title has been or is in the process of being issued in the
112 same owner's name.

113 (5) The division may not issue a new registration, transfer of ownership, or registration
114 renewal under Section 41-22-3 for an off-highway vehicle that is subject to this chapter
115 unless a certificate of title has been or is in the process of being issued in the same
116 owner's name.

117 (6) The division may not issue a registration renewal for a motor vehicle if the division has
118 received a hold request for the motor vehicle for which a registration renewal has been
119 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
123 for which a civil penalty has been imposed pursuant to Subsection 41-6a-1642(14) but
124 has not been paid by the motor vehicle owner.

125 Section 3. Section **41-6a-1642** is amended to read:

126 **41-6a-1642 . Emissions inspection -- County program.**

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

131 (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is
132 exempt from emissions inspection and maintenance program requirements be

- 133 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
- 136 requirements for individual motor vehicles, except that the county legislative body
- 137 may not routinely require a certificate of emissions inspection, or waiver of the
- 138 certificate, more often than required under Subsection (9); and
- 139 (b) compliance with this section for a motor vehicle registered or principally operated in
- 140 the county and owned by or being used by a department, division, instrumentality,
- 141 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
- 146 inspection and maintenance program certificate of emissions inspection as described
- 147 in Subsection (1), but the program may not deny vehicle registration based solely on
- 148 the presence of a defeat device covered in the Volkswagen partial consent decrees or
- 149 a United States Environmental Protection Agency-approved vehicle modification in
- 150 the following vehicles:
- 151 (i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
- 152 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,
- 155 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
- 163 emissions are mitigated in the state to a settlement, including:
- 164 (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015,
- 165 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
174 a motor vehicle emissions inspection and maintenance program certificate of
175 emissions inspection as described in Subsection (1).
- 176 (ii) A county emissions program may not refuse to perform an emissions inspection
177 or indicate a failed emissions test of the vehicle based solely on a modification to
178 the engine or component of the motor vehicle if:
- 179 (A) the modification is not likely to result in the motor vehicle having increased
180 emissions relative to the emissions of the motor vehicle before the
181 modification; and
- 182 (B) the motor vehicle modification is a change to an engine that is newer than the
183 engine with which the motor vehicle was originally equipped, or the engine
184 includes technology that increases the facility of the administration of an
185 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
187 to registration of a restored-modified vehicle:
- 188 (A) the owner shall present the signed statement described in Subsection
189 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
192 certificate is notated as described in Subsection 41-1a-226(4), a county emissions
193 program may not refuse to perform an emissions test based solely on the
194 restored-modified status of the motor vehicle.
- 195 (3)(a) The legislative body of a county identified in Subsection (1), in consultation with
196 the Air Quality Board created under Section 19-1-106, shall make regulations or
197 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
205 standards in the county, consistent with the state implementation plan and federal
206 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
209 the state implementation plan prepared under Title 19, Chapter 2, Air
210 Conservation Act.
- 211 (c) The county legislative body and the Air Quality Board shall give preference to an
212 inspection and maintenance program that:
- 213 (i) is decentralized, to the extent the decentralized program will attain and maintain
214 ambient air quality standards and meet federal requirements;
- 215 (ii) is the most cost effective means to achieve and maintain the maximum benefit
216 with regard to ambient air quality standards and to meet federal air quality
217 requirements as related to vehicle emissions; and
218 (iii) provides a reasonable phase-out period for replacement of air pollution emission
219 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
223 quality standards.
- 224 (4) The following vehicles are exempt from an emissions inspection program and the
225 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
233 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,
237 in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
238 vehicle that is less than two years old on January 1 based on the age of the vehicle as
239 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
241 12,000 pounds or less, if the registered owner of the pickup truck provides a signed
242 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
244 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,
247 poultry and its products, floricultural and horticultural products; and
- 248 (B) in the transportation of farm supplies, including tile, fence, and every other
249 thing or commodity used in agricultural, floricultural, horticultural, livestock,
250 and poultry production and maintenance;
- 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
256 under Subsection (4)(g) a certificate of exemption from emissions inspection
257 requirements for purposes of registering the exempt vehicle.
- 258 (6) A legislative body of a county described in Subsection (1) may exempt from an
259 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
263 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
- 273 each county required under federal law to utilize a motor vehicle emissions
- 274 inspection and maintenance program or in which an emissions inspection and
- 275 maintenance program is necessary to attain or maintain any national ambient air
- 276 quality standard may require each college or university located in a county subject to
- 277 this section to require its students and employees who park a motor vehicle not
- 278 registered in a county subject to this section to provide proof of compliance with an
- 279 emissions inspection accepted by the county legislative body if the motor vehicle is
- 280 parked on the college or university campus or property.
- 281 (b) College or university parking areas that are metered or for which payment is required
- 282 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
- 284 provisions of this Subsection (8) part of the record at the time that the county
- 285 legislative body takes its official action to implement the provisions of this
- 286 Subsection (8).
- 287 (9)(a) An emissions inspection station shall issue a certificate of emissions inspection for
- 288 each motor vehicle that meets the inspection and maintenance program requirements
- 289 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
- 291 the vehicle as determined by model year and shall be required annually subject to the
- 292 provisions of Subsection (9)(c).
- 293 (c)(i) To the extent allowed under the current federally approved state
- 294 implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec.
- 295 7401 et seq., the legislative body of a county identified in Subsection (1) shall
- 296 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
- 298 years old on January 1.
- 299 (iii) For a county required to implement a new vehicle emissions inspection and
- 300 maintenance program on or after December 1, 2012, under Subsection (1), but for
- 301 which no current federally approved state implementation plan exists, a vehicle
- 302 shall be tested at a frequency determined by the county legislative body, in

303 consultation with the Air Quality Board created under Section 19-1-106, that is
304 necessary to comply with federal law or attain or maintain any national ambient
305 air quality standard.

306 (iv) If a county legislative body establishes or changes the frequency of a vehicle
307 emissions inspection and maintenance program under Subsection (9)(c)(iii), the
308 establishment or change shall take effect on January 1 if the State Tax
309 Commission receives notice meeting the requirements of Subsection (9)(c)(v)
310 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
313 emissions inspection and maintenance program under this section;

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
316 frequently the emissions testing will be required.

317 (d) If an emissions inspection is only required every two years for a vehicle under
318 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
322 required under this section may be made no more than two months before the
323 renewal of registration.

324 (b)(i) If the title of a used motor vehicle is being transferred, the owner may use an
325 emissions inspection certificate issued for the motor vehicle during the previous
326 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
328 may use an emissions inspection certificate issued for the motor vehicle in a
329 licensed and bonded motor vehicle dealer's name during the previous 11 months to
330 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
332 lessee may use an emissions inspection certificate issued during the previous 11
333 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
335 an emissions inspection made more than 11 months before the renewal of registration
336 to satisfy the requirement under this section.

337 (e) If the application for renewal of registration is for a six-month registration period
338 under Section 41-1a-215.5, the owner may use an emissions inspection certificate
339 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
341 the program.

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

346 (12) If approved by the county legislative body, a county that had an established emissions
347 inspection fee as of January 1, 2002, may increase the established fee that an emissions
348 inspection station may charge by \$2.50 for each year that is exempted from emissions
349 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
351 Subsection (1) may impose a local emissions compliance fee on each motor vehicle
352 registration within the county in accordance with the procedures and requirements of
353 Section 41-1a-1223.

354 (b) A county that imposes a local emissions compliance fee may use revenues generated
355 from the fee for the establishment and enforcement of an emissions inspection and
356 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
358 from the fee to promote programs to maintain a local, state, or national ambient air
359 quality standard.

360 (14)(a) If a county or the State Tax Commission has reason to believe that a vehicle
361 owner has provided an address as required in Section 41-1a-209 to register or attempt
362 to register a motor vehicle in a county other than the county of the bona fide
363 residence of the owner in order to avoid an emissions inspection required under this
364 section, the county or the State Tax Commission may investigate and gather evidence
365 to determine whether the vehicle owner has used a false address or an address other
366 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
368 Subsection (14)(a) and determines that the vehicle owner has used a false or improper
369 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[-] ;

- 371 and
- 372 (ii) the State Tax Commission may revoke or suspend the registration certificate of
- 373 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
- 375 Subsection (14)(b) to cover the State Tax Commission's costs to conduct the
- 376 investigations described in this Subsection (14).
- 377 (d) The State Tax Commission shall transfer to the relevant county any portion of the
- 378 civil penalty imposed under Subsection (14)(b) that is not necessary to cover the
- 379 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
- 381 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
- 384 the preceding 12-month period; and
- 385 (c) the owner provides to the county legislative body a statement signed by the owner
- 386 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.

393 Section 4. **Effective Date.**

394 This bill takes effect on May 7, 2025.