

Emissions Inspection Amendments

2025 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Clinton D. Okerlund

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill addresses vehicle weights relating to emissions testing.

Highlighted Provisions:

This bill:

- modifies vehicle weights required to be tested for emissions compliance.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides retrospective operation.

Utah Code Sections Affected:

AMENDS:

41-6a-1642, as last amended by Laws of Utah 2025, Chapter 234

41-6a-1644, as last amended by Laws of Utah 2025, Chapter 234

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:

- (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:

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

(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:

- (i) the federal government;
- (ii) the state and any of its agencies; or
- (iii) a political subdivision of the state, including school districts.

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

- (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:
 - (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
 - (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;
 - (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
 - (D) Volkswagen Golf Sportwagen, model year 2015;
 - (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
 - (F) Volkswagen Beetle, model years 2013, 2014, and 2015;
 - (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
 - (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
- (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:
 - (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
 - (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
 - (C) Audi A6 Quattro, model years 2014, 2015, and 2016;

- 63 (D) Audi A7 Quattro, model years 2014, 2015, and 2016;
64 (E) Audi A8, model years 2014, 2015, and 2016;
65 (F) Audi A8L, model years 2014, 2015, and 2016;
66 (G) Audi Q5, model years 2014, 2015, and 2016; and
67 (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
- 68 (b)(i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain
69 a motor vehicle emissions inspection and maintenance program certificate of
70 emissions inspection as described in Subsection (1).
- 71 (ii) A county emissions program may not refuse to perform an emissions inspection
72 or indicate a failed emissions test of the vehicle based solely on a modification to
73 the engine or component of the motor vehicle if:
- 74 (A) the modification is not likely to result in the motor vehicle having increased
75 emissions relative to the emissions of the motor vehicle before the
76 modification; and
- 77 (B) the motor vehicle modification is a change to an engine that is newer than the
78 engine with which the motor vehicle was originally equipped, or the engine
79 includes technology that increases the facility of the administration of an
80 emissions test, such as an on-board diagnostics system.
- 81 (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite
82 to registration of a restored-modified vehicle:
- 83 (A) the owner shall present the signed statement described in Subsection
84 41-1a-226(4); and
- 85 (B) the county emissions program shall perform the emissions test.
- 86 (iv) If a motor vehicle is registered as a restored-modified vehicle and the registration
87 certificate is notated as described in Subsection 41-1a-226(4), a county emissions
88 program may not refuse to perform an emissions test based solely on the
89 restored-modified status of the motor vehicle.
- 90 (3)(a) The legislative body of a county identified in Subsection (1), in consultation with
91 the Air Quality Board created under Section 19-1-106, shall make regulations or
92 ordinances regarding:
- 93 (i) emissions standards;
94 (ii) test procedures;
95 (iii) inspections stations;
96 (iv) repair requirements and dollar limits for correction of deficiencies; and

- 97 (v) certificates of emissions inspections.
- 98 (b) In accordance with Subsection (3)(a), a county legislative body:
- 99 (i) shall make regulations or ordinances to attain or maintain ambient air quality
- 100 standards in the county, consistent with the state implementation plan and federal
- 101 requirements;
- 102 (ii) may allow for a phase-in of the program by geographical area; and
- 103 (iii) shall comply with the analyzer design and certification requirements contained in
- 104 the state implementation plan prepared under Title 19, Chapter 2, Air
- 105 Conservation Act.
- 106 (c) The county legislative body and the Air Quality Board shall give preference to an
- 107 inspection and maintenance program that:
- 108 (i) is decentralized, to the extent the decentralized program will attain and maintain
- 109 ambient air quality standards and meet federal requirements;
- 110 (ii) is the most cost effective means to achieve and maintain the maximum benefit
- 111 with regard to ambient air quality standards and to meet federal air quality
- 112 requirements as related to vehicle emissions; and
- 113 (iii) provides a reasonable phase-out period for replacement of air pollution emission
- 114 testing equipment made obsolete by the program.
- 115 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
- 116 (i) may be accomplished in accordance with applicable federal requirements; and
- 117 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
- 118 quality standards.
- 119 (4) The following vehicles are exempt from an emissions inspection program and the
- 120 provisions of this section:
- 121 (a) an implement of husbandry as defined in Section 41-1a-102;
- 122 (b) a motor vehicle that:
- 123 (i) meets the definition of a farm truck under Section 41-1a-102; and
- 124 (ii) has a gross vehicle weight rating of ~~[14,001]~~ 12,001 pounds or more;
- 125 (c) a vintage vehicle as defined in Section 41-21-1:
- 126 (i) if the vintage vehicle has a model year of 1982 or older; or
- 127 (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner
- 128 provides proof of vehicle insurance that is a type specific to a vehicle collector;
- 129 (d) a custom vehicle as defined in Section 41-6a-1507;
- 130 (e) a vehicle registered as a novel vehicle under Section 41-27-201;

- 131 (f) to the extent allowed under the current federally approved state implementation plan,
132 in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
133 vehicle that is less than two years old on January 1 based on the age of the vehicle as
134 determined by the model year identified by the manufacturer;
- 135 (g) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of [
136 ~~14,000~~] 12,000 pounds or less, if the registered owner of the pickup truck provides a
137 signed statement to the legislative body stating the truck is used:
- 138 (i) by the owner or operator of a farm located on property that qualifies as land in
139 agricultural use under Sections 59-2-502 and 59-2-503; and
- 140 (ii) exclusively for the following purposes in operating the farm:
- 141 (A) for the transportation of farm products, including livestock and its products,
142 poultry and its products, floricultural and horticultural products; and
- 143 (B) in the transportation of farm supplies, including tile, fence, and every other
144 thing or commodity used in agricultural, floricultural, horticultural, livestock,
145 and poultry production and maintenance;
- 146 (h) a motorcycle as defined in Section 41-1a-102;
- 147 (i) an electric motor vehicle as defined in Section 41-1a-102;
- 148 (j) a motor vehicle with a model year of 1967 or older; and
- 149 (k) a roadable aircraft as defined in Section 72-10-102.
- 150 (5) The county shall issue to the registered owner who signs and submits a signed statement
151 under Subsection (4)(g) a certificate of exemption from emissions inspection
152 requirements for purposes of registering the exempt vehicle.
- 153 (6) A legislative body of a county described in Subsection (1) may exempt from an
154 emissions inspection program a diesel-powered motor vehicle with a:
- 155 (a) gross vehicle weight rating of more than [~~16,000~~] 14,000 pounds; or
156 (b) model year of 1997 or older.
- 157 (7) The legislative body of a county required under federal law to utilize a motor vehicle
158 emissions inspection program shall require:
- 159 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
- 160 (i) a model year of 2007 or newer;
- 161 (ii) a gross vehicle weight rating of [~~16,000~~] 14,000 pounds or less; and
- 162 (iii) a model year that is five years old or older; and
- 163 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
- 164 (i) with a gross vehicle weight rating of [~~16,000~~] 14,000 pounds or less;

- (ii) that has a model year of 1998 or newer; and
- (iii) that has a model year that is five years old or older.

- (8)(a) Subject to Subsection (8)(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.
- (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).
- (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).
- (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).
- (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).
- (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.
- (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six years old on January 1.
- (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

- 199 necessary to comply with federal law or attain or maintain any national ambient
200 air quality standard.
- 201 (iv) If a county legislative body establishes or changes the frequency of a vehicle
202 emissions inspection and maintenance program under Subsection (9)(c)(iii), the
203 establishment or change shall take effect on January 1 if the State Tax
204 Commission receives notice meeting the requirements of Subsection (9)(c)(v)
205 from the county before October 1.
- 206 (v) The notice described in Subsection (9)(c)(iv) shall:
- 207 (A) state that the county will establish or change the frequency of the vehicle
208 emissions inspection and maintenance program under this section;
- 209 (B) include a copy of the ordinance establishing or changing the frequency; and
- 210 (C) if the county establishes or changes the frequency under this section, state how
211 frequently the emissions testing will be required.
- 212 (d) If an emissions inspection is only required every two years for a vehicle under
213 Subsection (9)(c), the inspection shall be required for the vehicle in:
- 214 (i) odd-numbered years for vehicles with odd-numbered model years; or
- 215 (ii) in even-numbered years for vehicles with even-numbered model years.
- 216 (10)(a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection
217 required under this section may be made no more than two months before the
218 renewal of registration.
- 219 (b)(i) If the title of a used motor vehicle is being transferred, the owner may use an
220 emissions inspection certificate issued for the motor vehicle during the previous
221 11 months to satisfy the requirement under this section.
- 222 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner
223 may use an emissions inspection certificate issued for the motor vehicle in a
224 licensed and bonded motor vehicle dealer's name during the previous 11 months to
225 satisfy the requirement under this section.
- 226 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the
227 lessee may use an emissions inspection certificate issued during the previous 11
228 months to satisfy the requirement under this section.
- 229 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use
230 an emissions inspection made more than 11 months before the renewal of registration
231 to satisfy the requirement under this section.
- 232 (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.

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

(b) A county identified in Subsection (1) shall supply this information to the Transportation Interim Committee to identify program needs, including funding needs.

(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.

(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.

(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.

(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.

(14)(a) If a county 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 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.

(b) If a county 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, the county may impose a civil penalty of \$1,000.

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

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

- (b) the county determines that the motor vehicle was driven less than 1,500 miles during the preceding 12-month period; and
- (c) the owner provides to the county legislative body a statement signed by the owner that states the motor vehicle:
- (i) is primarily a collector's item used for:
 - (A) participation in club activities;
 - (B) exhibitions;
 - (C) tours; or
 - (D) parades; or
 - (ii) is only used for occasional transportation.

Section 2. Section **41-6a-1644** is amended to read:

41-6a-1644 . Diesel emissions program -- Implementation -- Monitoring --

Exemptions.

- (1) The legislative body of each county required by the comprehensive plan for air pollution control developed by the director of the Division of Air Quality in accordance with Subsection 19-2-107(2)(a)(i) to use an emissions opacity inspection and maintenance program for diesel-powered motor vehicles shall:
- (a) make regulations or ordinances to implement and enforce the requirement established by the Air Quality Board;
 - (b) collect information about and monitor the program; and
 - (c) by August 1 of each year, supply written information to the Department of Environmental Quality to identify program status.
- (2) The following vehicles are exempt from an emissions opacity inspection and maintenance program for diesel-powered motor vehicles established by a legislative body of a county under Subsection (1):
- (a) an implement of husbandry; and
 - (b) a motor vehicle that:
 - (i) meets the definition of a farm truck under Section 41-1a-102; and
 - (ii) has a gross vehicle weight rating of ~~[14,001]~~ 12,001 pounds or more.
- (3)(a) The legislative body of a county identified in Subsection (1) shall exempt a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of ~~[14,000]~~ 12,000 pounds or less from the emissions opacity inspection and maintenance program requirements of this section, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:

- (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
- (ii) exclusively for the following purposes in operating the farm:
- (A) for the transportation of farm products, including livestock and its products, poultry and its products, and floricultural and horticultural products; and
- (B) for 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.

- (b) The county shall provide to the registered owner who signs and submits a signed statement under this section a certificate of exemption from emissions opacity inspection and maintenance program requirements for purposes of registering the exempt vehicle.

Section 3. Effective Date.

This bill takes effect:

- (1) except as provided in Subsection (2), December 6, 2025; or
- (2) if approved by two-thirds of all members elected to each house:
- (a) upon approval by the governor;
- (b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or
- (c) in the case of a veto, the date of veto override.

Section 4. Retrospective operation.

This bill has retrospective operation to July 1, 2025.