

MOTOR VEHICLE SAFETY INSPECTION

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Wayne A. Harper

AN ACT RELATING TO MOTOR VEHICLES; AMENDING THE FREQUENCY OF REQUIRED VEHICLE SAFETY INSPECTIONS; AMENDING FEES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-1a-203, as last amended by Chapter 360, Laws of Utah 1997

41-1a-205, as last amended by Chapter 234, Laws of Utah 1993

41-6-163.6, as last amended by Chapter 70, Laws of Utah 1997

53-8-204, as last amended by Chapter 28, Laws of Utah 1995

53-8-205, as renumbered and amended by Chapters 26 and 234, Laws of Utah 1993

53-8-206, as last amended by Chapter 12, Laws of Utah 1994

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

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

41-1a-203. Prerequisites for registration.

(1) Except as otherwise provided, prior to registration a vehicle must have:

(a) an identification number inspection under Section 41-1a-204;

(b) passed the safety inspection, if required in the current year, as provided under Sections 41-1a-205 and 53-8-205;

(c) passed the emissions inspection, if required in the current year, as provided under Section 41-6-163.6;

(d) paid property taxes, the in lieu fee, or received a property tax clearance under Section 41-1a-206 or 41-1a-207;

(e) paid the automobile driver education tax required by Section 41-1a-208;

(f) paid the applicable registration fee under Part 12, Fee and Tax Requirements;

(g) paid the uninsured motorist identification fee under Section 41-1a-1218, if applicable;

and

(h) paid the motor carrier fee under Section 41-1a-1219, if applicable.

(2) In addition to the requirements in Subsection (1), an owner whose vehicle has not been previously registered or that is currently registered under a previous owner's name must also apply for a valid certificate of title in the owner's name prior to registration.

(3) A new registration, transfer of ownership, or registration renewal under Section 73-18-7 may not be issued for a vessel or outboard motor that is subject to the title provisions of this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.

(4) A new registration, transfer of ownership, or registration renewal under Section 41-22-3 may not be issued for an off-highway vehicle that is subject to the titling provisions of this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.

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) [A] 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) The safety inspection required under this section may be made no more than two months prior to the renewal of registration, except as provided in Subsection (2)(b).

(b) (i) To renew the registration of a used car, the title of which has been transferred or is to be transferred, a safety inspection certificate received by the previous owner during the past two months may be presented to the division.

(ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety inspection certificate issued in a licensed and bonded motor vehicle dealer's name during the previous six months may be presented to the division.

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

(a) a new motor vehicle when registered the first time, provided a new car pre-delivery inspection has been made by a dealer; and

(b) 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 41-6-155 regarding safe mechanical condition.

(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 (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.

Section 3. Section **41-6-163.6** is amended to read:

41-6-163.6. 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 emission inspection, or waiver of such certificate, more often than annually; and

(b) all motor vehicles owned by or being used by all departments, instrumentalities, agencies, and employees of the federal government, the state and any of its agencies, and all political subdivisions of the state including school districts and registered or principally operated in that county comply with this section.

(2) The legislative body of a county identified in Subsection (1) shall make rules regarding emissions standards, test procedures, inspections stations, repair requirements and dollar limits for correction of deficiencies, and certificates of emissions inspections which are determined necessary by the county legislative body in consultation with the Air Quality Board created in Section 19-1-106 to attain or maintain ambient air quality standards in the county, consistent with the state implementation plan and federal requirements. The county legislative body and the board shall give preference to an inspection and maintenance program that is:

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

(b) 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

(c) providing a reasonable phase-out period for replacement of air pollution emission testing equipment made obsolete by the program, but only to the extent the phase-out may be accomplished in accordance with applicable federal requirements and the phase-out does not otherwise interfere with the attainment and maintenance of ambient air quality standards. The rules may allow for a phase-in of the program by geographical area.

(3) Agricultural implements of husbandry and any motor vehicle that meets the definition of a farm truck under Section 41-1a-102 and has a gross vehicle weight rating of 12,001 pounds or more are exempt from this section.

(4) (a) The legislative body of a county identified in Subsection (1) shall exempt any pickup truck, as defined in Section 41-1a-102, having a gross vehicle weight of 12,000 pounds or less from the emission inspection requirements of this section if the registered owner of the pickup truck signs and submits to the legislative body an affidavit 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, floricultural and horticultural products; and

(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.

(b) The county shall provide to the registered owner who signs and submits an affidavit under this section a certificate of exemption from emission inspection requirements for purposes of registering the exempt vehicle.

(5) (a) Each college or university located in a county subject to this section shall require its students and employees who park any motor vehicle on its campus or property that is not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body.

(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.

(6) (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 rules made under Subsection (2).

(b) The emissions inspection shall be required at least annually, but the county may require the inspection at least biennially for vehicles that are five or fewer years old on January 1.

(c) If the county chooses to require biennial inspections for a vehicle under Subsection (b), the inspection shall be required for the vehicle in:

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

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

(d) A vehicle's age is determined by the model year of the vehicle.

(7) [~~If Section 53-8-205 regarding safety inspections is in effect, the~~] The emissions

inspection shall be required~~[, in the years it is required under Subsection (6),]~~ within the same time limit applicable to a safety inspection under Section ~~[53-8-205]~~ 41-1a-205.

(8) (a) Counties identified in Subsection (1) shall collect information about and monitor the program.

(b) The counties shall supply this information to an appropriate legislative committee, as designated by the Legislative Management Committee, at times determined by that designated committee to identify program needs, including funding needs.

Section 4. Section **53-8-204** is amended to read:

53-8-204. Division duties -- Official inspection stations -- Permits -- Fees -- Suspension or revocation -- Utah-based interstate commercial motor carriers.

(1) The division shall:

(a) conduct examinations of every safety inspection station permit applicant and safety inspector certificate applicant to determine whether the applicant is properly equipped and qualified to make safety inspections;

(b) issue safety inspection station permits and safety inspector certificates to qualified applicants;

(c) establish application, renewal, and reapplication fees in accordance with Section 63-38-3.2 for safety inspection station permits and safety inspector certificates;

(d) provide instructions and all necessary forms, including safety inspection certificates, to safety inspection stations for the inspection of motor vehicles and the issuance of the safety inspection certificates;

(e) charge a [~~\$1~~] \$1.50 fee for each safety inspection certificate;

(f) investigate complaints regarding safety inspection stations and safety inspectors;

(g) compile and publish all applicable safety inspection laws, rules, instructions, and standards and distribute them to all safety inspection stations and provide updates to the compiled laws, rules, instructions, and standards as needed;

(h) establish a fee in accordance with Section 63-38-3.2 to cover the cost of compiling and publishing the safety inspection laws, rules, instructions, and standards and any updates; and

(i) assist the council in conducting its meetings and hearings.

(2) (a) (i) Receipts from the fees established in accordance with Subsection (1)(h) are fixed collections to be used by the division for ~~[all]~~ the expenses of the Utah Highway Patrol incurred under ~~[this section]~~ Subsection (1)(h).

~~[(b)]~~ (ii) Funds received in excess of ~~[these]~~ the expenses under Subsection (1)(h) shall be deposited in the Transportation Fund.

(b) (i) The first \$.50 of the fee under Subsection (1)(e) is a dedicated credit to be used solely by the Utah Highway Patrol for the expenses of administering this section.

(ii) Funds in excess of the first \$.50 collected under Subsection (1)(e) shall be deposited in the Transportation Fund.

(iii) The dedicated credits described under Subsection (2)(b)(i) are in addition to any other appropriations provided to administer the safety inspection program duties under this section.

(3) The division may:

(a) before issuing a safety inspection permit, require an applicant, other than a fleet station or government station, to file a bond that will provide a guarantee that the applicant safety inspection station will make compensation for any damage to a motor vehicle during an inspection or adjustment due to negligence on the part of an applicant or his employees;

(b) establish procedures governing the issuance of safety inspection certificates to Utah-based interstate commercial motor carriers; and

(c) suspend, revoke, or refuse renewal of any safety inspection station permit issued when the division finds that the safety inspection station is not:

(i) properly equipped; or

(ii) complying with rules made by the division; and

(d) suspend, revoke, or refuse renewal of any safety inspection station permit or safety inspector certificate issued when the station or inspector has violated any safety inspection law or rule.

(4) The division shall maintain a record of safety inspection station permits and safety inspector certificates issued, suspended, revoked, or refused renewal under Subsection (3)(c).

(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the division shall make rules:

(a) setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway;

(b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can be operated safely;

(c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections;

(d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate;

(e) establishing requirements:

(i) designed to protect consumers from unwanted or unneeded repairs or adjustments;

(ii) for maintaining safety inspection records;

(iii) for providing reports to the division; and

(iv) for maintaining and protecting safety inspection certificates;

(f) establishing procedures for a motor vehicle that fails a safety inspection;

(g) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and

(h) establishing procedures for a safety inspection station to follow if the station is going out of business.

(6) The rules of the division:

(a) shall conform as nearly as practical to federal motor vehicle safety standards including 49 CFR 393, 396, 396 Appendix G, and Federal Motor Vehicle Safety Standards 205; and

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

Section 5. Section **53-8-205** is amended to read:

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

(1) (a) Except as provided in Subsection (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.

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

- (i) vehicles exempt from registration under Section 41-1a-205; and
- (ii) off-highway vehicles.

(2) The frequency of the safety inspection shall be determined based on the age of the vehicle determined by model year and shall be required:

(a) [~~be made at least once~~] each year for a vehicle that is five or more years old on January 1; or

(b) every two years for each vehicle that is less than five years old on January 1 as follows:

- (i) in odd-numbered years for a vehicle with an odd-numbered model year; and
- (ii) in even-numbered years for a vehicle with an even-numbered model year;

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

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

(3) A safety inspection station shall issue a safety inspection certificate to the owner of each motor vehicle that passes a safety inspection under this section.

(4) 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.

Section 6. Section **53-8-206** is amended to read:

53-8-206. Safety inspection -- Station requirements -- Permits not transferable -- Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of permits.

(1) The safety inspection required under Section 53-8-205 may only be performed:

- (a) by a person certified by the division as a safety inspector; and

(b) at a safety inspection station with a valid safety inspection station permit issued by the division.

(2) A safety inspection station permit may not be assigned or transferred or used at any location other than a designated location, and every safety inspection station permit shall be posted in a conspicuous place at the location designated.

(3) If required by the division, a record and report shall be made of every safety inspection and every safety inspection certificate issued.

(4) A safety inspection station holding a safety inspection station permit issued by the division may charge:

(a) a [\$1] fee as reimbursement for the safety inspection certificate fee as specified in Subsection 53-8-204(1)(e); and

(b) a reasonable fee for labor in performing safety inspections, not to exceed:

(i) \$5 or less for motorcycles;

(ii) unless Subsection (i) or (iii) applies, \$9 or less for motor vehicles; or

(iii) \$12 or less for 4-wheel drive, split axle, and any motor vehicles that necessitate disassembly of front hub or removal of rear axle for inspection.

(5) A safety inspection station may return unused safety inspection certificates in a quantity of ten or more and shall be reimbursed by the division for the cost of the safety inspection certificates.

(6) (a) Upon receiving notice of the suspension or revocation of a safety inspection station permit, the safety inspection station permit holder shall immediately terminate all safety inspection activities and return all safety inspection certificates and the safety inspection station permit to the division.

(b) The division shall issue a receipt for all unused safety inspection certificates.

Section 7. Effective date.

This act takes effect on January 1, 1999.