

1                                   **EMISSION INSPECTION REQUIREMENTS**

2   1999 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Neal B. Hendrickson**

5 AN ACT RELATING TO MOTOR VEHICLES; AMENDING CERTAIN MOTOR VEHICLE  
6 EMISSIONS INSPECTION REQUIREMENTS; AND MAKING TECHNICAL CORRECTIONS.

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

8 AMENDS:

9                   **41-6-163.6**, as last amended by Chapter 238, Laws of Utah 1998

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

11                   Section 1. Section **41-6-163.6** is amended to read:

12                   **41-6-163.6. Emissions inspection -- County program.**

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

17                   (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is  
18 exempt from emissions inspection and maintenance program requirements be presented:

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

20                   (ii) at other times as the county legislative body may require to enforce inspection  
21 requirements for individual motor vehicles, except that the county legislative body may not  
22 routinely require a certificate of emission inspection, or waiver of such certificate, more often than  
23 annually; and

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

28 (2) The legislative body of a county identified in Subsection (1) shall make rules regarding  
29 emissions standards, test procedures, inspections stations, repair requirements and dollar limits for  
30 correction of deficiencies, and certificates of emissions inspections which are determined necessary  
31 by the county legislative body in consultation with the Air Quality Board created in Section  
32 19-1-106 to attain or maintain ambient air quality standards in the county, consistent with the state  
33 implementation plan and federal requirements. The county legislative body and the board shall  
34 give preference to [an] a motor vehicle emissions inspection and maintenance program that is:

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

37 (b) the most cost effective means to achieve and maintain the maximum benefit with  
38 regard to ambient air quality standards and to meet federal air quality requirements as related to  
39 motor vehicle emissions; and

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

45 (3) [~~Agricultural implements~~] The following motor vehicles are exempt from a motor  
46 vehicle emissions inspection and maintenance program under this section:

47 (a) an agricultural implement of husbandry [~~and any~~];

48 (b) a motor vehicle that meets the definition of a farm truck under Section 41-1a-102 and  
49 has a gross vehicle weight rating of 12,001 pounds or more [~~are exempt from this section.~~]; and

50 (c) a motor vehicle with a model year prior to 1974.

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

55 (i) by the owner or operator of a farm located on property that qualifies as land in  
56 agricultural use under Sections 59-2-502 and 59-2-503; and

57 (ii) exclusively for the following purposes in operating the farm:

58 (A) for the transportation of farm products, including livestock and its products, poultry

59 and its products, floricultural and horticultural products; and

60 (B) in the transportation of farm supplies, including tile, fence, and every other thing or  
61 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and  
62 maintenance.

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

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

70 (b) College or university parking areas that are metered or for which payment is required  
71 per use are not subject to the requirements of this Subsection (5).

72 (6) (a) An emissions inspection station shall issue a certificate of emissions inspection for  
73 each motor vehicle that meets the inspection and maintenance program requirements established  
74 in rules made under Subsection (2).

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

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

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

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

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

82 (7) The emissions inspection shall be required within the same time limit applicable to a  
83 safety inspection under Section 41-1a-205.

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

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

---

---

**Legislative Review Note**  
**as of 12-22-98 9:57 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**