

1 **VEHICLE REGISTRATION AMENDMENTS**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Gerry A. Adair**

5 AN ACT RELATING TO MOTOR VEHICLES; ALLOWING SIGNED STATEMENTS
6 INSTEAD OF AFFIDAVITS IN CERTAIN CIRCUMSTANCES.

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

8 AMENDS:

9 **41-1a-225**, as renumbered and amended by Chapter 1, Laws of Utah 1992

10 **41-1a-226**, as renumbered and amended by Chapter 1 and last amended by Chapter 218,
11 Laws of Utah 1992

12 **41-1a-1009**, as renumbered and amended by Chapter 1, Laws of Utah 1992

13 **41-6-163.6**, as last amended by Chapter 238, Laws of Utah 1998

14 **41-22-5.5**, as last amended by Chapter 21, Laws of Utah 1989

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

16 Section 1. Section **41-1a-225** is amended to read:

17 **41-1a-225. Foreign vehicle compliance with federal law -- English translation --**
18 **Temporary permit.**

19 (1) Before a vehicle with a gross vehicle weight of less than 6,000 pounds that was not
20 originally manufactured for sale in the United States may be registered in this state, the applicant
21 shall provide at the time of registration, a [~~sworn affidavit~~] signed statement certifying that the
22 vehicle complies with all federal laws and regulations applicable to the vehicle.

23 (2) If the certificate of title, manufacturer's certificate of origin, or other document
24 purported to evidence ownership is not printed in the English language, the applicant shall obtain
25 a certified translation of that document in the English language and provide it to the division at the
26 time of registration.

27 (3) The division may issue the applicant a temporary permit, not to exceed 120 days, as

28 provided in Section 41-1a-211, pending compliance with federal emission and safety standards.

29 Section 2. Section **41-1a-226** is amended to read:

30 **41-1a-226. Vintage vehicle -- Signed statement -- Registration certificate.**

31 (1) The owner of a vintage vehicle applying for registration under this part shall [~~execute~~
32 ~~an affidavit~~] provide a signed statement certifying that the vintage vehicle is owned and operated
33 for the purposes enumerated in Section 41-21-1 and that the vintage vehicle has been inspected and
34 found safe to operate on the highways of this state.

35 (2) The registration certificate issued under this part need not specify the weight of the
36 vintage vehicle.

37 Section 3. Section **41-1a-1009** is amended to read:

38 **41-1a-1009. Abandoned and inoperable vehicles, vessels, and outboard motors --**
39 **Determination by commission -- Disposal of vehicles.**

40 (1) A vehicle, vessel, or outboard motor is abandoned and inoperable when:

41 (a) the vehicle, vessel, or outboard motor has been inspected by an authorized investigator
42 or agent appointed by the commission; and

43 (b) the authorized investigator or agent has made a written determination that the vehicle,
44 vessel, or outboard motor cannot be rebuilt or reconstructed in a manner that allows its use as
45 designed by the manufacturer.

46 (2) (a) Before issuing a written determination under Subsection (1), [~~an affidavit~~] a signed
47 statement is required from the purchaser of the vehicle, vessel, or outboard motor for salvage,
48 identifying the vehicle, vessel, or outboard motor by identification number and certifying that the
49 inoperable vehicle, vessel, or outboard motor will not be rebuilt, reconstructed, or in any manner
50 allowed to operate as designed by the manufacturer.

51 (b) The operator of the junk or salvage yard disposing of an inoperable vehicle, vessel, or
52 outboard motor is required to keep copies of the [~~affidavits~~] signed statements and other written
53 records required by the commission.

54 (3) Upon a determination that a vehicle, vessel, or outboard motor is inoperable and cannot
55 be rebuilt or reconstructed, the vehicle, vessel, or outboard motor may be converted to scrap or
56 otherwise disposed of without necessity of compliance with the requirements of Sections
57 41-1a-1010 and 41-1a-1011.

58 Section 4. Section **41-6-163.6** is amended to read:

59 **41-6-163.6. Emissions inspection -- County program.**

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

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

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

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

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

75 (2) The legislative body of a county identified in Subsection (1) shall make rules regarding
76 emissions standards, test procedures, inspections stations, repair requirements and dollar limits for
77 correction of deficiencies, and certificates of emissions inspections which are determined necessary
78 by the county legislative body in consultation with the Air Quality Board created in Section
79 19-1-106 to attain or maintain ambient air quality standards in the county, consistent with the state
80 implementation plan and federal requirements. The county legislative body and the board shall
81 give preference to an inspection and maintenance program that is:

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

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

87 (c) providing a reasonable phase-out period for replacement of air pollution emission
88 testing equipment made obsolete by the program, but only to the extent the phase-out may be
89 accomplished in accordance with applicable federal requirements and the phase-out does not

90 otherwise interfere with the attainment and maintenance of ambient air quality standards. The
91 rules may allow for a phase-in of the program by geographical area.

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

95 (4) (a) The legislative body of a county identified in Subsection (1) shall exempt any
96 pickup truck, as defined in Section 41-1a-102, having a gross vehicle weight of 12,000 pounds or
97 less from the emission inspection requirements of this section if the registered owner of the pickup
98 truck [~~signs and submits~~] provides a signed statement to the legislative body [~~an affidavit~~] stating
99 the truck is used:

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

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

103 (A) for the transportation of farm products, including livestock and its products, poultry
104 and its products, floricultural and horticultural products; and

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

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

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

115 (b) College or university parking areas that are metered or for which payment is required
116 per use are not subject to the requirements of this subsection.

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

120 (b) The emissions inspection shall be required at least annually, but the county may require

121 the inspection at least biennially for vehicles that are five or fewer years old on January 1.

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

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

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

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

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

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

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

134 Section 5. Section **41-22-5.5** is amended to read:

135 **41-22-5.5. Off-highway husbandry vehicles.**

136 (1) (a) The owner of an all-terrain type I vehicle, motorcycle, or snowmobile used for
137 agricultural purposes may apply to the Motor Vehicle Division for an off-highway implement of
138 husbandry sticker. Each application shall be accompanied by evidence of ownership, a title, or a
139 manufacturer's certificate of origin, and [an affidavit] a signed statement certifying that the
140 off-highway vehicle is used for agricultural purposes. The owner shall receive an off-highway
141 implement of husbandry sticker upon production of the documents required above and payment
142 of an off-highway implement of husbandry sticker fee established by the board not to exceed \$10.

143 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or
144 highways, it shall also be registered under Section 41-22-3.

145 (c) The off-highway implement of husbandry sticker shall be displayed in a manner
146 prescribed by the board and shall identify the all-terrain type I vehicle, motorcycle, or snowmobile
147 as an off-highway implement of husbandry.

148 (2) The off-highway implement of husbandry sticker is valid only for the life of the
149 ownership of the all-terrain type I vehicle, motorcycle, or snowmobile and is not transferable.

150 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I
151 vehicle, motorcycle, or snowmobile which is being operated adjacent to a roadway:

152 (a) when the all-terrain type I vehicle, motorcycle, or snowmobile is only being used to
153 travel from one parcel of land owned or operated by the owner of the vehicle to another parcel of
154 land owned or operated by the owner; and

155 (b) when this operation is necessary for the furtherance of agricultural purposes.

156 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is
157 impractical, it may be operated on the roadway if the operator exercises due care towards
158 conventional motor vehicle traffic.

159 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or
160 within the boundaries of an interstate freeway.

Legislative Review Note

as of 12-8-98 1:21 PM

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

Office of Legislative Research and General Counsel