

VEHICLE SAFETY INSPECTION

AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Wayne A. Harper

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6 **This act modifies the Motor Vehicle and Public Safety Code by amending the frequency**
7 **required for safety inspections and emissions testing for motor vehicles. This act amends the**
8 **maximum fee an inspection station may charge for motor vehicle safety inspections. The act**
9 **increases the decal fee the state charges for safety inspections. [] This act [] provides for []**
9a **[requires] [] the**
10 **establishment of a safety inspection apprenticeship program. [] [] This act takes effect on**
11 **January 1, 2003.**

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

13 AMENDS:

14 **41-6-163.6**, as last amended by Chapter 217, Laws of Utah 1999

15 **53-8-204**, as last amended by Chapter 238, Laws of Utah 1998

16 **53-8-205**, as last amended by Chapters 128 and 238, Laws of Utah 1998

17 **53-8-206**, as last amended by Chapter 238, Laws of Utah 1998

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

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

20 **41-6-163.6. Emissions inspection -- County program.**

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

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

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



28 (ii) at other times as the county legislative body may require to enforce inspection
29 requirements for individual motor vehicles, except that the county legislative body may not
30 routinely require a certificate of emission inspection, or waiver of such certificate, more often than
31 **h [annually] REQUIRED UNDER SUBSECTION (6) h** ; and

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

36 (2) The legislative body of a county identified in Subsection (1) shall make rules regarding
37 emissions standards, test procedures, inspections stations, repair requirements and dollar limits for
38 correction of deficiencies, and certificates of emissions inspections which are determined necessary
39 by the county legislative body in consultation with the Air Quality Board created in Section
40 19-1-106 to attain or maintain ambient air quality standards in the county, consistent with the state
41 implementation plan and federal requirements. The county legislative body and the board shall
42 give preference to an inspection and maintenance program that is:

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

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

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

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

56 (4) (a) The legislative body of a county identified in Subsection (1) shall exempt any
57 pickup truck, as defined in Section 41-1a-102, having a gross vehicle weight of 12,000 pounds or
58 less from the emission inspection requirements of this section if the registered owner of the pickup

59 truck provides a signed statement to the legislative body stating the truck is used:

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

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

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

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

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

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

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

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

80 (b) The frequency of the emissions inspection shall be determined based on the age of the
81 vehicle as determined by model year and shall be required ^h ANNUALLY SUBJECT TO THE
81a PROVISIONS OF SUBSECTION (6)(c). ^h [at least annually, but the county may
82 require the inspection at least biennially for vehicles that are five or fewer years old on January 1.]
82a ^h [;

83 ~~— (i) except under Subsection (6)(b)(iii), annually for a vehicle that is four or more years old~~
84 ~~on January 1;~~

85 ~~— (ii) every two years for each vehicle that is less than four years old on January 1; or~~

86 ~~— (iii) every two years for each vehicle that is four years old but not more than six years old~~
87 ~~on January 1, if allowed under the state implementation plan demonstrating attainment and~~
88 ~~maintenance of the national ambient air quality standards for that county.]~~

88a (c)(i) TO THE EXTENT ALLOWED UNDER THE CURRENT FEDERALLY APPROVED STATE
88b IMPLEMENTATION PLAN, IN ACCORDANCE WITH THE FEDERAL CLEAN AIR ACT, 42 U.S.C. SEC.
88c 7401 ET SEQ., THE LEGISLATIVE BODY OF A COUNTY IDENTIFIED IN SUBSECTION (1) SHALL ^h

88d h ONLY REQUIRE THE EMISSIONS INSPECTION EVERY TWO YEARS FOR EACH VEHICLE.

88e (ii) THE PROVISIONS OF SUBSECTION (6)(c)(i) APPLY ONLY TO A VEHICLE THAT IS LESS

88f THAN SIX YEARS OLD ON JANUARY 1. h

89 h ~~[(c)]~~ (d) h If ~~[the county chooses to require biennial inspections]~~ an emissions inspection is

89a only

90 required every two years for a vehicle under Subsection (6) ~~h [(b)] (c) h~~ , the inspection shall be
 90a required for
 91 the vehicle in:

- 92 (i) odd-numbered years for vehicles with odd-numbered model years; or
- 93 (ii) in even-numbered years for vehicles with even-numbered model years.

94 ~~h [(d) A vehicle's age is determined by the model year of the vehicle.] h~~

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

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

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

102 Section 2. Section **53-8-204** is amended to read:

103 **53-8-204. Division duties -- Official inspection stations -- Permits -- Fees --**
 104 **Suspension or revocation -- Utah-based interstate commercial motor carriers.**

105 (1) The division shall:

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

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

111 (c) establish application, renewal, and reapplication fees in accordance with Section
 112 63-38-3.2 for safety inspection station permits and safety inspector certificates;

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

116 (e) charge a [~~\$1.50~~] \$2 fee for each safety inspection certificate;

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

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

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

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

124 (2) (a) (i) Receipts from the fees established in accordance with Subsection (1)(h) are fixed
125 collections to be used by the division for the expenses of the Utah Highway Patrol incurred under
126 Subsection (1)(h).

127 (ii) Funds received in excess of the expenses under Subsection (1)(h) shall be deposited
128 in the Transportation Fund.

129 (b) (i) The first [~~\$.50~~] \$.75 of the fee under Subsection (1)(e) is a dedicated credit to be
130 used solely by the Utah Highway Patrol for the expenses of administering this section.

131 (ii) [~~Funds in excess of the first \$.50~~] The remaining funds collected under Subsection
132 (1)(e) shall be deposited in the Transportation Fund.

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

135 (3) The division may:

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

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

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

144 (i) properly equipped; or

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

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

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

151 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

152 division shall make rules:

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

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

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

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

161 ~~h h~~ [f] (e) ~~establishing~~ [f] **PROGRAM GUIDELINES FOR A SCHOOL DISTRICT THAT ELECTS**
161a **TO IMPLEMENT** ~~h~~ [f] **a safety inspection apprenticeship program for high school students;** [f] ~~h h~~

162 [~~e~~] ~~h h~~ [f] (~~f~~) [f] [~~e~~] ~~h h~~ establishing requirements:

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

164 (ii) for maintaining safety inspection records;

165 (iii) for providing reports to the division; and

166 (iv) for maintaining and protecting safety inspection certificates;

167 [~~f~~] ~~h h~~ [f] (g) [f] (~~f~~) ~~h h~~ establishing procedures for a motor vehicle that fails a safety
167a inspection;

168 [~~e~~] ~~h h~~ [f] (h) [f] (~~e~~) ~~h h~~ setting bonding amounts for safety inspection stations if bonds
168a1 are required

168a under

169 Subsection (3)(a); and

170 [~~h~~] ~~h h~~ [f] (i) [f] (~~h~~) ~~h h~~ establishing procedures for a safety inspection station to follow if the
170a station is

171 going out of business.

172 (6) The rules of the division:

173 (a) shall conform as nearly as practical to federal motor vehicle safety standards including
174 49 CFR 393, 396, 396 Appendix G, and Federal Motor Vehicle Safety Standards 205; and

175 (b) may incorporate by reference, in whole or in part, the federal standards under
176 Subsection (6)(a) and nationally recognized and readily available standards and codes on motor
177 vehicle safety.

178 Section 3. Section **53-8-205** is amended to read:

179 **53-8-205. Safety inspection required -- Safety inspection certificate required --**

180 **Out-of-state permits.**

181 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway
182 a motor vehicle required to be registered in this state unless the motor vehicle has passed a safety

183 inspection.

184 (b) Subsection (1)(a) does not apply to:

185 (i) vehicles exempt from registration under Section 41-1a-205; and

186 (ii) off-highway vehicles.

187 (2) The frequency of the safety inspection shall be determined based on the age of the
188 vehicle determined by model year and shall ~~h [be required] h~~ :

189 (a) ~~h ONLY BE REQUIRED h~~ each year for a vehicle that is [five] ~~h [ten] SIX h~~ or more years
189a old on January 1; ~~h [or~~

190 ~~h every two years for each vehicle that is less than [five] ten years old on January 1 as~~
191 ~~follows:~~

192 ~~h (i) in odd-numbered years for a vehicle with an odd-numbered model year; and~~

193 ~~h (ii) in even-numbered years for a vehicle with an even-numbered model year;] h~~

194 ~~h [(c)] (b) h~~ be made by a safety inspector certified by the division at a safety inspection
194a station

195 authorized by the division;

196 ~~h [(d)] (c) h~~ cover an inspection of the motor vehicle mechanism, brakes, and equipment to
196a ensure

197 proper adjustment and condition as required by department rules; and

198 ~~h [(e)] (d) h~~ include an inspection for the display of license plates in accordance with Section
199 41-1a-404.

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

202 (4) The division may:

203 (a) authorize the acceptance in this state of a safety inspection certificate issued in another
204 state having a safety inspection law similar to this state; and

205 (b) extend the time within which a safety inspection certificate must be obtained by the
206 resident owner of a vehicle that was not in this state during the time a safety inspection was
207 required.

208 Section 4. Section **53-8-206** is amended to read:

209 **53-8-206. Safety inspection -- Station requirements -- Permits not transferable --**

210 **Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of permits.**

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

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

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

214 division.

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

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

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

222 (a) a fee as reimbursement for the safety inspection certificate fee as specified in
223 Subsection 53-8-204(1)(e); and

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

225 (i) [~~\$5~~] \$7 or less for motorcycles;

226 (ii) unless Subsection (4)(b)(i) or (iii) applies, [~~\$9~~] \$15 or less for motor vehicles; or

227 (iii) [~~\$12~~] \$20 or less for 4-wheel drive, split axle, and any motor vehicles that necessitate
228 disassembly of front hub or removal of rear axle for inspection.

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

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

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

237 Section 5. **Effective date.**

238 This act takes effect on January 1, 2003 **h** EXCEPT FOR SECTION 41-6-163.6 WHICH TAKES
238a EFFECT ON JULY 1, 2003 **h** .

Legislative Review Note as of 1-31-02 10:42 AM

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

Office of Legislative Research and General Counsel