

**SAFETY INSPECTION AND EMISSION  
AMENDMENTS**

2004 GENERAL SESSION  
STATE OF UTAH

**Sponsor: Wayne A. Harper**

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code to amend vehicle emissions inspection provisions.

**Highlighted Provisions:**

This bill:

- ▶ establishes a \$25 maximum vehicle emissions inspection fee; and
- ▶ repeals provisions allowing a county legislative body to increase the vehicle emissions inspection fee incrementally.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6-163.6**, as last amended by Chapter 143, Laws of Utah 2002

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

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

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

(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 required under Subsection (6); 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) (a) 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.

(b) The county legislative body and the board shall give preference to an inspection and maintenance program that is:

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

~~[(b)]~~ (ii) 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)]~~ (iii) 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.

(c) 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 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, 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 a signed statement 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 (5).

(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 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 (6)(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 (6)(c)(i) apply only to a vehicle that is less than six years old on January 1.

(d) If an emissions inspection is only required every two years for a vehicle under Subsection (6) (c), 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.

(7) The emissions inspection [~~shall be required~~] is valid within the same time limit applicable to a safety inspection under Section 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.

~~[(9) 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 (6)(c) up to a \$7.50 increase.]~~

(9) An emissions inspection station, authorized by a county legislative body under Subsection (2), may not charge a fee of more than \$25 for each vehicle emissions inspection.

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**Legislative Review Note**  
**as of 10-7-03 3:23 PM**

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

**Office of Legislative Research and General Counsel**