

EMISSION INSPECTION AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Kerry W. Gibson

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending certain vehicle emissions inspection requirements.

Highlighted Provisions:

This bill:

- ▶ repeals the requirement that college students and employees who park on a college or university campus a motor vehicle that is not registered in a county subject to emissions inspections are required to provide proof of compliance with an emissions inspection; and
- ▶ makes technical changes.

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

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.



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

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

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

35 (ii) at other times as the county legislative body may require to enforce inspection
36 requirements for individual motor vehicles, except that the county legislative body may not
37 routinely require a certificate of emission inspection, or waiver of such certificate, more often
38 than required under Subsection [~~(6)~~] (5); and

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

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

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

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

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

59 rules may allow for a phase-in of the program by geographical area.

60 (3) Agricultural implements of husbandry and any motor vehicle that meets the
61 definition of a farm truck under Section 41-1a-102 and has a gross vehicle weight rating of
62 12,001 pounds or more are exempt from this section.

63 (4) (a) The legislative body of a county identified in Subsection (1) shall exempt any
64 pickup truck, as defined in Section 41-1a-102, having a gross vehicle weight of 12,000 pounds
65 or less from the emission inspection requirements of this section if the registered owner of the
66 pickup truck provides a signed statement to the legislative body stating the truck is used:

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

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

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

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

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

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

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

84 ~~[(6)]~~ (5) (a) An emissions inspection station shall issue a certificate of emissions
85 inspection for each motor vehicle that meets the inspection and maintenance program
86 requirements established in rules made under Subsection (2).

87 (b) The frequency of the emissions inspection shall be determined based on the age of
88 the vehicle as determined by model year and shall be required annually subject to the
89 provisions of Subsection ~~[(6)]~~ (5)(c).

90 (c) (i) To the extent allowed under the current federally approved state implementation
91 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative
92 body of a county identified in Subsection (1) shall only require the emissions inspection every
93 two years for each vehicle.

94 (ii) The provisions of Subsection [~~6~~] (5)(c)(i) apply only to a vehicle that is less than
95 six years old on January 1.

96 (d) If an emissions inspection is only required every two years for a vehicle under
97 Subsection [~~6~~] (5)(c), the inspection shall be required for the vehicle in:

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

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

100 [~~7~~] (6) The emissions inspection shall be required within the same time limit
101 applicable to a safety inspection under Section 41-1a-205.

102 [~~8~~] (7) (a) Counties identified in Subsection (1) shall collect information about and
103 monitor the program.

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

107 [~~9~~] (8) If approved by the county legislative body, a county that had an established
108 emissions inspection fee as of January 1, 2002, may increase the established fee that an
109 emissions inspection station may charge by \$2.50 for each year that is exempted from
110 emissions inspections under Subsection [~~6~~] (5)(c) up to a \$7.50 increase.

Legislative Review Note
as of 1-21-05 6:35 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0093

Emission Inspection Amendments

27-Jan-05

7:35 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst