

**MOTOR VEHICLE SAFETY INSPECTION
ADVISORY COUNCIL AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan R. Eastman

House Sponsor: Patrick Painter

LONG TITLE

General Description:

This bill modifies the Motor Vehicle Safety Inspection Act by amending provisions relating to the Motor Vehicle Safety Inspection Advisory Council.

Highlighted Provisions:

This bill:

- ▶ repeals the requirement that a representative from the Department of Commerce with experience in consumer protection administration be a member of the Motor Vehicle Safety Inspection Advisory Council; and

- ▶ provides that the governor shall appoint a member of the public with experience or interest in product safety or consumer advocacy as a member of the Motor Vehicle Safety Inspection Advisory Council.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-8-203, as last amended by Laws of Utah 1996, Chapters 194, 242, and 243

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

Section 1. Section **53-8-203** is amended to read:

30 **53-8-203. Council created -- Members -- Term -- Meetings -- Duties.**

31 (1) There is created within the division the Motor Vehicle Safety Inspection Advisory
32 Council.

33 (2) (a) The council shall be composed of seven members.

34 (b) The governor shall appoint:

35 (i) one [~~representative from the Department of Commerce with experience in consumer~~
36 ~~protection administration~~] member from the general public with experience or interest in
37 product safety or consumer advocacy;

38 (ii) two representatives from motor vehicle mechanics and motor vehicle repair business
39 owners;

40 (iii) one member of the motoring public with no former or current affiliation with the
41 motor vehicle sales, repair, or fuel industry or its regulation;

42 (iv) one peace officer with experience in motor vehicle law enforcement;

43 (v) one representative of the commercial trucking industry; and

44 (vi) one representative of the staff of the attorney general who shall serve without
45 voting privileges.

46 (3) Each member of the council shall:

47 (a) be selected on a nonpartisan basis;

48 (b) be appointed by the governor; and

49 (c) have been a legal resident of the state for at least one year immediately preceding
50 the date of appointment.

51 (4) (a) Except as required by Subsection (4)(b), as terms of current council members
52 expire, the governor shall appoint each new member or reappointed member to a four-year
53 term.

54 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
55 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
56 council members are staggered so that approximately half of the council is appointed every two
57 years.

58 (c) Members serve from the date of appointment until a replacement is appointed.

59 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
60 appointed for the unexpired term.

61 (6) The council shall elect its own chair and vice-chair at its first regular meeting each
62 calendar year.

63 (7) All meetings of the council shall be called by the superintendent of the highway
64 patrol as needed.

65 (8) Any three voting members constitute a quorum for the transaction of business that
66 comes before the council.

67 (9) (a) (i) Members who are not government employees shall receive no compensation
68 or benefits for their services, but may receive per diem and expenses incurred in the
69 performance of the member's official duties at the rates established by the Division of Finance
70 under Sections 63A-3-106 and 63A-3-107.

71 (ii) Members may decline to receive per diem and expenses for their service.

72 (b) (i) State government officer and employee members who do not receive salary, per
73 diem, or expenses from their agency for their service may receive per diem and expenses
74 incurred in the performance of their official duties from the council at the rates established by
75 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

76 (ii) State government officer and employee members may decline to receive per diem
77 and expenses for their service.

78 (10) The council shall:

79 (a) hear appeals of administrative actions regarding the suspension or revocation of
80 safety inspection station permits and safety inspector certificates;

81 (b) advise the division on interpretation, adoption, and implementation of motor vehicle
82 safety inspection standards; and

83 (c) advise the division on other motor vehicle safety inspection issues as requested by
84 the superintendent.

85 (11) In conducting appeal hearings on the suspension or revocation of any safety

86 inspection station permit or safety inspector certificate the council may:

87 (a) compel the attendance of witnesses by subpoena;

88 (b) require the production of any records or documents determined by it to be pertinent
89 to the subject matter of the hearing; and

90 (c) apply to the district court of the county where the hearing is held for an order citing
91 any applicant or witness for contempt and for failure to attend, testify, or produce required
92 documents.