

**Representative Kenneth W. Sumsion** proposes the following substitute bill:

1                                   **VEHICLE TITLE, INSPECTION AND EMISSION**

2                                   **TESTING EXEMPTIONS AMENDMENTS**

3                                   2009 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Kenneth W. Sumsion**

6                                   Senate Sponsor: John L. Valentine

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8                                   **LONG TITLE**

9                                   **General Description:**

10                                  This bill modifies the Motor Vehicles Code by amending vehicle title, inspection and  
11                                  emission testing provisions for certain vehicles.

12                                  **Highlighted Provisions:**

13                                  This bill:

- 14                                  ▶ defines terms;
- 15                                  ▶ provides requirements for the certificate of title of a replica vehicle;
- 16                                  ▶ includes street rod in the definition of a vintage vehicle;
- 17                                  ▶ provides that a custom vehicle is exempt from the requirement of having a

18                                  certificate of emissions inspection as a condition of registration or renewal of  
19                                  registration; and

- 20                                  ▶ makes technical changes.

21                                  **Monies Appropriated in this Bill:**

22                                  None

23                                  **Other Special Clauses:**

24                                  This bill takes effect on January 1, 2010.

25                                  **Utah Code Sections Affected:**



26 AMENDS:

27 **41-1a-102**, as last amended by Laws of Utah 2003, Chapter 1

28 **41-1a-514**, as last amended by Laws of Utah 1992, Chapter 218 and renumbered and  
29 amended by Laws of Utah 1992, Chapter 1

30 **41-6a-1507**, as renumbered and amended by Laws of Utah 2005, Chapter 2

31 **41-6a-1633**, as renumbered and amended by Laws of Utah 2005, Chapter 2

32 **41-6a-1642**, as last amended by Laws of Utah 2008, Chapter 210

33 **41-21-1**, as last amended by Laws of Utah 1992, Chapter 218

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

36 Section 1. Section **41-1a-102** is amended to read:

37 **41-1a-102. Definitions.**

38 As used in this chapter:

39 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

40 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of  
41 vehicles as operated and certified to by a weighmaster.

42 (3) "Affidavit of Mobile Home Affixture" means the affidavit of affixture described in  
43 Title 59, Chapter 2, Part 6, Mobile Homes.

44 (4) "All-terrain type I vehicle" has the same meaning provided in Section 41-22-2.

45 (5) "All-terrain type II vehicle" has the same meaning provided in Section 41-22-2.

46 (6) "Amateur radio operator" means any person licensed by the Federal  
47 Communications Commission to engage in private and experimental two-way radio operation  
48 on the amateur band radio frequencies.

49 (7) "Branded title" means a title certificate that is labeled:

50 (a) rebuilt and restored to operation;

51 (b) flooded and restored to operation; or

52 (c) not restored to operation.

53 (8) "Camper" means any structure designed, used, and maintained primarily to be  
54 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a  
55 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for  
56 camping.

57 (9) "Certificate of title" means a document issued by a jurisdiction to establish a record  
58 of ownership between an identified owner and the described vehicle, vessel, or outboard motor.

59 (10) "Certified scale weigh ticket" means a weigh ticket that has been issued by a  
60 weighmaster.

61 (11) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or  
62 maintained for the transportation of persons or property that operates:

63 (a) as a carrier for hire, compensation, or profit; or

64 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the  
65 owner's commercial enterprise.

66 (12) "Commission" means the State Tax Commission.

67 (13) "Dealer" means a person engaged or licensed to engage in the business of buying,  
68 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on  
69 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established  
70 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

71 (14) "Division" means the Motor Vehicle Division of the commission, created in  
72 Section 41-1a-106.

73 (15) "Essential parts" means all integral and body parts of a vehicle of a type required  
74 to be registered in this state, the removal, alteration, or substitution of which would tend to  
75 conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of  
76 operation.

77 (16) "Farm tractor" means every motor vehicle designed and used primarily as a farm  
78 implement for drawing plows, mowing machines, and other implements of husbandry.

79 (17) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for  
80 his own use in the transportation of:

81 (i) farm products, including livestock and its products, poultry and its products,  
82 floricultural and horticultural products;

83 (ii) farm supplies, including tile, fence, and every other thing or commodity used in  
84 agricultural, floricultural, horticultural, livestock, and poultry production; and

85 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or  
86 other purposes connected with the operation of a farm.

87 (b) "Farm truck" does not include the operation of trucks by commercial processors of

88 agricultural products.

89 (18) "Fleet" means one or more commercial vehicles.

90 (19) "Foreign vehicle" means a vehicle of a type required to be registered, brought into  
91 this state from another state, territory, or country other than in the ordinary course of business  
92 by or through a manufacturer or dealer, and not registered in this state.

93 (20) "Gross laden weight" means the actual weight of a vehicle or combination of  
94 vehicles, equipped for operation, to which shall be added the maximum load to be carried.

95 (21) "Highway" or "street" means the entire width between property lines of every way  
96 or place of whatever nature when any part of it is open to the public, as a matter of right, for  
97 purposes of vehicular traffic.

98 (22) (a) "Identification number" means the identifying number assigned by the  
99 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard  
100 motor.

101 (b) "Identification number" includes a vehicle identification number, state assigned  
102 identification number, hull identification number, and motor serial number.

103 (23) "Implement of husbandry" means every vehicle designed or adapted and used  
104 exclusively for an agricultural operation and only incidentally operated or moved upon the  
105 highways.

106 (24) (a) "In-state miles" means the total number of miles operated in this state during  
107 the preceding year by fleet power units.

108 (b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the  
109 total number of miles that those vehicles were towed on Utah highways during the preceding  
110 year.

111 (25) "Interstate vehicle" means any commercial vehicle operated in more than one  
112 state, province, territory, or possession of the United States or foreign country.

113 (26) "Jurisdiction" means a state, district, province, political subdivision, territory, or  
114 possession of the United States or any foreign country.

115 (27) "Lienholder" means a person with a security interest in particular property.

116 (28) "Manufactured home" means a transportable factory built housing unit constructed  
117 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards  
118 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body

119 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more  
120 square feet, and which is built on a permanent chassis and designed to be used as a dwelling  
121 with or without a permanent foundation when connected to the required utilities, and includes  
122 the plumbing, heating, air-conditioning, and electrical systems.

123 (29) "Manufacturer" means a person engaged in the business of constructing,  
124 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or  
125 outboard motors for the purpose of sale or trade.

126 (30) "Mobile home" means a transportable factory built housing unit built prior to June  
127 15, 1976, in accordance with a state mobile home code which existed prior to the Federal  
128 Manufactured Housing and Safety Standards Act (HUD Code).

129 (31) "Motorboat" has the same meaning as provided in Section 73-18-2.

130 (32) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and  
131 designed to travel on not more than three wheels in contact with the ground.

132 (33) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and  
133 operation on the highways.

134 (b) "Motor vehicle" does not include an off-highway vehicle.

135 (34) (a) "Nonresident" means a person who is not a resident of this state as defined by  
136 Section 41-1a-202, and who does not engage in intrastate business within this state and does  
137 not operate in that business any motor vehicle, trailer, or semitrailer within this state.

138 (b) A person who engages in intrastate business within this state and operates in that  
139 business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in  
140 interstate commerce, maintains any vehicle in this state as the home station of that vehicle is  
141 considered a resident of this state, insofar as that vehicle is concerned in administering this  
142 chapter.

143 (35) "Odometer" means a device for measuring and recording the actual distance a  
144 vehicle travels while in operation, but does not include any auxiliary odometer designed to be  
145 periodically reset.

146 (36) "Off-highway implement of husbandry" has the same meaning as provided in  
147 Section 41-22-2.

148 (37) "Off-highway vehicle" has the same meaning as provided in Section 41-22-2.

149 (38) "Operate" means to drive or be in actual physical control of a vehicle or to

150 navigate a vessel.

151 (39) "Outboard motor" means a detachable self-contained propulsion unit, excluding  
152 fuel supply, used to propel a vessel.

153 (40) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,  
154 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a  
155 security interest.

156 (b) If a vehicle is the subject of an agreement for the conditional sale or installment  
157 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions  
158 stated in the agreement and with an immediate right of possession vested in the conditional  
159 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the  
160 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this  
161 chapter.

162 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the  
163 owner until the lessee exercises his option to purchase the vehicle.

164 (41) "Personalized license plate" means a license plate that has displayed on it a  
165 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned  
166 to the vehicle by the division.

167 (42) (a) "Pickup truck" means a two-axle motor vehicle with motive power  
168 manufactured, remanufactured, or materially altered to provide an open cargo area.

169 (b) "Pickup truck" includes motor vehicles with the open cargo area covered with a  
170 camper, camper shell, tarp, removable top, or similar structure.

171 (43) "Pneumatic tire" means every tire in which compressed air is designed to support  
172 the load.

173 (44) "Preceding year" means a period of 12 consecutive months fixed by the division  
174 that is within 16 months immediately preceding the commencement of the registration or  
175 license year in which proportional registration is sought. The division in fixing the period shall  
176 conform it to the terms, conditions, and requirements of any applicable agreement or  
177 arrangement for the proportional registration of vehicles.

178 (45) "Public garage" means every building or other place where vehicles or vessels are  
179 kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

180 (46) "Reconstructed vehicle" means every vehicle of a type required to be registered in

181 this state that is materially altered from its original construction by the removal, addition, or  
182 substitution of essential parts, new or used.

183 (47) "Recreational vehicle" has the same meaning as provided in Section 13-14-102.

184 (48) "Registration" means a document issued by a jurisdiction that allows operation of  
185 a vehicle or vessel on the highways or waters of this state for the time period for which the  
186 registration is valid and that is evidence of compliance with the registration requirements of the  
187 jurisdiction.

188 (49) (a) "Registration year" means a 12 consecutive month period commencing with  
189 the completion of all applicable registration criteria.

190 (b) For administration of a multistate agreement for proportional registration the  
191 division may prescribe a different 12-month period.

192 (50) "Repair or replacement" means the restoration of vehicles, vessels, or outboard  
193 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,  
194 or outboard motor, or by correcting the inoperative part.

195 (51) "Replica vehicle" means:

196 (a) a street rod that meets the requirements under Subsection 41-21-1(1)(a)(i)(B); or

197 (b) a custom vehicle that meets the requirements under Subsection  
198 41-6a-1507(1)(a)(i)(B).

199 [~~51~~] (52) "Road tractor" means every motor vehicle designed and used for drawing  
200 other vehicles and constructed so it does not carry any load either independently or any part of  
201 the weight of a vehicle or load that is drawn.

202 [~~52~~] (53) "Sailboat" has the same meaning as provided in Section 73-18-2.

203 [~~53~~] (54) "Security interest" means an interest that is reserved or created by a security  
204 agreement to secure the payment or performance of an obligation and that is valid against third  
205 parties.

206 [~~54~~] (55) "Semitrailer" means every vehicle without motive power designed for  
207 carrying persons or property and for being drawn by a motor vehicle and constructed so that  
208 some part of its weight and its load rests or is carried by another vehicle.

209 [~~55~~] (56) "Special group license plate" means a type of license plate designed for a  
210 particular group of people or a license plate authorized and issued by the division in accordance  
211 with Section 41-1a-418.

212            [~~56~~] (57) (a) "Special interest vehicle" means a vehicle used for general  
213 transportation purposes and that is:

- 214            (i) 20 years or older from the current year; or
- 215            (ii) a make or model of motor vehicle recognized by the division director as having  
216 unique interest or historic value.

217            (b) In making his determination under Subsection [~~56~~] (57)(a), the division director  
218 shall give special consideration to:

- 219            (i) a make of motor vehicle that is no longer manufactured;
- 220            (ii) a make or model of motor vehicle produced in limited or token quantities;
- 221            (iii) a make or model of motor vehicle produced as an experimental vehicle or one  
222 designed exclusively for educational purposes or museum display; or
- 223            (iv) a motor vehicle of any age or make that has not been substantially altered or  
224 modified from original specifications of the manufacturer and because of its significance is  
225 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a  
226 leisure pursuit.

227            [~~57~~] (58) (a) "Special mobile equipment" means every vehicle:

- 228            (i) not designed or used primarily for the transportation of persons or property;
- 229            (ii) not designed to operate in traffic; and
- 230            (iii) only incidentally operated or moved over the highways.

231            (b) "Special mobile equipment" includes:

- 232            (i) farm tractors;
- 233            (ii) off-road motorized construction or maintenance equipment including backhoes,  
234 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
- 235            (iii) ditch-digging apparatus.

236            (c) "Special mobile equipment" does not include a commercial vehicle as defined  
237 under Section 72-9-102.

238            [~~58~~] (59) "Specially constructed vehicle" means every vehicle of a type required to be  
239 registered in this state, not originally constructed under a distinctive name, make, model, or  
240 type by a generally recognized manufacturer of vehicles, and not materially altered from its  
241 original construction.

242            [~~59~~] (60) "Title" means the right to or ownership of a vehicle, vessel, or outboard



243 motor.

244 ~~[(60)]~~ (61) (a) "Total fleet miles" means the total number of miles operated in all  
245 jurisdictions during the preceding year by power units.

246 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means  
247 the number of miles that those vehicles were towed on the highways of all jurisdictions during  
248 the preceding year.

249 ~~[(61)]~~ (62) "Trailer" means a vehicle without motive power designed for carrying  
250 persons or property and for being drawn by a motor vehicle and constructed so that no part of  
251 its weight rests upon the towing vehicle.

252 ~~[(62)]~~ (63) "Transferee" means a person to whom the ownership of property is  
253 conveyed by sale, gift, or any other means except by the creation of a security interest.

254 ~~[(63)]~~ (64) "Transferor" means a person who transfers his ownership in property by  
255 sale, gift, or any other means except by creation of a security interest.

256 ~~[(64)]~~ (65) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable  
257 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or  
258 vacation use that does not require a special highway movement permit when drawn by a  
259 self-propelled motor vehicle.

260 ~~[(65)]~~ (66) "Truck tractor" means a motor vehicle designed and used primarily for  
261 drawing other vehicles and not constructed to carry a load other than a part of the weight of the  
262 vehicle and load that is drawn.

263 ~~[(66)]~~ (67) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,  
264 manufactured home, and mobile home.

265 ~~[(67)]~~ (68) "Vessel" has the same meaning as provided in Section 73-18-2.

266 ~~[(68)]~~ (69) "Vintage vehicle" has the same meaning as provided in Section 41-21-1.

267 ~~[(69)]~~ (70) "Waters of this state" has the same meaning as provided in Section 73-18-2.

268 ~~[(70)]~~ (71) "Weighmaster" means a person, association of persons, or corporation  
269 permitted to weigh vehicles under this chapter.

270 Section 2. Section **41-1a-514** is amended to read:

271 **41-1a-514. Certificate of title -- Contents.**

272 (1) The division upon approving an application for a certificate of title shall issue a  
273 certificate of title. The face of the certificate of title shall include:

- 274 (a) the date issued;
- 275 (b) the name and address of the owner;
- 276 (c) a description of the vehicle, vessel, or outboard motor titled, including the year,  
277 make, and identification number;
- 278 (d) a statement of the owner's title and of one lien or encumbrance, if any, upon the  
279 vehicle, vessel, or outboard motor;
- 280 (e) any brand on the title; and
- 281 (f) an odometer statement, if applicable.

282 (2) The certificate of title shall bear the seal of the division.

283 (3) The certificate of title shall contain adequate space for:

284 (a) the assignment and warranty of title or interest by the owner;

285 (b) the release of interest by a recorded lien holder; and

286 (c) the notation of one lien or encumbrance, if any, existing at the time of transfer.

287 (4) The model year that is listed on the certificate of title of a replica vehicle shall be  
288 the model year that the body of the vehicle resembles.

289 (5) The certificate of title of a replica vehicle shall indicate that the vehicle is a replica  
290 vehicle.

291 Section 3. Section **41-6a-1507** is amended to read:

292 **41-6a-1507. Custom vehicles -- Defined -- Compliance with all laws and**  
293 **standards -- Exceptions -- Revocation -- Signed statement required.**

294 (1) (a) As used in this section, [~~"replica"~~] "custom vehicle" means a motor vehicle that:

295 (i) (A) is at least 25 years old and of a model year after 1948; or

296 ~~[(i) with a body that is or resembles the body of a motor vehicle with a model year~~  
297 ~~prior to 1975; and]~~

298 ~~[(ii) that may have a significant drive train or equipment upgrade;]~~

299 ~~[(b) A replica vehicle is for occasional pleasure rides and is not used for general daily~~  
300 ~~transportation.]~~

301 ~~[(c) A replica vehicle does not include a vintage vehicle as defined in Section 41-21-1,~~  
302 ~~nor a special interest vehicle as defined in Section 41-1a-102.]~~

303 (B) (I) was manufactured to resemble a vehicle that is at least 25 years old and of a  
304 model year after 1948; and

305 (II) (Aa) has been altered from the manufacturers original design; or

306 (Bb) has a body constructed of non-original materials; and

307 (ii) is primarily a collector's item that is used for:

308 (A) club activities;

309 (B) exhibitions;

310 (C) tours;

311 (D) parades;

312 (E) occasional transportation; and

313 (F) other similar uses.

314 (b) A custom vehicle does not include:

315 (i) a motor vehicle that is used for general, daily transportation;

316 (ii) a vintage vehicle as defined in Section 41-21-1; or

317 (iii) a special interest vehicle as defined in Section 41-1a-102.

318 (2) Except as specified under this section, a ~~[replica]~~ custom vehicle shall meet all  
319 safety, ~~[emissions,]~~ registration, insurance, fees, and taxes required under this title.

320 (3) (a) Except as provided in Subsection (3)(b), all safety equipment of a ~~[replica]~~  
321 custom vehicle shall at least meet the safety standards applicable to the model year of the  
322 vehicle being replicated. Any replacement equipment shall comply with the design standards  
323 of the replacement equipment's manufacture.

324 (b) A ~~[replica]~~ custom vehicle shall comply with current vehicle brake and stopping  
325 standards.

326 ~~[(c) A replica vehicle shall comply with emissions standards applicable to the model  
327 year of the engine of the replica vehicle.]~~

328 (4) A custom vehicle is exempt from motor vehicle emissions inspection and  
329 maintenance program requirements under Section 41-6a-1642.

330 ~~[(4)]~~ (5) The tax commission may revoke or deny the registration of a ~~[replica]~~ custom  
331 vehicle for failure to comply with this section.

332 ~~[(5)]~~ (6) The owner of a ~~[replica]~~ custom vehicle shall provide a signed statement  
333 certifying that the ~~[replica]~~ custom vehicle is owned and operated for the purposes enumerated  
334 in this section to the safety inspection ~~[and emissions inspection]~~ station in order to qualify for  
335 the exceptions provided under this section.

336 Section 4. Section **41-6a-1633** is amended to read:

337 **41-6a-1633. Mudguards or flaps at rear wheels of trucks, trailers, truck tractors,**  
338 **or altered motor vehicles -- Exemptions.**

339 (1) (a) Except as provided in Subsection (2), when operated on a highway, the  
340 following vehicles shall be equipped with wheel covers, mudguards, flaps, or splash aprons  
341 behind the rearmost wheels to prevent, as far as practicable, the wheels from throwing dirt,  
342 water, or other materials on other vehicles:

343 (i) a vehicle that has been altered:

344 (A) from the original manufacturer's frame height; or

345 (B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or  
346 other materials on other vehicles;

347 (ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;

348 (iii) any truck tractor; and

349 (iv) any trailer or semitrailer with an unladen weight of 750 pounds or more.

350 (b) The wheel covers, mudguards, flaps, or splash aprons shall:

351 (i) be at least as wide as the tires they are protecting;

352 (ii) be directly in line with the tires; and

353 (iii) have a ground clearance of not more than 50% of the diameter of a rear-axle  
354 wheel, under any conditions of loading of the motor vehicle.

355 (2) Wheel covers, mudguards, flaps, or splash aprons are not required:

356 (a) if the motor vehicle, trailer, or semitrailer is designed and constructed so that the  
357 requirements of Subsection (1) are accomplished by means of fenders, body construction, or  
358 other means of enclosure; or

359 (b) on a vehicle operated or driven during fair weather on well-maintained,  
360 hard-surfaced roads if the motor vehicle:

361 (i) was made in America prior to 1935;

362 (ii) is registered as a vintage vehicle; or

363 (iii) is a [~~replica~~] custom vehicle as defined under Section 41-6a-1507.

364 (3) Except as provided in Subsection (2)(b), rear wheels not covered at the top by  
365 fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means  
366 extending rearward at least to the center line of the rearmost axle.

367 Section 5. Section **41-6a-1642** is amended to read:

368 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

376 (ii) at other times as the county legislative body may require to enforce inspection  
377 requirements for individual motor vehicles, except that the county legislative body may not  
378 routinely require a certificate of emission inspection, or waiver of the certificate, more often  
379 than required under Subsection (6); and

380 (b) compliance with this section for a motor vehicle registered or principally operated  
381 in the county and owned by or being used by a department, division, instrumentality, agency, or  
382 employee of:

383 (i) the federal government;

384 (ii) the state and any of its agencies; or

385 (iii) a political subdivision of the state, including school districts.

386 (2) (a) The legislative body of a county identified in Subsection (1), in consultation  
387 with the Air Quality Board created under Section 19-1-106, shall make regulations or  
388 ordinances regarding:

389 (i) emissions standards;

390 (ii) test procedures;

391 (iii) inspections stations;

392 (iv) repair requirements and dollar limits for correction of deficiencies; and

393 (v) certificates of emissions inspections.

394 (b) The regulations or ordinances shall:

395 (i) be made to attain or maintain ambient air quality standards in the county, consistent  
396 with the state implementation plan and federal requirements; and

397 (ii) may allow for a phase-in of the program by geographical area.

398 (c) The county legislative body and the Air Quality Board shall give preference to an  
399 inspection and maintenance program that is:

400 (i) decentralized, to the extent the decentralized program will attain and maintain  
401 ambient air quality standards and meet federal requirements;

402 (ii) the most cost effective means to achieve and maintain the maximum benefit with  
403 regard to ambient air quality standards and to meet federal air quality requirements as related to  
404 vehicle emissions; and

405 (iii) providing a reasonable phase-out period for replacement of air pollution emission  
406 testing equipment made obsolete by the program.

407 (d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out:

408 (i) may be accomplished in accordance with applicable federal requirements; and

409 (ii) does not otherwise interfere with the attainment and maintenance of ambient air  
410 quality standards.

411 (3) The following vehicles are exempt from the provisions of this section:

412 (a) an implement of husbandry;

413 (b) a motor vehicle that:

414 (i) meets the definition of a farm truck under Section 41-1a-102; and

415 (ii) has a gross vehicle weight rating of 12,001 pounds or more; ~~and~~

416 (c) a vintage vehicle as defined in Section 41-21-1[-]; and

417 (d) a custom vehicle as defined in Section 41-6a-1507.

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

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

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

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

427 (B) in the transportation of farm supplies, including tile, fence, and every other thing or  
428 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production

429 and maintenance.

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

433 (5) (a) Subject to Subsection (5)(c), the legislative body of each county required under  
434 federal law to utilize a motor vehicle emissions inspection and maintenance program or in  
435 which an emissions inspection and maintenance program is necessary to attain or maintain any  
436 national ambient air quality standard may require each college or university located in a county  
437 subject to this section to require its students and employees who park a motor vehicle not  
438 registered in a county subject to this section to provide proof of compliance with an emissions  
439 inspection accepted by the county legislative body if the motor vehicle is parked on the college  
440 or university campus or property.

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

443 (c) The legislative body of a county shall make the reasons for implementing the  
444 provisions of this Subsection (5) part of the record at the time that the county legislative body  
445 takes its official action to implement the provisions of this Subsection (5).

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

449 (b) The frequency of the emissions inspection shall be determined based on the age of  
450 the vehicle as determined by model year and shall be required annually subject to the  
451 provisions of Subsection (6)(c).

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

456 (ii) The provisions of Subsection (6)(c)(i) apply only to a vehicle that is less than six  
457 years old on January 1.

458 (d) If an emissions inspection is only required every two years for a vehicle under  
459 Subsection (6)(c), the inspection shall be required for the vehicle in:

460 (i) odd-numbered years for vehicles with odd-numbered model years; or  
461 (ii) in even-numbered years for vehicles with even-numbered model years.  
462 (7) The emissions inspection shall be required within the same time limit applicable to  
463 a safety inspection under Section 41-1a-205.

464 (8) (a) A county identified in Subsection (1) shall collect information about and  
465 monitor the program.

466 (b) A county identified in Subsection (1) shall supply this information to an appropriate  
467 legislative committee, as designated by the Legislative Management Committee, at times  
468 determined by the designated committee to identify program needs, including funding needs.

469 (9) If approved by the county legislative body, a county that had an established  
470 emissions inspection fee as of January 1, 2002, may increase the established fee that an  
471 emissions inspection station may charge by \$2.50 for each year that is exempted from  
472 emissions inspections under Subsection (6)(c) up to a \$7.50 increase.

473 Section 6. Section **41-21-1** is amended to read:

474 **41-21-1. Street rod and vintage vehicle defined.**

475 (1) (a) "Street rod" means a motor vehicle that:

476 (i) (A) was manufactured in 1948 or before; or

477 (B) (I) was manufactured after 1948 to resemble a vehicle that was manufactured in  
478 1948 or before; and

479 (II) (Aa) has been altered from the manufacturer's original design; or

480 (Bb) has a body constructed from non-original materials; and

481 (ii) is primarily a collector's item that is used for:

482 (A) club activities;

483 (B) exhibitions;

484 (C) tours;

485 (D) parades;

486 (E) occasional transportation; and

487 (F) other similar uses.

488 (b) A street rod does not include a motor vehicle that is used for general, daily  
489 transportation.

490 (2) (a) "Vintage vehicle" means a motor vehicle that is 40 years old or older, from the



491 current year, primarily a collector's item, and used for participation in club activities,  
492 exhibitions, tours, parades, occasional transportation, and similar uses, but that is not used for  
493 general daily transportation.

494 (b) "Vintage vehicle" includes a street rod.

495 Section 7. **Effective date.**

496 This bill takes effect on January 1, 2010.

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**Fiscal Note****H.B. 143 1st Sub. (Buff) - Vehicle Title, Inspection and Emission Testing Exemptions**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses. Individuals may benefit from lower uniform fees. Local governments may be impacted by reduced revenue from uniform fees.

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