

MOTOR VEHICLE EMISSIONS AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to motor vehicle emissions.

Highlighted Provisions:

This bill:

- ▶ provides that certain county regulations and ordinances shall be compliant with the analyzer design and certification requirements contained in the state implementation plan ~~↔~~ [as approved by the United States Environmental Protection Agency] ~~↔~~; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~↔~~ [None] This bill provides an immediate effective date. ~~↔~~

Utah Code Sections Affected:

AMENDS:

41-6a-1642, as last amended by Laws of Utah 2010, Chapter 295

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

Section 1. Section **41-6a-1642** is amended to read:

41-6a-1642. 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 the certificate, more often
38 than required under Subsection (6); and

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

42 (i) the federal government;

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

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

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

48 (i) emissions standards;

49 (ii) test procedures;

50 (iii) inspections stations;

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

52 (v) certificates of emissions inspections.

53 (b) The regulations or ordinances shall:

54 (i) be made to attain or maintain ambient air quality standards in the county, consistent
55 with the state implementation plan and federal requirements; [~~and~~]

56 (ii) may allow for a phase-in of the program by geographical area[-]; and

57 (iii) be compliant with the analyzer design and certification requirements contained in
58 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act ~~H~~→ [~~as~~]

59 ~~approved by the United States Environmental Protection Agency]~~ ←H .

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

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

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

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

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

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

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

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

74 (a) an implement of husbandry;

75 (b) a motor vehicle that:

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

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

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

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

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

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

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

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

89 (B) in the transportation of farm supplies, including tile, fence, and every other thing or

121 Subsection (6)(c), the inspection shall be required for the vehicle in:

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

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

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

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

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

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

135 (10) (a) A county identified in Subsection (1) may impose a local emissions
136 compliance fee on each motor vehicle registration within the county in accordance with the
137 procedures and requirements of Section 41-1a-1223.

138 (b) A county that imposes a local emissions compliance fee shall use revenues
139 generated from the fee for the establishment and enforcement of an emissions inspection and
140 maintenance program in accordance with the requirements of this section.

140a **§→ Section 2. Effective date.**

140b **If approved by two-thirds of all the members elected to each house, this bill takes effect**
140c **upon approval by the governor, or the day following the constitutional time limit of Utah**
140d **Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,**
140e **the date of veto override.** ←§

Legislative Review Note
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Office of Legislative Research and General Counsel