

**Representative Jackie Biskupski** proposes the following substitute bill:

1                                   **EMISSION INSPECTIONS AND**  
2                                   **MAINTENANCE PROGRAMS**

3                                   2011 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Jackie Biskupski**

6                                   Senate Sponsor: \_\_\_\_\_

---

---

8                   **LONG TITLE**

9                   **General Description:**

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

12                   **Highlighted Provisions:**

13                   This bill:

14                   ▶ provides that the legislative body of each county of the third class with a geographic  
15                   boundary that is adjacent to certain counties shall:

16                   • require a certificate of emissions inspection or a waiver be presented as a  
17                   condition of registration or renewal of registration; and

18                   • implement an emissions inspection and maintenance program;

19                   ▶ authorizes each county legislative body required to implement an emissions  
20                   inspection and maintenance program to impose a local emissions compliance fee;

21                   and

22                   ▶ makes technical changes.

23                   **Money Appropriated in this Bill:**

24                   None

25                   **Other Special Clauses:**



26 This bill takes effect on January 1, 2012.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **41-1a-1223**, as enacted by Laws of Utah 2010, Chapter 295

30 **41-6a-1642**, as last amended by Laws of Utah 2010, Chapter 295

31 **41-6a-1643**, as renumbered and amended by Laws of Utah 2005, Chapter 2

32 **41-6a-1644**, as last amended by Laws of Utah 2009, Chapter 333

---

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

35 Section 1. Section **41-1a-1223** is amended to read:

36 **41-1a-1223. Local emissions compliance fee -- Exemptions -- Transfer -- County**  
37 **ordinance -- Notice.**

38 (1) (a) (i) A county legislative body of a county that is required to utilize a motor  
39 vehicle emissions inspection and maintenance program [~~or in which an emissions inspection~~  
40 ~~and maintenance program is necessary to attain or maintain any national ambient air quality~~  
41 ~~standard]~~ in accordance with Section 41-6a-1642 may impose a local emissions compliance fee  
42 of up to \$3 on each motor vehicle registration within the county.

43 (ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.

44 (b) If imposed under Subsection (1)(a), at the time application is made for registration  
45 or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local  
46 emissions compliance fee established by the county legislative body.

47 (c) The following are exempt from the fee required under Subsection (1)(a):

48 (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or  
49 Subsection 41-1a-419(3); and

50 (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301.

51 (2) The revenue generated from the fees collected under this section shall be  
52 transferred to the county that imposed the fee.

53 (3) To impose or change the amount of a fee under this section, the county legislative  
54 body shall pass an ordinance:

55 (a) approving the fee;

56 (b) setting the amount of the fee; and

57 (c) providing an effective date for the fee as provided in Subsection (4).  
 58 (4) (a) If a county legislative body enacts, changes, or repeals a fee under this section,  
 59 the enactment, change, or repeal shall take effect on July 1 if the commission receives notice  
 60 meeting the requirements of Subsection (4)(b) from the county prior to April 1.

61 (b) The notice described in Subsection (4)(a) shall:  
 62 (i) state that the county will enact, change, or repeal a fee under this section;  
 63 (ii) include a copy of the ordinance imposing the fee; and  
 64 (iii) if the county enacts or changes the fee under this section, state the amount of the  
 65 fee.

66 Section 2. Section **41-6a-1642** is amended to read:  
 67 **41-6a-1642. Emissions inspection -- County program.**

68 (1) (a) The legislative body of each county:  
 69 (i) required under federal law to utilize a motor vehicle emissions inspection and  
 70 maintenance program or in which an emissions inspection and maintenance program is  
 71 necessary to attain or maintain any national ambient air quality standard; or  
 72 (ii) of the third class with a geographic boundary that is adjacent to a county required  
 73 under federal law to utilize a motor vehicle emissions inspection and maintenance program or  
 74 in which an emissions inspection and maintenance program is necessary to attain any national  
 75 ambient air quality standard shall [require:] comply with the provisions of this section.

76 (b) The legislative body of each county described in Subsection (1)(a) shall require:  
 77 [~~(a)~~] (i) a certificate of emissions inspection, a waiver, or other evidence the motor  
 78 vehicle is exempt from emissions inspection and maintenance program requirements be  
 79 presented:

80 [~~(i)~~] (A) as a condition of registration or renewal of registration; and  
 81 [~~(ii)~~] (B) at other times as the county legislative body may require to enforce inspection  
 82 requirements for individual motor vehicles, except that the county legislative body may not  
 83 routinely require a certificate of emission inspection, or waiver of the certificate, more often  
 84 than required under Subsection (6); and

85 [~~(b)~~] (ii) compliance with this section for a motor vehicle registered or principally  
 86 operated in the county and owned by or being used by a department, division, instrumentality,  
 87 agency, or employee of:

88            [(i)] (A) the federal government;

89            [(ii)] (B) the state and any of its agencies; or

90            [(iii)] (C) a political subdivision of the state, including school districts.

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

94            (i) emissions standards;

95            (ii) test procedures;

96            (iii) inspections stations;

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

98            (v) certificates of emissions inspections.

99            (b) The regulations or ordinances shall:

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

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

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

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

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

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

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

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

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

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

117            (a) an implement of husbandry;

118            (b) a motor vehicle that:

- 119 (i) meets the definition of a farm truck under Section 41-1a-102; and
- 120 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
- 121 (c) a vintage vehicle as defined in Section 41-21-1; and
- 122 (d) a custom vehicle as defined in Section 41-6a-1507.

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

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

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

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

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

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

138 (5) (a) Subject to Subsection (5)(c), the legislative body of each county [~~required under~~  
139 ~~federal law to utilize a motor vehicle emissions inspection and maintenance program or in~~  
140 ~~which an emissions inspection and maintenance program is necessary to attain or maintain any~~  
141 ~~national ambient air quality standard]~~ described in Subsection (1) may require each college or  
142 university located in a county subject to this section to require its students and employees who  
143 park a motor vehicle not registered in a county subject to this section to provide proof of  
144 compliance with an emissions inspection accepted by the county legislative body if the motor  
145 vehicle is parked on the college or university campus or property.

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

148 (c) The legislative body of a county shall make the reasons for implementing the  
149 provisions of this Subsection (5) part of the record at the time that the county legislative body

150 takes its official action to implement the provisions of this Subsection (5).

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

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

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

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

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

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

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

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

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

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

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

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

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

184 Section 3. Section **41-6a-1643** is amended to read:

185 **41-6a-1643. Development of standardized emissions inspection and maintenance**  
186 **program.**

187 (1) The county legislative body of each county in which an emissions inspection and  
188 maintenance program for motor vehicles is implemented [~~to meet National Ambient Air~~  
189 ~~Quality Standards~~] in accordance with Section 41-6a-1642 may enter into an agreement under  
190 Title 11, Chapter 13, Interlocal Cooperation Act, to develop an emissions inspection and  
191 maintenance program that:

192 (a) requires standardized, computerized testing equipment;

193 (b) provides for reciprocity, so that a person required to submit an emissions certificate  
194 for vehicle registration may obtain an emissions certificate from any county in which a vehicle  
195 emissions inspection and maintenance program is in operation; and

196 (c) requires standardized emissions standards for all counties entering into an  
197 agreement under this section.

198 (2) Emissions standards set under Subsection (1) shall allow all counties identified in  
199 Subsection (1) to meet the National Ambient Air Quality Standards.

200 (3) Each county legislative body entering into an agreement under Subsection (1) shall  
201 make regulations or ordinances to implement the emissions inspection and maintenance  
202 program developed under Subsection (1).

203 Section 4. Section **41-6a-1644** is amended to read:

204 **41-6a-1644. Diesel emissions program -- Implementation -- Monitoring --**  
205 **Exemptions.**

206 (1) The legislative body of each county required by [~~the comprehensive plan for air~~  
207 ~~pollution control developed by the Air Quality Board under Subsection 19-2-104(3)(c)] Section  
208 41-6a-1642 to use an emissions opacity inspection and maintenance program for  
209 diesel-powered motor vehicles shall:~~

210 (a) make regulations or ordinances to implement and enforce the requirement  
211 established by the Air Quality Board;

212 (b) collect information about and monitor the program; and

213 (c) by August 1 of each year, supply written information to the Department of  
214 Environmental Quality to identify program status.

215 (2) The following vehicles are exempt from an emissions opacity inspection and  
216 maintenance program for diesel-powered motor vehicles established by a legislative body of a  
217 county under Subsection (1):

218 (a) an implement of husbandry; and

219 (b) a motor vehicle that:

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

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

222 (3) (a) The legislative body of a county identified in Subsection (1) shall exempt a  
223 pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000 pounds or  
224 less from the emissions opacity inspection and maintenance program requirements of this  
225 section, if the registered owner of the pickup truck provides a signed statement to the  
226 legislative body stating the truck is used:

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

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

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

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

235 (b) The county shall provide to the registered owner who signs and submits a signed  
236 statement under this section a certificate of exemption from emissions opacity inspection and  
237 maintenance program requirements for purposes of registering the exempt vehicle.

238 **Section 5. Effective date.**

239 This bill takes effect on January 1, 2012.