

HB0096S01 compared with HB0096

~~{deleted text}~~ shows text that was in HB0096 but was deleted in HB0096S01.

inserted text shows text that was not in HB0096 but was inserted into HB0096S01.

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~~{MANDATORY}~~ Representative Jackie Biskupski proposes the following substitute bill:

EMISSION INSPECTIONS AND MAINTENANCE PROGRAMS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jackie Biskupski

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides that the legislative body of each county of the third class with a geographic boundary that is adjacent to ~~{a county that is required under federal law to utilize an emissions inspection and maintenance program}~~ certain counties shall:
 - require a certificate of emissions inspection or a waiver be presented as a condition of registration or renewal of registration; and

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- implement an emissions inspection and maintenance program;
- ▶ authorizes each county legislative body required to implement an emissions inspection and maintenance program to impose a local emissions compliance fee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on January 1, 2012.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

(i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or

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Subsection 41-1a-419(3); and

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

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

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

(a) approving the fee;

(b) setting the amount of the fee; and

(c) providing an effective date for the fee as provided in Subsection (4).

(4) (a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on July 1 if the commission receives notice meeting the requirements of Subsection (4)(b) from the county prior to April 1.

(b) The notice described in Subsection (4)(a) shall:

(i) state that the county will enact, change, or repeal a fee under this section;

(ii) include a copy of the ordinance imposing the fee; and

(iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Section 2. Section **41-6a-1642** is amended to read:

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

(1) (a) The legislative body of each county:

(i) required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard; or

(ii) ~~of the third class~~ with a geographic boundary that is adjacent to a county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain any national ambient air quality standard shall [require:] comply with the provisions of this section.

(b) The legislative body of each county described in Subsection (1)(a) shall require:

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

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[~~(i)~~] (A) as a condition of registration or renewal of registration; and

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

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

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

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

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

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

(i) emissions standards;

(ii) test procedures;

(iii) inspections stations;

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

(v) certificates of emissions inspections.

(b) The regulations or ordinances shall:

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

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

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

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

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

(iii) providing a reasonable phase-out period for replacement of air pollution emission

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testing equipment made obsolete by the program.

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

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

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

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

(a) an implement of husbandry;

(b) a motor vehicle that:

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

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

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

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

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

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

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

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

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

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

(5) (a) Subject to Subsection (5)(c), the legislative body of each county [~~required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard~~] described in Subsection (1) may require each college or

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university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.

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

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

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

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

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

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

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

- (i) odd-numbered years for vehicles with odd-numbered model years; or
- (ii) in even-numbered years for vehicles with even-numbered model years.

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

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

(b) A county identified in Subsection (1) shall supply this information to an appropriate legislative committee, as designated by the Legislative Management Committee, at times

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determined by the designated committee to identify program needs, including funding needs.

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

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

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

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

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

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

(a) requires standardized, computerized testing equipment;

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

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

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

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

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

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

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

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

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

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

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

(a) an implement of husbandry; and

(b) a motor vehicle that:

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

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

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

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

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

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

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

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

Section 5. **Effective date.**

This bill takes effect on January 1, 2012.

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Legislative Review Note

~~as of 1-28-11 3:10 PM~~

~~Office of Legislative Research and General Counsel~~