

Representative Don L. Ipson proposes the following substitute bill:

MOTOR VEHICLE SAFETY INSPECTION AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Dougall

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions relating to ~~the~~ motor vehicle safety inspections.

Highlighted Provisions:

This bill:

- ▶ provides that if a title of a used motor vehicle is being transferred, a safety inspection issued for the motor vehicle during the previous 11 months may be used to satisfy the safety inspection requirement;
- ▶ reduces the frequency of the requirement that an owner of certain vehicles is required to obtain a safety inspection certificate prior to registering the vehicle;
- ▶ increases the registration fee for motor vehicles and motorcycles to offset the reduced revenues from the repeal of the safety inspection certificate fee;
- ▶ provides that a portion of the revenues from the increased motor vehicle and motorcycle registration fees shall be:
 - deposited in the Public Safety Restricted Account; and
 - used to pay a portion of the costs to employ highway patrol officers to police or patrol the highways within this state; and
- ▶ makes conforming changes.

Money Appropriated in this Bill:



3rd Sub. H.B. 298

212 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
 213 **-- Uses as provided by appropriation -- Nonlapsing.**

214 (1) There is created within the Transportation Fund a restricted account known as the
 215 "Department of Public Safety Restricted Account."

216 (2) The account consists of money generated from the following revenue sources:

217 (a) all money received under this chapter;

218 (b) administrative fees received according to the fee schedule authorized under this
 219 chapter and Section 63J-1-504; [~~and~~]

220 (c) ~~§~~ **→ [moneys] beginning on January 1, 2013, money ←** ~~§~~ **received in accordance with**
 220a **Section 41-1a-1201; and**

221 [~~↔~~] (d) any appropriations made to the account by the Legislature.

222 (3) (a) The account shall earn interest.

223 (b) All interest earned on account money shall be deposited in the account.

224 (4) The expenses of the department in carrying out this chapter shall be provided for by
 225 legislative appropriation from this account.

226 (5) The amount in excess of \$45 of the fees collected under Subsection 53-3-105(24)
 227 shall be appropriated by the Legislature from this account to the department to implement the
 228 provisions of Section 53-1-117, except that of the amount in excess of \$45, \$40 shall be
 229 deposited in the State Laboratory Drug Testing Account created in Section 26-1-34.

230 (6) All money received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by
 231 the Legislature from this account to the department to implement the provisions of Section
 232 53-1-117.

233 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000
 234 annually from the account to the state medical examiner appointed under Section 26-4-4 for
 235 use in carrying out duties related to highway crash deaths under Subsection 26-4-7(1).

236 (8) The division shall remit the fees collected under Subsection 53-3-105(28) to the
 237 Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal
 238 Identification provides under Section 53-3-205.5.

238a ~~§~~ **→ (9)(a) Beginning on January 1, 2013, the Legislature shall appropriate all money**
 238b **received in the account under Section 41-1a-1201 to the Utah Highway Patrol Division for field**
 238c **operations.**

238d **(b) The Legislature may appropriate additional money from the account to the Utah**
 238e **Highway Patrol Division for law enforcement purposes.**

239 [~~↔~~] **(10) ←** ~~§~~ Appropriations to the department from the account are nonlapsing.

- 305 (f) establishing requirements:
- 306 (i) designed to protect consumers from unwanted or unneeded repairs or adjustments;
- 307 (ii) for maintaining safety inspection records;
- 308 (iii) for providing reports to the division; and
- 309 (iv) for maintaining and protecting safety inspection certificates;
- 310 (g) establishing procedures for a motor vehicle that fails a safety inspection;
- 311 (h) setting bonding amounts for safety inspection stations if bonds are required under

312 Subsection (3)(a); and

- 313 (i) establishing procedures for a safety inspection station to follow if the station is
- 314 going out of business.

315 (6) The rules of the division:

- 316 (a) shall conform as nearly as practical to federal motor vehicle safety standards
- 317 including 49 ~~§~~ → [CFR] C.F.R. Parts ← ~~§~~ 393, 396, 396 Appendix G, and Federal Motor Vehicle
- 317a Safety Standards
- 318 205; and

- 319 (b) may incorporate by reference, in whole or in part, the federal standards under
- 320 Subsection (6)(a) and nationally recognized and readily available standards and codes on motor
- 321 vehicle safety.

322 Section 7. Section **53-8-205** is amended to read:

323 **53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety**

324 **inspection certificate required -- Out-of-state permits.**

325 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway

326 a motor vehicle required to be registered in this state unless the motor vehicle has passed a

327 safety inspection if required in the current year.

328 (b) Subsection (1)(a) does not apply to:

- 329 (i) a vehicle that is exempt from registration under Section 41-1a-205;
- 330 (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a
- 331 street-legal all-terrain vehicle in accordance with Section 41-6a-1509;
- 332 (iii) a vintage vehicle as defined in Section 41-21-1;
- 333 (iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:
- 334 (A) is operating with an apportioned registration under Section 41-1a-301; and
- 335 (B) has a valid annual federal inspection that complies with the requirements of 49

336 C.F.R. ~~§~~ Sec. ~~§~~ 396.17; and

337 (v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle
338 described in Subsection (1)(a)(iv) that has a valid annual federal inspection that complies with
339 the requirements of 49 C.F.R. ~~§~~ Sec. ~~§~~ 396.17.

340 (2) Except as provided in Subsection (3), the frequency of the safety inspection shall be
341 determined based on the age of the vehicle determined by model year and shall:

342 (a) be required each year for a vehicle that is ~~[eight]~~ ~~§~~ [12] 10 ~~§~~ or more years old on
342a January 1;

343 or

344 ~~[(b) every two years for each vehicle that is less than eight years old on January 1 as
345 follows:]~~

346 ~~[(i) in odd-numbered years for a vehicle with an odd-numbered model year; and]~~

347 ~~[(ii) in even-numbered years for a vehicle with an even-numbered model year;]~~

348 (b) for each vehicle that is less than ~~§~~ [12] 10 ~~§~~ years old on January 1, be required in
348a the fourth

349 year ~~§~~ [;] and ~~§~~ the eighth year ~~§~~ [; and the tenth year] ~~§~~ ;

350 (c) be made by a safety inspector certified by the division at a safety inspection station
351 authorized by the division;

352 (d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to
353 ensure proper adjustment and condition as required by department rules; and

354 (e) include an inspection for the display of license plates in accordance with Section
355 41-1a-404.

356 (3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a
357 safety inspection when an application is made for initial registration as a salvage vehicle.

358 (ii) After initial registration as a salvage vehicle, the frequency of the safety inspection
359 shall correspond with the model year, as provided in Subsection (2).

360 (b) A motor vehicle with a gross vehicle weight rating of 10,001 pounds or more is
361 required to pass a safety inspection annually.

362 (4) (a) A safety inspection station shall issue two safety inspection certificates to the
363 owner of:

364 (i) each motor vehicle that passes a safety inspection under this section; and

365 (ii) a street-legal all-terrain vehicle that meets all the equipment requirements in
366 Section 41-6a-1509.

429 (d) Section 41-3-303;
430 ~~§~~→ [(~~e~~) ~~Section 53-3-106;~~] ←~~§~~
431 ~~§~~→ [(~~f~~) (~~e~~) ←~~§~~ Section 53-8-204;
432 ~~§~~→ [(~~g~~) (~~f~~) ←~~§~~ Section 53-8-205; and
433 ~~§~~→ [(~~h~~) (~~g~~) ←~~§~~ Section 53-8-206.