

1 **NEW CAR SAFETY AND EMISSIONS INSPECTION**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Don L. Ipson**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Traffic Code and the Public Safety Code by amending provisions
10 relating to motor vehicle safety and emissions inspections.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides that to the extent allowed under the current federally approved state
14 implementation plan, a motor vehicle that is less than two years old on January 1,
15 based on the age of the vehicle as determined by the model year identified by the
16 manufacturer, is exempt from the requirement to obtain an emissions inspection;
- 17 ▶ provides that a motor vehicle that is less than two years old on January 1, based on
18 the age of the vehicle as determined by the model year identified by the
19 manufacturer, is exempt from the requirement to pass a safety inspection; and
- 20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill takes effect on October 1, 2012.

25 This bill coordinates with H.B. 298, Motor Vehicle Safety Inspection Amendments, by
26 providing substantive changes.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **41-6a-1642**, as last amended by Laws of Utah 2011, Chapter 36

30 **53-8-205**, as last amended by Laws of Utah 2009, Chapters 155 and 311

31 **Utah Code Sections Affected by Coordination Clause:**

32 **53-8-205**, as last amended by Laws of Utah 2009, Chapters 155 and 311

33

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

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

36 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

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

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

51 (i) the federal government;

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

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

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

57 (i) emissions standards;

- 58 (ii) test procedures;
- 59 (iii) inspections stations;
- 60 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 61 (v) certificates of emissions inspections.
- 62 (b) The regulations or ordinances shall:
 - 63 (i) be made to attain or maintain ambient air quality standards in the county, consistent
 - 64 with the state implementation plan and federal requirements;
 - 65 (ii) may allow for a phase-in of the program by geographical area; and
 - 66 (iii) be compliant with the analyzer design and certification requirements contained in
 - 67 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
- 68 (c) The county legislative body and the Air Quality Board shall give preference to an
- 69 inspection and maintenance program that is:
 - 70 (i) decentralized, to the extent the decentralized program will attain and maintain
 - 71 ambient air quality standards and meet federal requirements;
 - 72 (ii) the most cost effective means to achieve and maintain the maximum benefit with
 - 73 regard to ambient air quality standards and to meet federal air quality requirements as related to
 - 74 vehicle emissions; and
 - 75 (iii) providing a reasonable phase-out period for replacement of air pollution emission
 - 76 testing equipment made obsolete by the program.
- 77 (d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out:
 - 78 (i) may be accomplished in accordance with applicable federal requirements; and
 - 79 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
 - 80 quality standards.
- 81 (3) The following vehicles are exempt from the provisions of this section:
 - 82 (a) an implement of husbandry;
 - 83 (b) a motor vehicle that:
 - 84 (i) meets the definition of a farm truck under Section 41-1a-102; and
 - 85 (ii) has a gross vehicle weight rating of 12,001 pounds or more;

86 (c) a vintage vehicle as defined in Section 41-21-1; ~~and~~
87 (d) a custom vehicle as defined in Section 41-6a-1507[-]; and
88 (e) to the extent allowed under the current federally approved state implementation
89 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
90 vehicle that is less than two years old on January 1 based on the age of the vehicle as
91 determined by the model year identified by the manufacturer.

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

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

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

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

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

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

107 (5) (a) Subject to Subsection (5)(c), the legislative body of each county required under
108 federal law to utilize a motor vehicle emissions inspection and maintenance program or in
109 which an emissions inspection and maintenance program is necessary to attain or maintain any
110 national ambient air quality standard may require each college or university located in a county
111 subject to this section to require its students and employees who park a motor vehicle not
112 registered in a county subject to this section to provide proof of compliance with an emissions
113 inspection accepted by the county legislative body if the motor vehicle is parked on the college

114 or university campus or property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

153 Section 2. Section **53-8-205** is amended to read:

154 **53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety**
155 **inspection certificate required -- Out-of-state permits.**

156 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway
157 a motor vehicle required to be registered in this state unless the motor vehicle has passed a
158 safety inspection.

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

160 (i) a vehicle that is exempt from registration under Section 41-1a-205;

161 (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a
162 street-legal all-terrain vehicle in accordance with Section 41-6a-1509;

163 (iii) a vintage vehicle as defined in Section 41-21-1;

164 (iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:

165 (A) is operating with an apportioned registration under Section 41-1a-301; and

166 (B) has a valid annual federal inspection that complies with the requirements of 49

167 C.F.R. Sec. 396.17; [~~and~~]

168 (v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle
169 described in Subsection (1)(a)(iv) that has a valid annual federal inspection that complies with

170 the requirements of 49 C.F.R. Sec. 396.17[-]; and

171 (vi) a motor vehicle that is less than two years old on January 1 based on the age of the
172 vehicle as determined by the model year identified by the manufacturer.

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

175 (a) be required each year for a vehicle that is eight or more years old on January 1; or

176 (b) every two years for each vehicle that is less than eight years old on January 1 as

177 follows:

178 (i) in odd-numbered years for a vehicle with an odd-numbered model year; and

179 (ii) in even-numbered years for a vehicle with an even-numbered model year;

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

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

184 (e) include an inspection for the display of license plates in accordance with Section
185 41-1a-404.

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

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

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

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

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

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

197 (b) A safety inspection station shall use one safety inspection certificate issued under

198 this Subsection (4) for processing the vehicle registration.

199 (c) A person operating a motor vehicle shall have in the person's immediate possession
200 a safety inspection certificate or other evidence of compliance with the requirement to obtain a
201 safety inspection under this section.

202 (5) The division may:

203 (a) authorize the acceptance in this state of a safety inspection certificate issued in
204 another state having a safety inspection law similar to this state; and

205 (b) extend the time within which a safety inspection certificate must be obtained by the
206 resident owner of a vehicle that was not in this state during the time a safety inspection was
207 required.

208 Section 3. **Effective date.**

209 This bill takes effect on October 1, 2012.

210 Section 4. **Coordinating H.B. 407 with H.B. 298 -- Omitting substantive changes.**

211 If this H.B. 407 and H.B. 298, Motor Vehicle Safety Inspection Amendments, both pass
212 and become law, the Legislature intends that the Office of Legislative Research and General
213 Counsel, in preparing the Utah Code database for publication, not make the changes in H.B.
214 407 to Section 53-8-205.