

# HB0152S01 compared with HB0152

~~{deleted text}~~ shows text that was in HB0152 but was deleted in HB0152S01.

inserted text shows text that was not in HB0152 but was inserted into HB0152S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Derek E. Brown proposes the following substitute bill:

## EMISSIONS AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Derek E. Brown**

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

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### LONG TITLE

#### General Description:

This bill modifies the Traffic Code by amending provisions relating to motor vehicle emissions inspections.

#### Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ ~~{provides that electric vehicles and natural gas vehicles are exempt from the requirement to obtain an emissions inspection;~~

~~→ provides that, to the extent allowed under the state implementation plan, a motor vehicle that is less than six years old is exempt from the requirement to obtain an emissions inspection;~~

~~→ provides that a vehicle with a model year identified by the manufacturer as a 1996~~

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~~year model or newer is only required to obtain an emissions inspection every four years for each vehicle;~~

- ~~→ provides that, to the extent allowed under the state implementation plan, the emissions standards adopted for certain emissions inspections shall:~~
- ~~• only require that a certified emissions inspector verify if the motor vehicle's on-board diagnostics are indicating that the vehicle's engine needs to be checked;~~
- ~~• provide } caps the amount that an emissions {inspection} testing station may {be conducted by any certified emissions inspector in the state; and~~
- ~~• allow a vehicle to submit to a tailpipe test if the vehicle's readiness status indicates a "not ready" code for any component of the } charge for an on-board diagnostic system {;~~
- ~~→ prohibits a public entity from offering emissions testing services if providing those services is in competition with one or more private enterprises } emissions test and a tail pipe emissions test; and~~
  - ▶ makes technical changes.

### Money Appropriated in this Bill:

~~{This bill appropriates:~~

- ~~→ to the Clean Fuels and Vehicle Technology Fund, as an on-going appropriation for five years:~~
- ~~• from the General Fund, \$5,000,000, subject to intent language restricting the use of the funds. } None~~

### Other Special Clauses:

This bill takes effect on July 1, 2012.

### Utah Code Sections Affected:

AMENDS:

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

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

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

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

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(1) As used in this section:

~~(a) "Electric vehicle" means a vehicle designed to operate exclusively on electricity stored in a rechargeable battery, multiple batteries, or battery pack.~~

~~(b) "Natural gas vehicle" means a vehicle engineered and designed to operate exclusively on either compressed natural gas or liquified natural gas.~~

~~(c) "On-board diagnostic system" means a motor vehicle system described in 40 C.F.R. Sec. 86.1806-01 or 86.1806-04, as applicable.~~

~~(1)~~ (2) 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 shall require:

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

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

(ii) 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)~~ (7); and

(b) 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) the federal government;

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

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

~~(2)~~ (3) (a) The legislative body of a county identified in Subsection ~~(1)~~ (2), 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

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(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;

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

(iii) be compliant with the analyzer design and certification requirements contained in the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.

(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 testing equipment made obsolete by the program.

(d) The provisions of Subsection ~~[(2)]~~ (3)(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)]~~ (4) 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 ~~{}~~; ~~{}~~

~~{~~ ~~(e) an electric vehicle;~~

~~\_\_\_\_\_~~ ~~(f) a natural gas vehicle; and~~

~~\_\_\_\_\_~~ ~~(g) to the extent allowed under the state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., a motor vehicle that is less than six years~~

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~~old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer.~~

† [(4)] (5) (a) The legislative body of a county identified in Subsection [(+) (2)] 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)] (6) (a) Subject to Subsection [(5)] (6)(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 may require each college or 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)] (6).

(c) The legislative body of a county shall make the reasons for implementing the provisions of this Subsection [(5)] (6) 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).

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~~[(6)]~~ (7) (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)]~~ (3).

(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)]~~ (7)(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)]~~ (2) shall only require the emissions inspection every ~~two~~ four years for each vehicle.

(ii) The provisions of Subsection ~~[(6)]~~ (7)(c)(i) apply only to a vehicle ~~that~~ that is less than six years old on January 1. ~~†~~

~~— (A) with a model year identified by the manufacturer as a 1996 year model or newer; and~~

~~— (B) that is not exempt from the provisions of this section under Subsection (4).~~

~~†~~

(d) If an emissions inspection is only required every ~~two~~ four years for a vehicle under Subsection ~~[(6)]~~ (7)(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.

~~(e) †To the extent allowed under the state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the~~ The emissions standards adopted under Subsection (3) for an emissions inspection required under Subsection (7)(c) shall:

~~† — (i) only require that a certified emissions inspector verify if the motor vehicle's on-board diagnostic system is indicating that the vehicle's engine needs to be checked;~~

~~— (ii) provide that an emissions inspection may be conducted by any certified emissions inspector in the state regardless of where the inspector is located; and~~

~~— (iii) if a vehicle's readiness status indicates a "not ready" code for any component of the on-board diagnostic system, allow the vehicle to submit to a tailpipe test to satisfy the emissions standards adopted under this section.~~

~~†~~ ~~[(7)]~~ ~~[(8)]~~ (i) ~~†The emissions inspection shall~~ be required within the same time limit

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applicable to a safety inspection under Section 41-1a-205~~[-]; and~~

~~(9)ii) {A public entity may not offer} provide that an emissions testing {services for compliance with this section if providing those services is in competition with one or more private enterprises.~~

~~— [(8) (10)] station permitted by a county identified in Subsection (2) may charge no more than:~~

~~(A) \$20 for an on-board diagnostic system emissions test; or~~

~~(B) \$25 for a tail pipe emissions tests.~~

~~[(8) (9)] (a) A county identified in Subsection [(+) (2)] shall collect information about and monitor the program.~~

(b) A county identified in Subsection [(+) (2)] shall supply this information to an appropriate legislative committee, as designated by the Legislative Management Committee, at times determined by the designated committee to identify program needs, including funding needs.

~~[(9) (11) (10)]~~ 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) (7)]~~(c) up to a \$7.50 increase.

~~[(10) (12) (11)] (a) A county identified in Subsection [(+) (2)] 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 2. **Appropriation.**~~

~~— Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or fund accounts indicated for the fiscal year beginning July 1, 2012 and ending June 30, 2013. These are additions to amounts previously appropriated for fiscal year 2013.~~

~~— To Clean Fuels and Vehicle Technology Fund~~

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~~From General Fund~~ ~~\$5,000,000~~

~~Schedule of Programs:~~

~~Clean Fuels and Vehicle Technology Fund~~ ~~\$5,000,000~~

~~The Legislature intends that the appropriation under this section is:~~

~~(1) ongoing, subject to availability of funds;~~

~~(2) for fiscal years 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17 only; and~~

~~(3) to be used by the Department of Environmental Quality to provide government entities loans for the purchase of OEM vehicles or conversions of vehicles to use a clean fuel.~~

~~† Section ~~{3}~~2. Effective date.~~

~~This bill takes effect on July 1, 2012.~~

~~†~~

**Legislative Review Note**

~~as of 2-8-12 8:43 AM~~

~~Office of Legislative Research and General Counsel}~~