

HB0298S03 compared with HB0298

~~{deleted text}~~ shows text that was in HB0298 but was deleted in HB0298S03.

inserted text shows text that was not in HB0298 but was inserted into HB0298S03.

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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: ~~{_____}~~ Michael G. Waddoups

LONG TITLE

General Description:

This bill modifies provisions relating to the motor vehicle safety ~~{inspection programs}~~ 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;
- ▶ ~~{repeals}~~ 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;
- ~~{_____}~~ repeals the provision that prohibits a person from operating on a highway certain motor vehicles required to be registered in this state unless the motor vehicle has

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~~passed a safety inspection;~~

- ~~→ repeals the fee for each safety inspection certificate;~~
- ‡ ▶ increases the registration fee for motor vehicles and motorcycles to offset the reduced revenues from the repeal of the safety inspection certificate ~~{fees}~~ 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:

~~{None}~~ This bill appropriates:

- ▶ \$882,000 from the General Fund to the Utah Highway Patrol for six new highway patrol officers;
- ▶ \$315,000 from the Transportation Fund Restricted - Department of Public Safety Account for seven additional highway patrol officers beginning January 1, 2013;
and
- ▶ \$630,000 from the Highway Patrol - Safety Inspections program to the Highway Patrol Field Operations program putting seven more officers in the field.

Other Special Clauses:

This bill ~~{takes effect on July 1, 2012}~~ provides an effective date.

Utah Code Sections Affected:

AMENDS:

- ~~{41-1a-203, as last amended by Laws of Utah 2010, Chapter 295~~
- ‡ 41-1a-205, as last amended by Laws of Utah 2008, Chapters 36 and 210
- ~~{41-1a-217, as last amended by Laws of Utah 2005, Chapter 2~~
- ‡ 41-1a-1201, as last amended by Laws of Utah 2011, Chapters 189 and 268
- 41-1a-1206, as last amended by Laws of Utah 2011, Chapter 268
- 41-3-303, as last amended by Laws of Utah 2005, Chapter 2
- ~~{41-6a-1508, as last amended by Laws of Utah 2010, Chapter 255~~
- ‡ 53-3-106, as last amended by Laws of Utah 2011, Chapter 428

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53-8-204, as last amended by Laws of Utah 2009, Chapter 183

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

53-8-206, as last amended by Laws of Utah 2009, Chapter 311

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

Section 1. Section ~~{41-1a-203}~~41-1a-205 is amended to read:

~~{~~ **41-1a-203. Prerequisites for registration, transfer of ownership, or registration renewal.**

~~_____ (1) Except as otherwise provided, prior to registration of a vehicle, an owner shall:~~

~~_____ (a) obtain an identification number inspection under Section 41-1a-204;~~

~~_____ [(b) obtain a safety inspection certificate, if required in the current year, as provided under Sections 41-1a-205 and 53-8-205;]~~

~~_____ [(c)] (b) obtain a certificate of emissions inspection, if required in the current year, as provided under Section 41-6a-1642;~~

~~_____ [(d)] (c) pay property taxes, the in lieu fee, or receive a property tax clearance under Section 41-1a-206 or 41-1a-207;~~

~~_____ [(e)] (d) pay the automobile driver education tax required by Section 41-1a-208;~~

~~_____ [(f)] (e) pay the applicable registration fee under Part 12, Fee and Tax Requirements;~~

~~_____ [(g)] (f) pay the uninsured motorist identification fee under Section 41-1a-1218, if applicable;~~

~~_____ [(h)] (g) pay the motor carrier fee under Section 41-1a-1219, if applicable;~~

~~_____ [(i)] (h) pay any applicable local emissions compliance fee under Section 41-1a-1223;~~
and

~~_____ [(j)] (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.~~

~~_____ (2) In addition to the requirements in Subsection (1), an owner whose vehicle has not been previously registered or that is currently registered under a previous owner's name shall also apply for a valid certificate of title in the owner's name prior to registration.~~

~~_____ (3) A new registration, transfer of ownership, or registration renewal under Section 73-18-7 may not be issued for a vessel or outboard motor that is subject to the title provisions of this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.~~

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~~(4) A new registration, transfer of ownership, or registration renewal under Section 41-22-3 may not be issued for an off-highway vehicle that is subject to the titling provisions of this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.~~

~~Section 2. Section 41-1a-205 is amended to read:~~

~~†~~ **41-1a-205. Safety inspection certificate required for ~~{certain vehicles}~~renewal or registration of motor vehicle -- Exemptions.**

~~††~~(1) If required in the current year, a safety inspection certificate, as required by Section 53-8-205, or proof of exemption from safety inspection shall be presented at the time of, and as a condition of, registration or renewal of registration of a motor vehicle.~~††~~

~~††~~(2) (a) Except as provided in Subsections (2)(b), (c), and (d), the safety inspection required under this section may be made no more than two months prior to the renewal of registration.~~††~~

~~††~~(b) (i) If the title of a used motor vehicle is being transferred, a safety inspection certificate issued for the motor vehicle during the previous ~~[two]~~11 months may be used to satisfy the requirement under Subsection (1).~~††~~

~~††~~(ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous ~~[six]~~11 months may be used to satisfy the requirement under Subsection (1).~~††~~

~~††~~(c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, a safety inspection certificate issued during the previous ~~[six]~~11 months may be used to satisfy the requirement under Subsection (1).~~††~~

~~††~~(d) If the motor vehicle is part of a fleet of 101 or more vehicles, the safety inspection required under this section may be made no more than 11 months prior to the renewal of registration.~~††~~

~~††~~(3) (a) The following motor vehicles are exempt from this section:~~††~~

~~††~~(i) except as provided in Subsection (3)(b), a new motor vehicle when registered the first time, if:~~††~~

~~††~~(A) a new car predelivery inspection has been made by a dealer;~~††~~

~~††~~(B) the dealer provides a written disclosure statement listing any known deficiency,

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existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle to fail a safety inspection given in accordance with Section 53-8-205; and~~(f)~~

~~(f)~~(C) the buyer signs the disclosure statement to acknowledge that the buyer has read and understands the listed deficiencies;~~(f)~~

~~(f)~~(ii) a motor vehicle required to be registered under this chapter that bears a dealer plate or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates, except that if the motor vehicle is propelled by its own power and is not being moved for repair or dismantling, the motor vehicle shall comply with Section 41-6a-1601 regarding safe mechanical condition; and~~(f)~~

~~(f)~~(iii) a vintage vehicle as defined in Section 41-21-1.~~(f)~~

~~(f)~~(b)~~(1)~~ A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509 is subject to a safety inspection the first time that a person registers an off-highway vehicle as a street-legal all-terrain vehicle.

~~(f)~~(4) (a)~~(2)~~ A safety inspection certificate shall be displayed on:

~~(f)~~(i)~~(a)~~ all registered commercial motor vehicles with a gross vehicle weight rating of 26,000 pounds or more;

~~(f)~~(ii)~~(b)~~ a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with multiple axles;

~~(f)~~(iii)~~(c)~~ a combination unit; and

~~(f)~~(iv)~~(d)~~ a bus or van for hire.

~~(f)~~(b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of Subsection (1).~~(f)~~

~~(f)~~(5) A motor vehicle may be sold and the title assigned to the new owner without a valid safety inspection, but the motor vehicle may not be registered in the new owner's name until the motor vehicle complies with this section.~~(f)~~

~~Section 3. Section 41-1a-217 is amended to read:~~

~~41-1a-217. Application for renewal of registration.~~

~~(1) Renewal of a vehicle registration shall be made by the owner upon application and by payment of the fees or taxes required under Subsection 41-1a-203(1).~~

~~(2) The application for registration renewal and applicable fees or taxes shall be accompanied by a: (a) safety inspection certificate as required under Section 41-1a-205; and~~

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~~(b)] certificate of emissions inspection [as] if required under Section 41-6a-1642.~~

~~———— (3) The new registration card issued shall show:~~

~~———— (a) the identical information with respect to the owner and the vehicle description required by Section 41-1a-213; and~~

~~———— (b) the new expiration date.~~

~~———— Section 4}~~

Section 2. Section **41-1a-1201** is amended to read:

41-1a-1201. Disposition of fees.

(1) All fees received and collected under this part shall be transmitted daily to the state treasurer.

(2) Except as provided in Subsections (3), (6), ~~(7), and (7)(8)~~ and Sections 41-1a-422, 41-1a-1220, 41-1a-1221, and 41-1a-1223 all fees collected under this part shall be deposited in the Transportation Fund.

(3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

(4) In accordance with Section 63J-1-602.2, all funds available to the commission for the purchase and distribution of license plates and decals are nonlapsing.

(5) Except as provided in Subsection (3) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.

(6) (a) Except as provided in Subsection (6)(b), the following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the Centennial Highway Fund Restricted Account created under Section 72-2-118:

(i) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (1)(f), (2), and (5);

(ii) \$1 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i), (1)(c)(ii), and (1)(d)(ii);

(iii) \$2 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

(iv) \$3 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); and

(v) \$4.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i).

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(b) When the highway general obligation bonds have been paid off and the highway projects completed that are intended to be paid from revenues deposited in the Centennial Highway Fund Restricted Account as determined by the Executive Appropriations Committee under Subsection 72-2-118(6)(d), the portions of the registration fees deposited under Subsection (6)(a) for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created by Section 72-2-124.

(7) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created by Section 72-2-124:

(a) \$20 of each registration fee collected under Subsections 41-1a-1206(1)(a), (1)(b), (1)(c), (1)(d)(i), (1)(e)(i), (1)(f), (2)(a), and (5); and

(b) 50 cents of each registration fee collected under Subsection 41-1a-1206(1)(e)(ii).

(8) ~~Sixty~~Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited in the Public Safety Restricted Account created in Section 53-3-106.

Section ~~5~~3. Section **41-1a-1206** is amended to read:

41-1a-1206. Registration fees -- Fees by gross laden weight.

(1) Except as provided in Subsection (2), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows:

(a) [~~\$42.50~~] \$44.50 for each motorcycle;

(b) [~~\$41~~] ~~(\$42.50)~~\$43 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;

(c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:

(i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

(ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;

(d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

(ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

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(e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

(ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight; and

(f) \$45 for each vintage vehicle that is less than 40 years old.

(2) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is \$40.

(b) A vintage vehicle that is 40 years old or older is exempt from the renewal of registration fees under Subsection (1).

(c) A vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421 is exempt from the registration fees under Subsection (1).

(3) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the total gross laden weight of the combination exceeds 12,000 pounds.

(4) (a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.

(b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.

(5) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of \$130.

(6) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:

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

(b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

(ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.

(7) A violation of Subsection (6) is a class B misdemeanor that shall be punished by a fine of not less than \$200.

(8) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees

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required for those vehicles under this section.

Section ~~{6}~~4. Section **41-3-303** is amended to read:

41-3-303. Temporary permits -- Inspections required before issuance.

(1) A dealer licensed in accordance with this chapter may not issue a temporary permit under Section 41-3-302 unless ~~{f}~~:~~{f}~~

(a) (i) the motor vehicle for which the temporary permit is issued has received and passed the safety inspection if required [by] in the current year under Section 53-8-205 within the previous six months; ~~{f}~~

(ii) the safety inspection certificate was issued in the name of a licensed and bonded dealer; and ~~{f}~~

(iii) a copy of the safety inspection certificate is given to the customer; and ~~{f}~~

(b) ~~{f}~~, the motor vehicle passed the emission inspection test ~~{if}~~ required by Section 41-6a-1642.

~~{f}~~(2) Notwithstanding Subsection (1)(a), a dealer may issue a temporary permit without a safety inspection certificate if the motor vehicle complies with the safety inspection as provided in Section 41-1a-205. ~~{f}~~

~~{f}~~(3) ~~{f}~~(2) Notwithstanding Subsection (1) ~~{f}~~(b) ~~{f}~~, a dealer may issue a temporary permit without proof of an emission inspection if:

(a) the motor vehicle is exempt from emission inspection as provided in Section 41-6a-1642;

(b) the purchaser is a resident of a county that does not require emission inspections; or

(c) the motor vehicle is otherwise exempt from emission inspections.

~~{f}~~(4) ~~{f}~~(2) Notwithstanding Subsection (1), a dealer may sell a motor vehicle as is without having it ~~{f}~~safety or ~~{f}~~ emission inspected provided that no temporary permit is issued.

Section ~~{7}~~5. Section ~~{41-6a-1508}~~53-3-106 is amended to read:

~~{~~41-6a-1508. Low-speed vehicle.

~~————~~ (1) ~~Except as otherwise provided in this section, a low-speed vehicle is considered a motor vehicle for purposes of the Utah Code including requirements for:~~

~~————~~ (a) ~~traffic rules under Title 41, Chapter 6a, Traffic Code;~~

~~————~~ (b) ~~driver licensing under Title 53, Chapter 3, Uniform Driver License Act;~~

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- ~~—— (c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;~~
- ~~—— (d) vehicle registration, titling, vehicle identification numbers, license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;~~
- ~~—— (e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and fee in lieu of property taxes or in lieu fees under Section 59-2-405;~~
- ~~—— (f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business Regulation Act;~~
- ~~—— (g) motor vehicle safety inspection requirements under [Section 53-8-205] Title 53, Chapter 8, Part 2, Motor Vehicle Safety Inspection Act; and~~
- ~~—— (h) safety belt requirements under Title 41, Chapter 6a, Part 18, Motor Vehicle Safety Belt Usage Act.~~
- ~~—— (2) (a) A low-speed vehicle shall comply with federal safety standards established in 49 C.F.R. 571.500 and shall be equipped with:~~
 - ~~—— (i) headlamps;~~
 - ~~—— (ii) front and rear turn signals, tail lamps, and stop lamps;~~
 - ~~—— (iii) turn signal lamps;~~
 - ~~—— (iv) reflex reflectors one on the rear of the vehicle and one on the left and right side and as far to the rear of the vehicle as practical;~~
 - ~~—— (v) a parking brake;~~
 - ~~—— (vi) a windshield that meets the standards under Section 41-6a-1635, including a device for cleaning rain, snow, or other moisture from the windshield; and~~
 - ~~—— (vii) an exterior rearview mirror on the driver's side and either an interior rearview mirror or an exterior rearview mirror on the passenger side.~~
- ~~—— (b) A low-speed vehicle that complies with this Subsection (2) and Subsection (3) and that is not altered from the manufacturer is considered to comply with equipment requirements under Part 16, Vehicle Equipment.~~
- ~~—— (3) A person may not operate a low-speed vehicle that has been structurally altered from the original manufacturer's design.~~
- ~~—— (4) A low-speed vehicle is exempt from a motor vehicle emissions inspection and maintenance program requirements under Section 41-6a-1642.~~

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~~— (5) (a) Except to cross a highway at an intersection, a low-speed vehicle may not be operated on a highway with a posted speed limit of more than 35 miles per hour.~~

~~— (b) In addition to the restrictions under Subsection (5)(a), a highway authority, may prohibit or restrict the operation of a low-speed vehicle on any highway under its jurisdiction, if the highway authority determines the prohibition or restriction is necessary for public safety.~~

~~— (6) A person may not operate a low-speed vehicle on a highway without displaying on the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies with the Society of Automotive Engineers standard SAE J943.~~

~~— (7) A person who violates Subsection (2), (3), (5), or (6) is guilty of a class C misdemeanor.~~

~~— Section 8. Section 53-3-106 is amended to read:~~

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

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

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

(a) all money received under this chapter;

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

~~— (c)†and~~

~~(c) moneys received in accordance with Section 41-1a-1201; and~~

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

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

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

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

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

(6) All money received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by

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the Legislature from this account to the department to implement the provisions of Section 53-1-117.

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

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

~~{ (9) All monies received under Subsection 41-1a-1201(8) shall be appropriated by the Legislature from this account to the department to pay a portion of the costs to employ highway patrol officers to police or patrol the highways within this state.~~

{ ~~{(9)}{ (10)}~~ Appropriations to the department from the account are nonlapsing.

Section ~~{9}~~6. Section **53-8-204** is amended to read:

53-8-204. Division duties -- Official inspection stations -- Permits -- Fees -- Suspension or revocation -- Utah-based interstate commercial motor carriers.

(1) The division shall:

(a) conduct examinations of every safety inspection station permit applicant and safety inspector certificate applicant to determine whether the applicant is properly equipped and qualified to make safety inspections;

(b) issue safety inspection station permits and safety inspector certificates to qualified applicants;

(c) establish application, renewal, and reapplication fees in accordance with Section ~~{~~63J-1-504 for safety inspection station permits and safety inspector certificates;

(d) provide instructions and all necessary forms, including safety inspection certificates, to safety inspection stations for the inspection of motor vehicles and the issuance of the safety inspection certificates;

~~[(e) charge a \$2 fee for each safety inspection certificate;]~~

~~[(f)]~~ (e) investigate complaints regarding safety inspection stations and safety inspectors;

~~[(g)]~~ (f) compile and publish all applicable safety inspection laws, rules, instructions, and standards and distribute them to all safety inspection stations and provide updates to the

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compiled laws, rules, instructions, and standards as needed;

~~[(h)]~~ (g) establish a fee in accordance with Section 63J-1-504 to cover the cost of compiling and publishing the safety inspection laws, rules, instructions, and standards and any updates; and

~~[(+)]~~ (h) assist the council in conducting its meetings and hearings.

(2) (a) ~~[(+)]~~ Receipts from the fees established in accordance with Subsection (1)~~[(+)]~~(g) are fixed collections to be used by the division for the expenses of the Utah Highway Patrol incurred under Subsection (1)~~[(+)]~~(g).

~~[(+)]~~ (b) Funds received in excess of the expenses under Subsection (1)~~[(+)]~~(g) shall be deposited in the Transportation Fund.

~~[(b)]~~ (i) ~~The first \$.75 of the fee under Subsection (1)(e) is a dedicated credit to be used solely by the Utah Highway Patrol for the expenses of administering this section.]~~

~~[(ii)]~~ ~~The remaining funds collected under Subsection (1)(e) shall be deposited in the Transportation Fund.]~~

~~[(iii)]~~ ~~The dedicated credits described under Subsection (2)(b)(i) are in addition to any other appropriations provided to administer the safety inspection program duties under this section.]~~

(3) The division may:

(a) before issuing a safety inspection permit, require ~~[(+)]~~ an applicant, other than a fleet station or government station, to file a bond that will provide a guarantee that the applicant safety inspection station will make compensation for any damage to a motor vehicle during an inspection or adjustment due to negligence on the part of an applicant or the applicant's employees;

(b) establish procedures governing the issuance of safety inspection certificates to Utah-based interstate commercial motor carriers;

(c) suspend, revoke, or refuse renewal of any safety inspection station permit issued when the division finds that the safety inspection station is not:

(i) properly equipped; or

(ii) complying with rules made by the ~~[(+)]~~ division; and

(d) suspend, revoke, or refuse renewal of any safety inspection station permit or safety inspector certificate issued when the station or inspector has violated any safety inspection law

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or rule.

(4) The division shall maintain a record of safety inspection station permits and safety inspector certificates issued, suspended, revoked, or refused renewal under Subsection (3)(c).

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:

(a) setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway;

(b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can be operated safely;

(c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections;

(d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate;

(e) establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students;

(f) establishing requirements:

(i) designed to protect consumers from unwanted or unneeded repairs or adjustments;

(ii) for maintaining safety inspection records;

(iii) for providing reports to the division; and

(iv) for maintaining and protecting safety inspection certificates;

(g) establishing procedures for a motor vehicle that fails a safety inspection;

(h) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and

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

(6) The rules of the division:

(a) shall conform as nearly as practical to federal motor vehicle safety standards including 49 CFR 393, 396, 396 Appendix G, and Federal Motor Vehicle Safety Standards 205; and

(b) may incorporate by reference, in whole or in part, the federal standards under Subsection (6)(a) and nationally recognized and readily available standards and codes on motor

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vehicle safety.

Section ~~10~~7. Section 53-8-205 is amended to read:

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

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

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

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

~~1~~(ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a street-legal all-terrain vehicle in accordance with Section 41-6a-1509; ~~1~~

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

~~1~~(iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that: ~~1~~

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

~~1~~(B) has a valid annual federal inspection that complies with the requirements of 49 C.F.R. 396.17; and ~~1~~

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

~~1~~(2) Except as provided in Subsection (3), the frequency of the safety inspection shall be determined based on the age of the vehicle determined by model year and shall: ~~1~~

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

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

~~1~~(i) in odd-numbered years for a vehicle with an odd-numbered model year; and]

~~1~~(ii) in even-numbered years for a vehicle with an even-numbered model year;]

(b) for each vehicle that is less than 12 years old on January 1, be required in the fourth year, the eighth year, and the tenth year;

~~1~~(c) be made by a safety inspector certified by the division at a safety inspection

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station authorized by the division;

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

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

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

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

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

~~(c) An off-highway vehicle being registered for the first time as a street-legal all-terrain vehicle in accordance with Section 41-6a-1509 is required to pass a safety inspection when an application is made for initial registration as a street-legal all-terrain vehicle.~~

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

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

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

(b) A safety inspection station shall use one safety inspection certificate issued under this Subsection (4) for processing the vehicle registration.

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

~~(3) Subsection (1) does not apply to:~~

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

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

~~(ii) has a valid annual federal inspection that complies with the requirements of 49 C.F.R. 396.17; and~~

~~(b) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle~~

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described in Subsection (3)(a) that has a valid annual federal inspection that complies with the requirements of 49 C.F.R. 396.17.

— ~~[(5)] (4)~~

(5) The division may ~~{}~~ ~~{}~~

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

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

Section ~~{}~~8. Section **53-8-206** is amended to read:

53-8-206. Safety inspection -- Station requirements -- Permits not transferable -- Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of permits.

(1) The safety inspection required under ~~{}~~Section 53-8-205 ~~{}~~ this part may only be performed:

(a) by a person certified by the division as a safety inspector; and

(b) at a safety inspection station with a valid safety inspection station permit issued by the division.

(2) A safety inspection station permit may not be assigned or transferred or used at any location other than a designated location, and every safety inspection station permit shall be posted in a conspicuous place at the location designated.

(3) If required by the division, a record and report shall be made of every safety inspection and every safety inspection certificate issued.

(4) A safety inspection station holding a safety inspection station permit issued by the division may charge ~~[(a) a fee as reimbursement for the safety inspection certificate fee as specified in Subsection 53-8-204(1)(c); and (b)]~~ a reasonable fee for labor in performing safety inspections, not to exceed:

~~{}~~ (a) \$7 or less for motorcycles and street-legal all-terrain vehicles;

~~{}~~ (b) unless Subsection (4) ~~{}~~ (a) or ~~{}~~ (c) applies, \$15 or less for motor vehicles; or

~~{}~~ (c) \$20 or less for 4-wheel drive, split axle, and any motor vehicles that

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necessitate disassembly of front hub or removal of rear axle for inspection.

(5) A safety inspection station may return unused safety inspection certificates in a quantity of 10 or more and shall be reimbursed by the division for the cost of the safety inspection certificates.

(6) (a) Upon receiving notice of the suspension or revocation of a safety inspection station permit, the safety inspection station permit holder shall immediately terminate all safety inspection activities and return all safety inspection certificates and the safety inspection station permit to the division.

(b) The division shall issue a receipt for all unused safety inspection certificates.

Section ~~(12)~~9. Appropriation.

Under the terms and conditions of Utah Code 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 Department of Public Safety -- Programs and Operations

<u>From General Fund</u>	<u>\$540,000</u>
<u>From General Fund, One-time</u>	<u>\$342,000</u>
<u>From Transportation Fund Restricted -- Department of Public</u>	
<u>Safety Account</u>	<u>\$1,005,500</u>
<u>From Dedicated Credits</u>	<u>(\$690,500)</u>
<u>Schedule of Programs:</u>	
<u>Highway Patrol -- Safety Inspections</u>	<u>(\$630,000)</u>
<u>Highway Patrol -- Field Operations</u>	<u>\$1,827,000</u>

Section 10. Effective date.

~~(This)~~(1) Except as provided in Subsection (2), this bill takes effect on July 1, 2012.

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~~as of 1-24-12 4:38 PM~~

~~Office of Legislative Research and General Counsel~~ (2) The amendments to the following sections take effect on January 1, 2013:

- (a) Section 41-1a-205;
- (b) Section 41-1a-1201;
- (c) Section 41-1a-1206;
- (d) Section 41-3-303;
- (e) Section 53-3-106;
- (f) Section 53-8-204;
- (g) Section 53-8-205; and
- (h) Section 53-8-206.