

**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 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 that an emissions inspection may be conducted by any certified



28 emissions inspector in the state; and

29 • allow a vehicle to submit to a tailpipe test if the vehicle's readiness status  
30 indicates a "not ready" code for any component of the on-board diagnostic  
31 system;

32 ▶ prohibits a public entity from offering emissions testing services if providing those  
33 services is in competition with one or more private enterprises; and

34 ▶ makes technical changes.

35 **Money Appropriated in this Bill:**

36 This bill appropriates:

37 ▶ to the Clean Fuels and Vehicle Technology Fund, as an on-going appropriation for  
38 five years:

39 • from the General Fund, \$5,000,000, subject to intent language restricting the use  
40 of the funds.

41 **Other Special Clauses:**

42 This bill takes effect on July 1, 2012.

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **41-6a-1642**, as last amended by Laws of Utah 2011, Chapter 36



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

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

49 **41-6a-1642. Definitions -- Emissions inspection -- County program.**

50 (1) As used in this section:

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

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

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

57 [(+)] (2) The legislative body of each county required under federal law to utilize a  
58 motor vehicle emissions inspection and maintenance program or in which an emissions

59 inspection and maintenance program is necessary to attain or maintain any national ambient air  
60 quality standard shall require:

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

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

64 (ii) at other times as the county legislative body may require to enforce inspection  
65 requirements for individual motor vehicles, except that the county legislative body may not  
66 routinely require a certificate of emission inspection, or waiver of the certificate, more often  
67 than required under Subsection [~~(6)~~] (7); and

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

71 (i) the federal government;

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

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

74 [~~(2)~~] (3) (a) The legislative body of a county identified in Subsection [~~(1)~~] (2), in  
75 consultation with the Air Quality Board created under Section 19-1-106, shall make regulations  
76 or ordinances regarding:

77 (i) emissions standards;

78 (ii) test procedures;

79 (iii) inspections stations;

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

81 (v) certificates of emissions inspections.

82 (b) The regulations or ordinances shall:

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

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

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

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

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

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

95 (iii) providing a reasonable phase-out period for replacement of air pollution emission  
96 testing equipment made obsolete by the program.

97 (d) The provisions of Subsection [~~(2)~~] (3)(c)(iii) apply only to the extent the phase-out:

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

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

101 [~~(3)~~] (4) The following vehicles are exempt from the provisions of this section:

102 (a) an implement of husbandry;

103 (b) a motor vehicle that:

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

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

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

107 (d) a custom vehicle as defined in Section 41-6a-1507[-];

108 (e) an electric vehicle;

109 (f) a natural gas vehicle; and

110 (g) to the extent allowed under the state implementation plan, in accordance with the  
111 federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., a motor vehicle that is less than six years  
112 old on January 1 based on the age of the vehicle as determined by the model year identified by  
113 the manufacturer.

114 [~~(4)~~] (5) (a) The legislative body of a county identified in Subsection [~~(4)~~] (2) shall  
115 exempt a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000  
116 pounds or less from the emission inspection requirements of this section, if the registered  
117 owner of the pickup truck provides a signed statement to the legislative body stating the truck  
118 is used:

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

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

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

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

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

130 [~~5~~] (6) (a) Subject to Subsection [~~5~~] (6)(c), the legislative body of each county  
131 required under federal law to utilize a motor vehicle emissions inspection and maintenance  
132 program or in which an emissions inspection and maintenance program is necessary to attain or  
133 maintain any national ambient air quality standard may require each college or university  
134 located in a county subject to this section to require its students and employees who park a  
135 motor vehicle not registered in a county subject to this section to provide proof of compliance  
136 with an emissions inspection accepted by the county legislative body if the motor vehicle is  
137 parked on the college or university campus or property.

138 (b) College or university parking areas that are metered or for which payment is  
139 required per use are not subject to the requirements of this Subsection [~~5~~] (6).

140 (c) The legislative body of a county shall make the reasons for implementing the  
141 provisions of this Subsection [~~5~~] (6) part of the record at the time that the county legislative  
142 body takes its official action to implement the provisions of this Subsection [~~5~~] (6).

143 [~~6~~] (7) (a) An emissions inspection station shall issue a certificate of emissions  
144 inspection for each motor vehicle that meets the inspection and maintenance program  
145 requirements established in rules made under Subsection [~~2~~] (3).

146 (b) The frequency of the emissions inspection shall be determined based on the age of  
147 the vehicle as determined by model year and shall be required annually subject to the  
148 provisions of Subsection [~~6~~] (7)(c).

149 (c) (i) To the extent allowed under the current federally approved state implementation  
150 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative  
151 body of a county identified in Subsection [~~1~~] (2) shall only require the emissions inspection

152 every ~~two~~ four years for each vehicle.

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

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

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

158 (d) If an emissions inspection is only required every ~~two~~ four years for a vehicle  
159 under Subsection ~~[(6)]~~ (7)(c), the inspection shall be required for the vehicle in:

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

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

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

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

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

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

172 ~~[(7)]~~ (8) The emissions inspection shall be required within the same time limit  
173 applicable to a safety inspection under Section 41-1a-205.

174 (9) A public entity may not offer emissions testing services for compliance with this  
175 section if providing those services is in competition with one or more private enterprises.

176 ~~[(8)]~~ (10) (a) A county identified in Subsection ~~[(1)]~~ (2) shall collect information about  
177 and monitor the program.

178 (b) A county identified in Subsection ~~[(1)]~~ (2) shall supply this information to an  
179 appropriate legislative committee, as designated by the Legislative Management Committee, at  
180 times determined by the designated committee to identify program needs, including funding  
181 needs.

182 ~~[(9)]~~ (11) If approved by the county legislative body, a county that had an established

183 emissions inspection fee as of January 1, 2002, may increase the established fee that an  
184 emissions inspection station may charge by \$2.50 for each year that is exempted from  
185 emissions inspections under Subsection [~~(6)~~] (7)(c) up to a \$7.50 increase.

186 [~~(10)~~] (12) (a) A county identified in Subsection [~~(1)~~] (2) may impose a local emissions  
187 compliance fee on each motor vehicle registration within the county in accordance with the  
188 procedures and requirements of Section 41-1a-1223.

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

192 Section 2. **Appropriation.**

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

198 To Clean Fuels and Vehicle Technology Fund

199 From General Fund \$5,000,000

200 Schedule of Programs:

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

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

- 203 (1) ongoing, subject to availability of funds;
- 204 (2) for fiscal years 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17 only; and
- 205 (3) to be used by the Department of Environmental Quality to provide government  
206 entities loans for the purchase of OEM vehicles or conversions of vehicles to use a clean fuel.

207 Section 3. **Effective date.**

208 This bill takes effect on July 1, 2012.