

Representative Derek E. Brown proposes the following substitute bill:

EMISSIONS AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derek E. Brown

Senate Sponsor: _____

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;
- ▶ caps the amount that an emissions testing station may charge for an on-board diagnostic system emissions test and a tail pipe emissions test; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

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

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



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

27 **41-6a-1642. Definitions -- Emissions inspection -- County program.**

28 (1) As used in this section, "on-board diagnostic system" means a motor vehicle system
29 described in 40 C.F.R. Sec. 86.1806-01 or 86.1806-04, as applicable.

30 ~~[(+)]~~ (2) The legislative body of each county required under federal law to utilize a
31 motor vehicle emissions inspection and maintenance program or in which an emissions
32 inspection and maintenance program is necessary to attain or maintain any national ambient air
33 quality standard shall require:

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

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

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

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

44 (i) the federal government;

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

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

47 ~~[(2)]~~ (3) (a) The legislative body of a county identified in Subsection ~~[(+)]~~ (2), in
48 consultation with the Air Quality Board created under Section 19-1-106, shall make regulations
49 or ordinances regarding:

50 (i) emissions standards;

51 (ii) test procedures;

52 (iii) inspections stations;

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

54 (v) certificates of emissions inspections.

55 (b) The regulations or ordinances shall:

56 (i) be made to attain or maintain ambient air quality standards in the county, consistent

57 with the state implementation plan and federal requirements;

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

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

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

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

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

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

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

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

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

74 [~~(3)~~] (4) The following vehicles are exempt from the provisions of this section:

75 (a) an implement of husbandry;

76 (b) a motor vehicle that:

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

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

79 (c) a vintage vehicle as defined in Section 41-21-1; and

80 (d) a custom vehicle as defined in Section 41-6a-1507.

81 [~~(4)~~] (5) (a) The legislative body of a county identified in Subsection [~~(1)~~] (2) shall
82 exempt a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000
83 pounds or less from the emission inspection requirements of this section, if the registered
84 owner of the pickup truck provides a signed statement to the legislative body stating the truck
85 is used:

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

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

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

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

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

97 ~~[(5)]~~ (6) (a) Subject to Subsection ~~[(5)]~~ (6)(c), the legislative body of each county
98 required under federal law to utilize a motor vehicle emissions inspection and maintenance
99 program or in which an emissions inspection and maintenance program is necessary to attain or
100 maintain any national ambient air quality standard may require each college or university
101 located in a county subject to this section to require its students and employees who park a
102 motor vehicle not registered in a county subject to this section to provide proof of compliance
103 with an emissions inspection accepted by the county legislative body if the motor vehicle is
104 parked on the college or university campus or property.

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

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

110 ~~[(6)]~~ (7) (a) An emissions inspection station shall issue a certificate of emissions
111 inspection for each motor vehicle that meets the inspection and maintenance program
112 requirements established in rules made under Subsection ~~[(2)]~~ (3).

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

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

119 every two years for each vehicle.

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

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

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

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

126 (e) The emissions standards adopted under Subsection (3) for an emissions inspection
127 required under Subsection (7)(c) shall:

128 [~~(7)~~] (i) [~~The emissions inspection shall~~] be required within the same time limit
129 applicable to a safety inspection under Section 41-1a-205[-]; and

130 (ii) provide that an emissions testing station permitted by a county identified in
131 Subsection (2) may charge no more than:

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

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

134 [~~(8)~~] (9) (a) A county identified in Subsection [~~(1)~~] (2) shall collect information about
135 and monitor the program.

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

140 [~~(9)~~] (10) If approved by the county legislative body, a county that had an established
141 emissions inspection fee as of January 1, 2002, may increase the established fee that an
142 emissions inspection station may charge by \$2.50 for each year that is exempted from
143 emissions inspections under Subsection [~~(6)~~] (7)(c) up to a \$7.50 increase.

144 [~~(10)~~] (11) (a) A county identified in Subsection [~~(1)~~] (2) may impose a local emissions
145 compliance fee on each motor vehicle registration within the county in accordance with the
146 procedures and requirements of Section 41-1a-1223.

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

150 Section 2. **Effective date.**

151 This bill takes effect on July 1, 2012.