NEW CAR SAFETY AND EMISSIONS INSPECTION

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 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:

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

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

(1) 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); 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) (a) The legislative body of a county identified in Subsection (1), 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

(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)(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) 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[.]; and
(e) 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., a motor
vehicle that is less than two years old on January 1 based on the age of the vehicle as
determined by the model year identified by the manufacturer.
(4) (a) The legislative body of a county identified in Subsection (1) 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) (a) Subject to Subsection (5)(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).
(c) The legislative body of a county shall make the reasons for implementing the
provisions of this Subsection (5) 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) (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).
(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)(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) shall only require the emissions inspection every two years for each vehicle.

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

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

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

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

(b) A county identified in Subsection (1) 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) 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)(c) up to a $7.50 increase.

(10) (a) A county identified in Subsection (1) 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. 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) (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.

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

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

(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;

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

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

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

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

(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. Sec. 396.17; and

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

(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:

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

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

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

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

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

(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.

(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 3. Effective date.

This bill takes effect on October 1, 2012.

Legislative Review Note

as of 2-23-12 4:56 PM

Office of Legislative Research and General Counsel