

# HB0319S01 compared with HB0319

~~text~~ shows text that was in HB0319 but was deleted in HB0319S01.

inserted text shows text that was not in HB0319 but was inserted into HB0319S01.

**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 bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Norman K Thurston proposes the following substitute bill:

## SAFETY INSPECTION AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K Thurston**

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

---

### LONG TITLE

#### General Description:

This bill modifies provisions relating to motor vehicle safety inspection programs.

#### Highlighted Provisions:

This bill:

- ▶ repeals the requirement that certain vehicles obtain a safety inspection certificate in order to be registered and to operate on a highway; and
- ▶ makes technical changes.

#### Money Appropriated in this Bill:

~~None~~ This bill appropriates:

- ▶ to the Highway Patrol - Field Operations, as an ongoing appropriation:
  - from the Highway Patrol - Safety Inspections, \$951,000.

#### Other Special Clauses:

## HB0319S01 compared with HB0319

~~{ None }~~ This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

13-51-107, as enacted by Laws of Utah 2015, Chapter 461

41-1a-203, as last amended by Laws of Utah 2010, Chapter 295

41-1a-205, as last amended by Laws of Utah 2015, Chapter 412

41-1a-217, as last amended by Laws of Utah 2005, Chapter 2

41-1a-226, as last amended by Laws of Utah 2015, Chapter 400

41-3-303, as last amended by Laws of Utah 2013, Chapter 207

41-6a-1508, as last amended by Laws of Utah 2015, Chapter 412

41-6a-1509, as last amended by Laws of Utah 2015, Chapters 412 and 454

41-6a-1642, as last amended by Laws of Utah 2015, Chapter 258

53-8-205, as last amended by Laws of Utah 2015, Chapter 412

53-8-206, as last amended by Laws of Utah 2015, Chapter 429

---

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

Section 1. Section 13-51-107 is amended to read:

#### **13-51-107. Driver requirements.**

(1) Before a transportation network company allows an individual to use the transportation network company's software application as a transportation network driver, the transportation network company shall:

(a) require the individual to submit to the transportation network company:

(i) the individual's name, address, and age;

(ii) a copy of the individual's driver license, including the driver license number; and

(iii) proof that the vehicle that the individual will use to provide transportation network services is registered with the Division of Motor Vehicles;

(b) require the individual to consent to a criminal background check of the individual by the transportation network company or the transportation network company's designee; and

(c) obtain and review a report that lists the individual's driving history.

(2) A transportation company may not allow an individual to provide transportation network services as a transportation network driver if the individual:

## HB0319S01 compared with HB0319

(a) has committed more than three moving violations in the three years before the day on which the individual applies to become a transportation network driver;

(b) has been convicted, in the seven years before the day on which the individual applies to become a transportation network driver, of:

(i) driving under the influence of alcohol or drugs;

(ii) fraud;

(iii) a sexual offense;

(iv) a felony involving a motor vehicle;

(v) a crime involving property damage;

(vi) a crime involving theft;

(vii) a crime of violence; or

(viii) an act of terror;

(c) is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

(d) does not have a valid Utah driver license; or

(e) is not at least 19 years of age.

(3) A transportation network company shall prohibit a transportation network driver from accepting a request for a prearranged ride if the motor vehicle that the transportation network driver uses to provide transportation network services fails to comply with:

~~[(a) safety and inspection requirements described in Section 53-8-205;]~~

~~[(b)]~~ (a) equipment standards described in Section 41-6a-1601; and

~~[(c)]~~ (b) emission requirements adopted by a county under Section 41-6a-1642.

(4) A transportation network driver, while providing transportation network services, shall carry proof, in physical or electronic form, that the transportation network driver is covered by insurance that satisfies the requirements of Section 13-51-108.

Section ~~41-1a-203~~2. Section **41-1a-203** is amended to read:

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

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

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

## HB0319S01 compared with HB0319

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

[(~~e~~) (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;

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

[(~~f~~) (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]~~ of a vehicle that 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]~~ before registration.

(3) [A] ~~The {Division of Parks and Recreation}~~ division may not issue 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.

(4) [A] ~~The {Division of Parks and Recreation}~~ division may not issue 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]~~ 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.

Section ~~{2}~~ 3. Section **41-1a-205** is amended to read:

**41-1a-205. Safety inspection certificate required for commercial motor vehicles and initial registration of street-legal ATVs.**

## HB0319S01 compared with HB0319

~~[(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 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 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 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.]~~

~~[(e) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, a safety inspection certificate issued during the previous eight months may be used to satisfy the requirement under Subsection (1).]~~

~~[(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, 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]~~

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

## HB0319S01 compared with HB0319

~~[(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]~~

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

(1) A salvage vehicle as defined in Section 41-1a-1001 must pass a safety inspection when the owner makes the initial application to register the vehicle as a salvage vehicle.

~~[(b) ~~(1)~~(2) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509 is subject to a safety inspection~~[(1)]~~ the first time that a person registers an off-highway vehicle as a street-legal all-terrain vehicle~~[- and]~~.~~

~~[(ii) subsequently, on the same frequency as described in Subsection 53-8-205(2) based on the age of the vehicle as determined by the model year identified by the manufacturer.]~~

~~[(4)(a) ~~(2)~~(3) A safety inspection certificate shall be displayed on:~~

~~[(i) (a) all registered commercial motor vehicles with a gross vehicle weight rating of 26,000 pounds or more as defined in Section 72-9-102;~~

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

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

~~[(iv) (d) a bus or van for hire~~[-];~~~~

(e) a taxicab; and

(f) a motor vehicle operated by a ground transportation service provider as defined in Section 72-10-601.

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

~~[(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.]~~

~~[(6) ~~(3)~~(4) A violation of this section is an infraction.~~

~~Section ~~(3)~~(4). Section 41-1a-217 is amended to read:~~

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

## HB0319S01 compared with HB0319

(1) ~~[Renewal of]~~ An applicant may renew a vehicle registration ~~[shall be made by the owner upon]~~ by:

(a) filing an application for registration renewal; and ~~[by payment of]~~

(b) paying the fees or taxes required under Subsection 41-1a-203(1).

(2) The applicant shall ensure that the application for registration renewal and the payment for applicable fees or taxes ~~[shall be]~~ is accompanied by a ~~[(a) safety inspection certificate as required under Section 41-1a-205; and (b)]~~ certificate of emissions inspection ~~[as]~~ if required under Section 41-6a-1642.

(3) The division shall issue a new registration card ~~[issued shall show]~~ that contains:

(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)~~5. Section **41-1a-226** is amended to read:

### **41-1a-226. Vintage vehicle -- Signed statement -- Registration.**

(1) The owner of a vintage vehicle who applies for registration under this part shall provide a signed statement that the vintage vehicle:

(a) is owned and operated for the purposes described in Section 41-21-1; and

(b) is safe to operate on the highways of this state as described in Section 41-21-4.

(2) The signed statement described in Subsection (1) is in lieu of ~~[(a) a safety inspection, from which a vintage vehicle is exempt under Subsection 41-1a-205(3); and (b)]~~ an emissions inspection, from which a vintage vehicle is exempt under Subsection 41-6a-1642(3).

Section ~~(5)~~6. Section **41-3-303** is amended to read:

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

(1) ~~[A]~~ Except as provided in Subsections (2) and (3), a dealer licensed in accordance with this chapter may not issue a temporary permit for a motor vehicle under Section 41-3-302 unless ~~[(a) (i) the motor vehicle for which the temporary permit is issued has received and passed the safety inspection if required in the current year under Section 53-8-205 within the previous 11 months; (ii) the safety inspection certificate was issued in the name of a licensed and bonded dealer; and (iii) a copy of the safety inspection certificate is given to the customer; and (b)]~~ the motor vehicle passed ~~[the emission]~~ an emissions inspection test if required by Section 41-6a-1642.

## HB0319S01 compared with HB0319

~~[(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.]~~

~~[(3) Notwithstanding Subsection (1)(b), a]~~

(2) A dealer may issue a temporary permit without proof of an ~~[emission]~~ emissions inspection if:

(a) the motor vehicle is exempt from ~~[emission]~~ an emissions inspection ~~[as provided in]~~ under Section 41-6a-1642;

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

(c) the motor vehicle is otherwise exempt from ~~[emission]~~ emissions inspections.

~~[(4) Notwithstanding Subsection (1), a]~~

(3) A dealer may sell a motor vehicle as is without ~~[having it safety or emission inspected provided that no]~~ an emissions inspection if the dealer does not issue a temporary permit [is issued].

Section ~~6~~7. Section **41-6a-1508** 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;

(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; and

~~[(g) motor vehicle safety inspection requirements under Section 53-8-205; and]~~

~~[(h)]~~ (g) safety belt requirements under Title 41, Chapter 6a, Part 18, Motor Vehicle



## HB0319S01 compared with HB0319

Safety Belt Usage Act.

(2) (a) [~~A~~] The owner of a low-speed vehicle shall [comply] ensure that the low-speed vehicle:

(i) complies with federal safety standards established in 49 C.F.R. 571.500; and [~~shall be~~]

(ii) is equipped with:

[~~(i)~~] (A) headlamps;

[~~(ii)~~] (B) front and rear turn signals, tail lamps, and stop lamps;

[~~(iii)~~] (C) turn signal lamps;

[~~(iv)~~] (D) 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)~~] (E) a parking brake;

[~~(vi)~~] (F) 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)~~] (G) 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.

(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.

## HB0319S01 compared with HB0319

(7) A person who violates Subsection (2), (3), (5), or (6) is guilty of an infraction.

Section ~~(7)~~8. Section **41-6a-1509** is amended to read:

### **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**

#### **Registration and licensing requirements -- Equipment requirements.**

(1) (a) Except as provided in Subsection (1)(b), an all-terrain type I vehicle, utility type vehicle, or full-sized all-terrain vehicle that meets the requirements of this section may be operated as a street-legal ATV on a street or highway unless the highway is an interstate freeway as defined in Section 41-6a-102.

(b) Unless a street or highway is designated as open for street-legal ATV use by the controlling highway authority in accordance with Section 41-22-10.5, a person may not operate a street-legal ATV on a street or highway in accordance with Subsection (1)(a) if the highway is under the jurisdiction of:

- (i) a county of the first class; or
- (ii) a municipality that is within a county of the first class.

(2) A street-legal ATV shall comply with ~~(a)~~Subsection 41-1a-205(1), Subsection 53-8-205(1)(b), and

~~(a)~~ the same requirements as:

~~(a)~~ ~~(i)~~ a motorcycle for:

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

~~(ii)~~ ~~(B)~~ registration, titling, odometer statement, vehicle identification, license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

~~(iii)~~ ~~(C)~~ fees in lieu of property taxes or in lieu of fees under Section 59-2-405.2;

and

~~(iv)~~ ~~(D)~~ the county motor vehicle emissions inspection and maintenance programs under Section 41-6a-1642;

~~(b)~~ ~~(ii)~~ a motor vehicle for:

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

and

~~(ii)~~ ~~(B)~~ motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act; and

~~(iii)~~ safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle

## HB0319S01 compared with HB0319

~~Safety Inspection Act, except that a street-legal ATV shall be subject to a safety inspection: (A) when registered for the first time; and]~~

~~[(B) subsequently, on the same frequency as described in Subsection 53-8-205(2) based on the age of the vehicle as determined by the model year identified by the manufacturer; and]~~

~~{(c) (iii)} an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business Regulation Act, unless otherwise specified in this section { }. { }; and }~~

~~{ (b) Subsections 41-1a-205(1) and 53-8-205(1)(b):~~

~~{ (3) (a) [An] The owner of an all-terrain type I vehicle [and] or a utility type vehicle being operated as a street-legal ATV shall [be] ensure that the vehicle is equipped with:~~

- ~~(i) one or more headlamps that meet the requirements of Section 41-6a-1603;~~
- ~~(ii) one or more tail lamps;~~
- ~~(iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;~~
- ~~(iv) one or more red reflectors on the rear;~~
- ~~(v) one or more stop lamps on the rear;~~
- ~~(vi) amber or red electric turn signals, one on each side of the front and rear;~~
- ~~(vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;~~
- ~~(viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;~~
- ~~(ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;~~
- ~~(x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;~~
- ~~(xi) a windshield, unless the operator wears eye protection while operating the vehicle;~~
- ~~(xii) a speedometer, illuminated for nighttime operation;~~
- ~~(xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers, including a footrest and handhold for each passenger;~~
- ~~(xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and~~

## HB0319S01 compared with HB0319

(xv) tires that:

(A) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and

(B) have at least 2/32 inches or greater tire tread.

(b) [~~A~~] The owner of a full-sized all-terrain vehicle being operated as a street-legal all-terrain vehicle shall [be] ensure that the vehicle is equipped with:

(i) two headlamps that meet the requirements of Section 41-6a-1603;

(ii) two tail lamps;

(iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;

(iv) one or more red reflectors on the rear;

(v) two stop lamps on the rear;

(vi) amber or red electric turn signals, one on each side of the front and rear;

(vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;

(viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;

(ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;

(x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;

(xi) a windshield, unless the operator wears eye protection while operating the vehicle;

(xii) a speedometer, illuminated for nighttime operation;

(xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers, including a footrest and handhold for each passenger;

(xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and

(xv) tires that:

(A) do not exceed 44 inches in height; and

(B) have at least 2/32 inches or greater tire tread.

(c) [~~A~~] The owner of a street-legal all-terrain vehicle is not required to [be equipped] equip the vehicle with wheel covers, mudguards, flaps, or splash aprons.

## HB0319S01 compared with HB0319

(4) (a) Subject to the ~~[requirement in]~~ requirements of Subsection (4)(b), an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not exceed the lesser of:

- (i) the posted speed limit; or
- (ii) 50 miles per hour.

(b) An operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

- (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the roadway; and
- (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front and back of both sides of the vehicle.

(5) (a) A nonresident operator of an off-highway vehicle that is authorized to be operated on the highways of another state has the same rights and privileges as a street-legal ATV that is granted operating privileges on the highways of this state, subject to the restrictions under this section and rules made by the Board of Parks and Recreation, if the other state offers reciprocal operating privileges to Utah residents.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating privileges for nonresident users granted under Subsection (5)(a).

(6) Nothing in this chapter ~~[shall restrict the operation of]~~ ~~{may be construed to restrict}~~~~restricts~~ the owner of an off-highway vehicle from operating the off-highway vehicle in accordance with Section 41-22-10.5.

(7) A violation of this section is an infraction.

Section ~~{8}9~~. 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:

## **HB0319S01 compared with HB0319**

(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

## HB0319S01 compared with HB0319

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;

(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

## HB0319S01 compared with HB0319

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.

(iii) For a county required to implement a new vehicle emissions inspection and maintenance program on or after December 1, 2012, under Subsection (1), but for which no current federally approved state implementation plan exists, a vehicle shall be tested at a frequency determined by the county legislative body, in consultation with the Air Quality



## HB0319S01 compared with HB0319

Board created under Section 19-1-106, that is necessary to comply with federal law or attain or maintain any national ambient air quality standard.

(iv) If a county legislative body establishes or changes the frequency of a vehicle emissions inspection and maintenance program under Subsection (6)(c)(iii), the establishment or change shall take effect on January 1 if the Tax Commission receives notice meeting the requirements of Subsection (6)(c)(v) from the county [~~prior to~~] before October 1.

(v) The notice described in Subsection (6)(c)(iv) shall:

(A) state that the county will establish or change the frequency of the vehicle emissions inspection and maintenance program under this section;

(B) include a copy of the ordinance establishing or changing the frequency; and

(C) if the county establishes or changes the frequency under this section, state how frequently the emissions testing will be required.

(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.]~~

(7) (a) Except as provided in Subsections (7)(b), (c), and (d), the emissions inspection required under this section may be made no more than two months before the renewal of registration.

(b) (i) If the title of a used motor vehicle is being transferred, the owner may use an emissions inspection certificate issued for the motor vehicle during the previous 11 months to satisfy the requirement under this section.

(ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous 11 months to satisfy the requirement under this section.

(c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the lessee may use an emissions inspection certificate issued during the previous 11 months to satisfy the requirement under this section.

## HB0319S01 compared with HB0319

(d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use an emissions inspection made more than 11 months before the renewal of registration to satisfy the requirement under this section.

(e) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, the owner may use an emissions inspection certificate issued during the previous eight months to satisfy the requirement under this section.

(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 ~~9~~10. Section **53-8-205** is amended to read:

### **53-8-205. Safety inspection required for certain vehicles -- 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 if required in the current year.]~~

~~[(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;]~~

## HB0319S01 compared with HB0319

~~[(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)(b)(iv) that has a valid annual federal inspection that complies with the requirements of 49 C.F.R. Sec. 396.17.]~~

~~[(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 10 or more years old on January 1; or]~~

~~[(b) for each vehicle that is less than 10 years old on January 1, be required in the fourth year and the eighth 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)]~~ (1) (a) A salvage vehicle as defined in Section 41-1a-1001 ~~[is required to]~~ must pass a safety inspection when [an] the owner makes the initial application [is made for initial registration] to register the vehicle 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) An off-highway vehicle being registered for the first time as a street-legal all-terrain vehicle as described in Section 41-6a-1509 is required to pass a safety inspection when the owner makes the initial application to register the vehicle as a street-legal all-terrain vehicle.

~~[(b)]~~ (c) ~~[Beginning on the date that the Motor Vehicle Division {} has implemented {} implements] the Motor Vehicle Division's GenTax system;] ~~{} The owner of a commercial vehicle, as defined in Section [41-1a-102, with a gross vehicle weight rating of 10,001 pounds or more {} is required to pass] 72-9-102, must:~~~~

(i) ensure that the commercial vehicle passes a safety inspection annually [or comply

## HB0319S01 compared with HB0319

with ~~Subsection (1)(b)(iv)(B)]~~ ~~(f)]~~; or

(ii) provide evidence of a valid annual federal inspection that complies with the requirements of 49 C.F.R. Sec. 396.17.

(d) The owner of a vehicle operated by a ground transportation service provider as defined in Section 72-10-601 shall ensure that the vehicle passes a safety inspection annually.

(e) An owner of one or more of the following types of vehicles shall ensure that the vehicle passes a safety inspection annually:

(i) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with multiple axles;

(ii) a combination unit;

(iii) a bus or van for hire; or

(iv) a taxicab.

~~[(4)(a)]~~ (2) A safety inspection station shall issue two safety inspection certificates to the owner of:

~~[(f)]~~ (a) each motor vehicle that passes a safety inspection under this section; and

~~[(f)]~~ (b) 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) A person operating a motor vehicle required to have an annual safety inspection shall have in the person's immediate possession a safety inspection certificate or other evidence of compliance.

~~[(5)]~~ ~~(3)]~~ (4) 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]~~ Utah's law.

~~[(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.]~~

## HB0319S01 compared with HB0319

~~[(6)]~~ ~~(445)~~ A violation of this section is an infraction.

Section ~~(10)~~ 11. 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) A safety inspection station permit may not be assigned, or transferred, or used at any location other than a designated location~~[, and every]~~.

(b) The holder of a safety inspection station permit shall [be posted] post the permit in a conspicuous place at the location designated in the permit.

(3) If required by the division, the safety inspector shall keep a record and file a 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 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 necessitate disassembly of front hub or removal of rear axle for inspection.

(5) (a) A safety inspection station may return to the division unused safety inspection certificates in a quantity of 10 or more ~~[and]~~.

(b) The division shall [be reimbursed by the division] reimburse the station for the cost of ~~[the]~~ the returned safety inspection certificates.

(6) (a) Upon receiving notice of the suspension or revocation of a safety inspection station permit and after the conclusion of any adjudicative proceedings upholding the suspension or revocation, the safety inspection station permit holder shall:

(i) immediately terminate all safety inspection activities; and

(ii) return all safety inspection certificates and the safety inspection station permit to

## HB0319S01 compared with HB0319

the division.

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

†

### Legislative Review Note

#### ~~Office of Legislative Research and General Counsel~~ Section 12. Appropriation.

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or amounts indicated. These sums of money are in addition to amounts previously appropriated for fiscal year 2017.

#### To Department of Public Safety -- Programs and Operations

From General Fund (\$234,200)

From Transportation Fund Restricted -- Department of

Public Safety Account (\$716,800)

#### Schedule of Programs:

Highway Patrol -- Safety Inspections (\$951,000)

#### To Department of Public Safety -- Programs and Operations

From General Fund \$234,200

From Transportation Fund Restricted -- Department of

Public Safety Account \$716,800

#### Schedule of Programs:

Highway Patrol -- Field Operations \$951,000

#### Section 13. Effective date.

This bill takes effect on October 1, 2016.