

121 (4) "Funding source" means an individual or entity that provides a monetary  
 122 contribution to the Environmental Mitigation and Response Fund.

123 (5) "Natural resource damage" means damages to land, fish, wildlife, biota, air, water,  
 124 ground water, drinking water supplies, and other resources that are held in trust for the public  
 125 or otherwise controlled by the United States, the state, or local government.

126 (6) "Unused funds" means the remaining funds from a specific funding source  
 127 following the complete implementation of the environmental mitigation or response actions  
 128 pursuant to the terms and conditions of the contribution.

129 Section 4. Section **19-1-603** is enacted to read:

130 **19-1-603. Environmental Mitigation and Response Fund.**

131 (1) There is created an expendable special revenue fund known as the Environmental  
 132 Mitigation and Response Fund.

133 (2) The fund consists of:

134 (a) public and private funding sources made under Subsections (3) and (4);

135 (b) legally binding bankruptcy, financial assurance, or natural resource damage claim  
 136 settlements; and

137 (c) ~~H~~→ [if permissible under the terms of the contribution,] ←~~H~~ interest earnings on cash  
 138 balances.

139 (3) The department may accept contributions for deposit into the fund from public and  
 140 private sources, including from a source as a condition of a consent decree, settlement  
 141 agreement, stipulated agreement, or court order.

142 (4) If funds are deposited as part of a consent decree, settlement agreement, stipulated  
 143 agreement, or court order, the source of the funding may specify terms and conditions in which  
 144 the funds may be used, in accordance with the consent decree, settlement agreement, stipulated  
 145 agreement, or court order.

146 (5) Unless mandated by court order, the department may refuse funds if the department  
 147 determines it is incapable of meeting the terms and conditions of the agreement to obtain the  
 148 funds, including covering the costs to administer the fund and oversee the implementation of  
 149 the specific mitigation or response action.

150 (6) The fund may account for assets held by the state ~~H~~→ [as trustee or agent] ←~~H~~ for:

151 (a) an individual;

183 transferred to the Hazardous Substances Mitigation Fund, in accordance with Section  
 184 19-6-307.

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

186 **41-6a-1642. Emissions inspection -- County program.**

187 (1) The legislative body of each county required under federal law to utilize a motor  
 188 vehicle emissions inspection and maintenance program or in which an emissions inspection  
 189 and maintenance program is necessary to attain or maintain any national ambient air quality  
 190 standard shall require:

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

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

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

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

201 (i) the federal government;

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

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

204 (2) ~~Ĥ→~~ [A] A vehicle owner subject to Subsection (1) shall obtain a ~~←Ĥ~~ motor vehicle  
 204a emissions inspection and maintenance program ~~Ĥ→~~ certificate of emissions inspection as ~~←Ĥ~~  
 204b described in

205 Subsection (1) ~~Ĥ→~~, but the program ~~←Ĥ~~ may not deny vehicle registration based solely on the  
 205a presence of a defeat

206 device covered in ~~Ĥ→~~ [a] the Volkswagen ~~←Ĥ~~ partial consent ~~Ĥ→~~ [decree] decrees ~~←Ĥ~~ or  
 206a ~~Ĥ→~~ [an] a United States ~~←Ĥ~~ Environmental Protection Agency-approved ~~Ĥ→~~ vehicle ~~←Ĥ~~  
 207 modification ~~Ĥ→~~ [~~;~~including] ~~←Ĥ~~ in the following vehicles:

208 (a) a 2.0-liter diesel engine motor vehicle in which its life time nitrogen oxide  
 209 emissions are mitigated in the state pursuant to a partial consent decree, including:

210 (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;

211 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and  
 212 2014;

213 (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;