

**EMISSIONS TESTING AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patrice M. Arent**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill amends requirements for emissions testing of motor vehicles.

**Highlighted Provisions:**

This bill:

- ▶ restricts the authority of a county to exempt a motor vehicle from an emissions test;
- ▶ amends exemptions to emissions testing; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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

Section 1. 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



28 provide a signed statement that the vintage vehicle:

- 29 (a) is owned and operated for the purposes described in Section 41-21-1; and
- 30 (b) is safe to operate on the highways of this state as described in Section 41-21-4.

31 (2) The signed statement described in Subsection (1) is in lieu of:

- 32 (a) a safety inspection, from which a vintage vehicle is exempt under Subsection
- 33 41-1a-205(3); and

- 34 (b) an emissions inspection, from which a vintage vehicle is exempt under Subsection
- 35 41-6a-1642[(3)](4).

36 Section 2. Section 41-6a-1642 is amended to read:

37 **41-6a-1642. Emissions inspection -- County program.**

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

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

- 44 (i) as a condition of registration or renewal of registration; and
- 45 (ii) at other times as the county legislative body may require to enforce inspection
- 46 requirements for individual motor vehicles, except that the county legislative body may not
- 47 routinely require a certificate of [~~emission~~] emissions inspection, or waiver of the certificate,
- 48 more often than required under Subsection [(6)] (8); and

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

- 52 (i) the federal government;
- 53 (ii) the state and any of its agencies; or
- 54 (iii) a political subdivision of the state, including school districts.

55 (2) (a) The legislative body of a county identified in Subsection (1), in consultation  
56 with the Air Quality Board created under Section 19-1-106, shall make regulations or  
57 ordinances regarding:

- 58 (i) emissions standards;

59 (ii) test procedures;

60 (iii) inspections stations;

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

62 (v) certificates of emissions inspections.

63 ~~[(b) The regulations or ordinances shall:]~~

64 (b) In accordance with Subsection (2)(a), a county legislative body:

65 (i) ~~[be made]~~ shall make regulations or ordinances to attain or maintain ambient air

66 quality standards in the county, consistent with the state implementation plan and federal

67 requirements;

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

69 (iii) ~~[be compliant]~~ shall comply with the analyzer design and certification

70 requirements contained in the state implementation plan prepared under Title 19, Chapter 2,

71 Air Conservation Act.

72 (c) The county legislative body and the Air Quality Board shall give preference to an

73 inspection and maintenance program that ~~[is]~~:

74 (i) is decentralized, to the extent the decentralized program will attain and maintain

75 ambient air quality standards and meet federal requirements;

76 (ii) is the most cost effective means to achieve and maintain the maximum benefit with

77 regard to ambient air quality standards and to meet federal air quality requirements as related to

78 vehicle emissions; and

79 (iii) ~~[providing]~~ provides a reasonable phase-out period for replacement of air pollution

80 emission testing equipment made obsolete by the program.

81 (d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out:

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

83 (ii) does not otherwise interfere with the attainment and maintenance of ambient air

84 quality standards.

85 (3) Except for the statewide exemptions provided in Subsection (4), a legislative body

86 of a county described in Subsection (1) may not exempt a motor vehicle from an emissions

87 inspection program.

88 ~~[(3)]~~ (4) The following vehicles are exempt from an emissions inspection program and

89 the provisions of this section:

- 90 (a) an implement of husbandry as defined in Section 41-1a-102;
- 91 (b) a motor vehicle that:
- 92 (i) meets the definition of a farm truck under Section 41-1a-102; and
- 93 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
- 94 (c) a vintage vehicle as defined in Section 41-21-1;
- 95 (d) a custom vehicle as defined in Section 41-6a-1507; ~~[and]~~
- 96 (e) to the extent allowed under the current federally approved state implementation
- 97 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
- 98 vehicle that is less than two years old on January 1 based on the age of the vehicle as
- 99 determined by the model year identified by the manufacturer~~[;]~~; and

100 ~~[(4) (a) The legislative body of a county identified in Subsection (1) shall exempt]~~

101 (f) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of  
 102 12,000 pounds or less [from the emission inspection requirements of this section], if the  
 103 registered owner of the pickup truck provides a signed statement to the legislative body stating  
 104 the truck is used:

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

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

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

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

113 ~~[(b)]~~ (5) The county shall [provide] issue to the registered owner who signs and  
 114 submits a signed statement under ~~[this section]~~ Subsection (4)(f) a certificate of exemption  
 115 from emission inspection requirements for purposes of registering the exempt vehicle.

116 (6) A legislative body of a county described in Subsection (1) shall require:

117 (a) a visual inspection of emissions equipment for a diesel-powered motor vehicle with  
 118 a gross vehicle weight rating of 14,000 pounds or less that was manufactured after 1997; and

119 (b) a computerized emissions inspection for a diesel-powered motor vehicle  
 120 manufactured after 2007.

121           ~~[(5)]~~ (7) (a) Subject to Subsection ~~[(5)]~~ (7)(c), the legislative body of each county  
122 required under federal law to utilize a motor vehicle emissions inspection and maintenance  
123 program or in which an emissions inspection and maintenance program is necessary to attain or  
124 maintain any national ambient air quality standard may require each college or university  
125 located in a county subject to this section to require its students and employees who park a  
126 motor vehicle not registered in a county subject to this section to provide proof of compliance  
127 with an emissions inspection accepted by the county legislative body if the motor vehicle is  
128 parked on the college or university campus or property.

129           (b) College or university parking areas that are metered or for which payment is  
130 required per use are not subject to the requirements of this Subsection ~~[(5)]~~ (7).

131           (c) The legislative body of a county shall make the reasons for implementing the  
132 provisions of this Subsection ~~[(5)]~~ (7) part of the record at the time that the county legislative  
133 body takes its official action to implement the provisions of this Subsection ~~[(5)]~~ (7).

134           ~~[(6)]~~ (8) (a) An emissions inspection station shall issue a certificate of emissions  
135 inspection for each motor vehicle that meets the inspection and maintenance program  
136 requirements established in rules made under Subsection (2).

137           (b) The frequency of the emissions inspection ~~[shall be]~~ is determined based on the age  
138 of the vehicle as determined by model year and shall be required annually subject to the  
139 provisions of Subsection ~~[(6)]~~ (8)(c).

140           (c) (i) To the extent allowed under the current federally approved state implementation  
141 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative  
142 body of a county identified in Subsection (1) shall only require the emissions inspection every  
143 two years for each vehicle.

144           (ii) The provisions of Subsection ~~[(6)]~~ (8)(c)(i) apply only to a vehicle that is less than  
145 six years old on January 1.

146           (iii) For a county required to implement a new vehicle emissions inspection and  
147 maintenance program on or after December 1, 2012, under Subsection (1), but for which no  
148 current federally approved state implementation plan exists, a vehicle shall be tested at a  
149 frequency determined by the county legislative body, in consultation with the Air Quality  
150 Board created under Section [19-1-106](#), that is necessary to comply with federal law or attain or  
151 maintain any national ambient air quality standard.

152 (iv) If a county legislative body establishes or changes the frequency of a vehicle  
153 emissions inspection and maintenance program under Subsection [~~(6)~~] (8)(c)(iii), the  
154 establishment or change shall take effect on January 1 if the State Tax Commission receives  
155 notice meeting the requirements of Subsection [~~(6)~~] (8)(c)(v) from the county prior to October  
156 1.

157 (v) The notice described in Subsection [~~(6)~~] (8)(c)(iv) shall:

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

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

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

163 (d) If an emissions inspection is only required every two years for a vehicle under  
164 Subsection [~~(6)~~] (8)(c), the inspection shall be required for the vehicle in:

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

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

167 [~~(7)~~] (9) The emissions inspection shall be required within the same time limit  
168 applicable to a safety inspection under Section 41-1a-205.

169 [~~(8)~~] (10) (a) A county identified in Subsection (1) shall collect information about and  
170 monitor the program.

171 (b) A county identified in Subsection (1) shall supply this information to an appropriate  
172 legislative committee, as designated by the Legislative Management Committee, at times  
173 determined by the designated committee to identify program needs, including funding needs.

174 [~~(9)~~] (11) If approved by the county legislative body, a county that had an established  
175 emissions inspection fee as of January 1, 2002, may increase the established fee that an  
176 emissions inspection station may charge by \$2.50 for each year that is exempted from  
177 emissions inspections under Subsection [~~(6)~~] (8)(c) up to a \$7.50 increase.

178 [~~(10)~~] (12) (a) A county identified in Subsection (1) may impose a local emissions  
179 compliance fee on each motor vehicle registration within the county in accordance with the  
180 procedures and requirements of Section 41-1a-1223.

181 (b) A county that imposes a local emissions compliance fee shall use revenues  
182 generated from the fee for the establishment and enforcement of an emissions inspection and

183 maintenance program in accordance with the requirements of this section.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**