

**Representative Patrice M. Arent** proposes the following substitute bill:

**EMISSIONS TESTING AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patrice M. Arent**

Senate Sponsor: Curtis S. Bramble

Cosponsors: Rebecca P. Edwards V. Lowry Snow  
Joel K. Briscoe Edward H. Redd  
Rebecca Chavez-Houck

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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:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

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



24 **41-6a-1642**, as last amended by Laws of Utah 2015, Chapter 258



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

27 Section 1. Section **41-1a-226** is amended to read:

28 **41-1a-226. Vintage vehicle -- Signed statement -- Registration.**

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

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

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

- 34 (a) a safety inspection, from which a vintage vehicle is exempt under Subsection  
35 **41-1a-205(3)**; and
- 36 (b) an emissions inspection, from which a vintage vehicle is exempt under Subsection  
37 **41-6a-1642**~~(3)~~(4).

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

39 **41-6a-1642. Emissions inspection -- County program.**

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

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

- 46 (i) as a condition of registration or renewal of registration; and
- 47 (ii) at other times as the county legislative body may require to enforce inspection  
48 requirements for individual motor vehicles, except that the county legislative body may not  
49 routinely require a certificate of [~~emission~~] emissions inspection, or waiver of the certificate,  
50 more often than required under Subsection [~~(6)~~] (9); and

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

- 54 (i) the federal government;

55 (ii) the state and any of its agencies; or  
56 (iii) a political subdivision of the state, including school districts.  
57 (2) (a) The legislative body of a county identified in Subsection (1), in consultation  
58 with the Air Quality Board created under Section 19-1-106, shall make regulations or  
59 ordinances regarding:  
60 (i) emissions standards;  
61 (ii) test procedures;  
62 (iii) inspections stations;  
63 (iv) repair requirements and dollar limits for correction of deficiencies; and  
64 (v) certificates of emissions inspections.  
65 ~~[(b) The regulations or ordinances shall:]~~  
66 (b) In accordance with Subsection (2)(a), a county legislative body:  
67 (i) ~~[be made]~~ shall make regulations or ordinances to attain or maintain ambient air  
68 quality standards in the county, consistent with the state implementation plan and federal  
69 requirements;  
70 (ii) may allow for a phase-in of the program by geographical area; and  
71 (iii) ~~[be compliant]~~ shall comply with the analyzer design and certification  
72 requirements contained in the state implementation plan prepared under Title 19, Chapter 2,  
73 Air Conservation Act.  
74 (c) The county legislative body and the Air Quality Board shall give preference to an  
75 inspection and maintenance program that ~~[is]~~:  
76 (i) is decentralized, to the extent the decentralized program will attain and maintain  
77 ambient air quality standards and meet federal requirements;  
78 (ii) is the most cost effective means to achieve and maintain the maximum benefit with  
79 regard to ambient air quality standards and to meet federal air quality requirements as related to  
80 vehicle emissions; and  
81 (iii) ~~[providing]~~ provides a reasonable phase-out period for replacement of air pollution  
82 emission testing equipment made obsolete by the program.  
83 (d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out:  
84 (i) may be accomplished in accordance with applicable federal requirements; and  
85 (ii) does not otherwise interfere with the attainment and maintenance of ambient air

86 quality standards.

87 (3) Except for the statewide exemptions provided in Subsection (4) and except as  
88 provided in Subsection (6), a legislative body of a county described in Subsection (1) may not  
89 exempt a motor vehicle from an emissions inspection program.

90 ~~[(3)]~~ (4) The following vehicles are exempt from an emissions inspection program and  
91 the provisions of this section:

92 (a) an implement of husbandry as defined in Section 41-1a-102;

93 (b) a motor vehicle that:

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

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

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

97 (d) a custom vehicle as defined in Section 41-6a-1507; ~~[and]~~

98 (e) to the extent allowed under the current federally approved state implementation  
99 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor  
100 vehicle that is less than two years old on January 1 based on the age of the vehicle as  
101 determined by the model year identified by the manufacturer[-];

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

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

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

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

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

112 (B) in the transportation of farm supplies, including tile, fence, and every other thing or  
113 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production  
114 and maintenance[-];

115 (g) a motorcycle as defined in Section 41-1a-102;

116 (h) a motor vehicle powered solely by electric power; and

117 (i) a motor vehicle with a model year of 1967 or older.

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

121 (6) A legislative body of a county described in Subsection (1) may exempt from an  
122 emissions inspection program a diesel powered motor vehicle with a:

123 (a) gross vehicle weight rating of more than 14,000 pounds; or

124 (b) model year 1997 or older.

125 (7) A legislative body of a county described in Subsection (1) shall require:

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

128 (b) a computerized emissions inspection for a diesel-powered motor vehicle  
129 manufactured after 2007 with a gross vehicle weight rating of 14,000 pounds or less.

130 ~~[(5)]~~ (8) (a) Subject to Subsection ~~[(5)]~~ (8)(c), the legislative body of each county  
131 required under federal law to utilize a motor vehicle emissions inspection and maintenance  
132 program or in which an emissions inspection and maintenance program is necessary to attain or  
133 maintain any national ambient air quality standard may require each college or university  
134 located in a county subject to this section to require its students and employees who park a  
135 motor vehicle not registered in a county subject to this section to provide proof of compliance  
136 with an emissions inspection accepted by the county legislative body if the motor vehicle is  
137 parked on the college or university campus or property.

138 (b) College or university parking areas that are metered or for which payment is  
139 required per use are not subject to the requirements of this Subsection ~~[(5)]~~ (8).

140 (c) The legislative body of a county shall make the reasons for implementing the  
141 provisions of this Subsection ~~[(5)]~~ (8) part of the record at the time that the county legislative  
142 body takes its official action to implement the provisions of this Subsection ~~[(5)]~~ (8).

143 ~~[(6)]~~ (9) (a) An emissions inspection station shall issue a certificate of emissions  
144 inspection for each motor vehicle that meets the inspection and maintenance program  
145 requirements established in rules made under Subsection (2).

146 (b) The frequency of the emissions inspection ~~[shall be]~~ is determined based on the age  
147 of the vehicle as determined by model year and shall be required annually subject to the

148 provisions of Subsection [~~6~~] (9)(c).

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

153 (ii) The provisions of Subsection [~~6~~] (9)(c)(i) apply only to a vehicle that is less than  
154 six years old on January 1.

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

161 (iv) If a county legislative body establishes or changes the frequency of a vehicle  
162 emissions inspection and maintenance program under Subsection [~~6~~] (9)(c)(iii), the  
163 establishment or change shall take effect on January 1 if the State Tax Commission receives  
164 notice meeting the requirements of Subsection [~~6~~] (9)(c)(v) from the county prior to October  
165 1.

166 (v) The notice described in Subsection [~~6~~] (9)(c)(iv) shall:

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

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

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

172 (d) If an emissions inspection is only required every two years for a vehicle under  
173 Subsection [~~6~~] (9)(c), the inspection shall be required for the vehicle in:

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

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

176 [~~7~~] (10) The emissions inspection shall be required within the same time limit  
177 applicable to a safety inspection under Section 41-1a-205.

178 [~~8~~] (11) (a) A county identified in Subsection (1) shall collect information about and

179 monitor the program.

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

183 ~~[(9)]~~ (12) If approved by the county legislative body, a county that had an established  
184 emissions inspection fee as of January 1, 2002, may increase the established fee that an  
185 emissions inspection station may charge by \$2.50 for each year that is exempted from  
186 emissions inspections under Subsection ~~[(6)]~~ (9)(c) up to a \$7.50 increase.

187 ~~[(10)]~~ (13) (a) A county identified in Subsection (1) may impose a local emissions  
188 compliance fee on each motor vehicle registration within the county in accordance with the  
189 procedures and requirements of Section [41-1a-1223](#).

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

193 Section 3. **Effective date.**

194 This bill takes effect on January 1, 2018.