

1 **VEHICLE INSPECTION AND REGISTRATION**
2 **AMENDMENTS**

3 2017 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jacob L. Anderegg**

6 House Sponsor: A. Cory Maloy

7
8 **LONG TITLE**

9 **General Description:**

10 This bill provides exemptions for certain infractions related to vehicle registration,
11 safety inspection, and emissions inspection requirements.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides exemptions from infractions related to vehicle registration, safety
- 15 inspection, and emissions inspection requirements; and
- 16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **41-1a-201**, as last amended by Laws of Utah 2015, Chapter 412

24 **41-1a-205**, as last amended by Laws of Utah 2015, Chapter 412

25 **41-6a-1601**, as last amended by Laws of Utah 2015, Chapter 412

26 **53-8-205**, as last amended by Laws of Utah 2015, Chapter 412

27 **53-8-209**, as last amended by Laws of Utah 2016, Chapter 303



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

Section 1. Section **41-1a-201** is amended to read:

41-1a-201. Function of registration -- Registration required -- Penalty.

(1) Unless exempted, a person may not operate and an owner may not give another person permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, off-highway vehicle, vessel, or park model recreational vehicle in this state unless it has been registered in accordance with this chapter, Title 41, Chapter 22,

Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act.

(2) [A] Subject to Subsection [53-8-209\(3\)](#), a violation of this section is an infraction.

Section 2. Section **41-1a-205** is amended to read:

41-1a-205. Safety inspection certificate required for renewal or registration of motor vehicle -- Exemptions.

(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

59 registration.

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

63 (3) (a) The following motor vehicles are exempt from this section:

64 (i) except as provided in Subsection (3)(b), a new motor vehicle when registered the
65 first time, if:

66 (A) a new car predelivery inspection has been made by a dealer;

67 (B) the dealer provides a written disclosure statement listing any known deficiency,
68 existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle
69 to fail a safety inspection given in accordance with Section 53-8-205; and

70 (C) the buyer signs the disclosure statement to acknowledge that the buyer has read and
71 understands the listed deficiencies;

72 (ii) a motor vehicle required to be registered under this chapter that bears a dealer plate
73 or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates, except
74 that if the motor vehicle is propelled by its own power and is not being moved for repair or
75 dismantling, the motor vehicle shall comply with Section 41-6a-1601 regarding safe
76 mechanical condition; and

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

78 (b) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509
79 is subject to a safety inspection:

80 (i) the first time that a person registers an off-highway vehicle as a street-legal
81 all-terrain vehicle; and

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

84 (4) (a) A safety inspection certificate shall be displayed on:

85 (i) all registered commercial motor vehicles with a gross vehicle weight rating of
86 26,000 pounds or more;

87 (ii) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with
88 multiple axles;

89 (iii) a combination unit; and

90 (iv) a bus or van for hire.

91 (b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of
92 Subsection (1).

93 (5) A motor vehicle may be sold and the title assigned to the new owner without a
94 valid safety inspection, but the motor vehicle may not be registered in the new owner's name
95 until the motor vehicle complies with this section.

96 (6) [A] Subject to Subsection 53-8-209(3), a violation of this section is an infraction.
97 Section 3. Section 41-6a-1601 is amended to read:

98 **41-6a-1601. Operation of unsafe or improperly equipped vehicles on public**
99 **highways -- Exceptions.**

100 (1) (a) A person may not operate or move and an owner may not cause or knowingly
101 permit to be operated or moved on a highway a vehicle or combination of vehicles which:

102 (i) is in an unsafe condition that may endanger any person;

103 (ii) does not contain those parts or is not at all times equipped with lamps and other
104 equipment in proper condition and adjustment as required in this chapter;

105 (iii) is equipped in any manner in violation of this chapter; or

106 (iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality
107 Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local
108 health departments.

109 (b) A person may not do any act forbidden or fail to perform any act required under this
110 chapter.

111 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
112 and in coordination with the rules made under Section 53-8-204, the department shall make
113 rules setting minimum standards covering the design, construction, condition, and operation of
114 vehicle equipment for safely operating a motor vehicle on the highway as required under this
115 part.

116 (b) The rules under Subsection (2)(a):

117 (i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and
118 Regulations;

119 (ii) may incorporate by reference, in whole or in part, the federal standards under
120 Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on

- 121 motor vehicle safety;
- 122 (iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;
- 123 (iv) shall include standards for the emergency lights of authorized emergency vehicles;
- 124 (v) may provide standards and specifications applicable to lighting equipment on
- 125 school buses consistent with:
- 126 (A) this part;
- 127 (B) federal motor vehicle safety standards; and
- 128 (C) current specifications of the Society of Automotive Engineers;
- 129 (vi) shall provide procedures for the submission, review, approval, disapproval,
- 130 issuance of an approval certificate, and expiration or renewal of approval of any part as
- 131 required under Section 41-6a-1620;
- 132 (vii) shall establish specifications for the display or etching of a vehicle identification
- 133 number on a vehicle;
- 134 (viii) shall establish specifications in compliance with this part for a flare, fusee,
- 135 electric lantern, warning flag, or portable reflector used in compliance with this part;
- 136 (ix) shall establish approved safety and law enforcement purposes when video display
- 137 is visible to the motor vehicle operator; and
- 138 (x) shall include standards and specifications for both original equipment and parts
- 139 included when a vehicle is manufactured and aftermarket equipment and parts included after
- 140 the original manufacture of a vehicle.
- 141 (c) The following standards and specifications for vehicle equipment are adopted:
- 142 (i) 49 C.F.R. 571.209 related to safety belts;
- 143 (ii) 49 C.F.R. 571.213 related to child restraint devices;
- 144 (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles
- 145 and trailers operated in interstate commerce;
- 146 (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and
- 147 (v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related
- 148 to air conditioning equipment.
- 149 (3) Nothing in this chapter or the rules made by the department prohibit:
- 150 (a) equipment required by the United States Department of Transportation; or
- 151 (b) the use of additional parts and accessories on a vehicle not inconsistent with the

152 provisions of this chapter or the rules made by the department.

153 (4) Except as specifically made applicable, the provisions of this chapter and rules of
154 the department with respect to equipment required on vehicles do not apply to:

155 (a) implements of husbandry;

156 (b) road machinery;

157 (c) road rollers;

158 (d) farm tractors;

159 (e) motorcycles;

160 (f) motor-driven cycles;

161 (g) vehicles moved solely by human power;

162 (h) off-highway vehicles registered under Section 41-22-3 either:

163 (i) on a highway designated as open for off-highway vehicle use; or

164 (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or

165 (i) off-highway implements of husbandry when operated in the manner prescribed by
166 Subsections 41-22-5.5(3) through (5).

167 (5) The vehicles referred to in Subsections (4)(h) and (i) are subject to the equipment
168 requirements of Title 41, Chapter 22, Off-Highway Vehicles, and the rules made under that
169 chapter.

170 (6) (a) (i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety
171 standard supersedes any conflicting provision of this chapter.

172 (ii) Federal motor vehicle safety standards do not supersede the provisions of Section
173 41-6a-1509 governing the requirements for and use of street-legal all-terrain vehicles on
174 highways.

175 (b) The department:

176 (i) shall report any conflict found under Subsection (6)(a) to the appropriate
177 committees or officials of the Legislature; and

178 (ii) may adopt a rule to replace the superseded provision.

179 (7) [A] Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

180 Section 4. Section 53-8-205 is amended to read:

181 **53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety**
182 **inspection certificate required -- Out-of-state permits.**

183 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway
184 a motor vehicle required to be registered in this state unless the motor vehicle has passed a
185 safety inspection if required in the current year.

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

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

188 (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a
189 street-legal all-terrain vehicle in accordance with Section 41-6a-1509;

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

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

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

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

195 (v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle
196 described in Subsection (1)(b)(iv) that has a valid annual federal inspection that complies with
197 the requirements of 49 C.F.R. Sec. 396.17.

198 (2) Except as provided in Subsection (3), the frequency of the safety inspection shall be
199 determined based on the age of the vehicle determined by model year and shall:

200 (a) be required each year for a vehicle that is 10 or more years old on January 1; or

201 (b) for each vehicle that is less than 10 years old on January 1, be required in the fourth
202 year and the eighth year;

203 (c) be made by a safety inspector certified by the division at a safety inspection station
204 authorized by the division;

205 (d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to
206 ensure proper adjustment and condition as required by department rules; and

207 (e) include an inspection for the display of license plates in accordance with Section
208 41-1a-404.

209 (3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a
210 safety inspection when an application is made for initial registration as a salvage vehicle.

211 (ii) After initial registration as a salvage vehicle, the frequency of the safety inspection
212 shall correspond with the model year, as provided in Subsection (2).

213 (b) Beginning on the date that the Motor Vehicle Division has implemented the Motor

214 Vehicle Division's GenTax system, a commercial vehicle as defined in Section 41-1a-102 with
215 a gross vehicle weight rating of 10,001 pounds or more is required to pass a safety inspection
216 annually or comply with Subsection (1)(b)(iv)(B).

217 (4) (a) A safety inspection station shall issue two safety inspection certificates to the
218 owner of:

219 (i) each motor vehicle that passes a safety inspection under this section; and

220 (ii) a street-legal all-terrain vehicle that meets all the equipment requirements in
221 Section 41-6a-1509.

222 (b) A safety inspection station shall use one safety inspection certificate issued under
223 this Subsection (4) for processing the vehicle registration.

224 (c) A person operating a motor vehicle shall have in the person's immediate possession
225 a safety inspection certificate or other evidence of compliance with the requirement to obtain a
226 safety inspection under this section.

227 (5) The division may:

228 (a) authorize the acceptance in this state of a safety inspection certificate issued in
229 another state having a safety inspection law similar to this state; and

230 (b) extend the time within which a safety inspection certificate must be obtained by the
231 resident owner of a vehicle that was not in this state during the time a safety inspection was
232 required.

233 (6) [A] Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

234 Section 5. Section 53-8-209 is amended to read:

235 **53-8-209. Inspection by officers -- Certificate of inspection.**

236 (1) A peace officer may stop, inspect, and test a vehicle at any time upon reasonable
237 cause to believe that:

238 (a) a vehicle is unsafe or not equipped as required by law; or

239 (b) ~~that its~~ the vehicle's equipment is not in proper adjustment or repair.

240 (2) (a) (i) ~~[Hf] Except as provided in Subsection (3), if~~ a vehicle is found to be in unsafe
241 condition or any required part or equipment is not present or is not in proper repair and
242 adjustment, the officer shall give a written notice to the driver and shall send a copy to the
243 division.

244 (ii) The notice shall:

245 (A) require that the vehicle be placed in safe condition and [its] the vehicle's equipment
246 in proper repair and adjustment;

247 (B) specify the repairs and adjustments needed; and

248 (C) require that a safety inspection certificate be obtained within five days.

249 (b) If a vehicle is, in the reasonable judgment of the peace officer, hazardous to
250 operate, the peace officer may require that the vehicle:

251 (i) not be operated under its own power; or

252 (ii) be driven to the nearest garage or other place of safety.

253 (c) (i) If the owner or driver does not comply with the notice requirements and secure a
254 safety inspection certificate within five days, the vehicle may not be operated on the highways
255 of this state.

256 (ii) [~~A~~] Except as provided in Subsection (3), a violation of Subsection (2)(c)(i) is an
257 infraction.

258 (3) (a) If a peace officer stops a vehicle under this section, or Section 41-1a-201,
259 41-1a-205, 41-6a-1601, or 53-8-205, within two months after the expiration of the vehicle
260 registration, or the peace officer determines the vehicle is in unsafe condition, or any required
261 part or equipment is not present or is not in proper repair or adjustment, the officer shall give a
262 written notice to the driver and shall send a copy of the notice to the division.

263 (b) The notice shall:

264 (i) require the owner or driver of the vehicle to ensure the vehicle is placed in safe
265 condition and the vehicle's equipment is in proper repair and adjustment;

266 (ii) specify the repairs and adjustments needed; and

267 (iii) require that the owner or driver obtain a safety or emissions inspection certificate,
268 as applicable, and register the vehicle, within 14 days after the day on which the officer gives
269 the notice.

270 (c) If the owner or driver obtains a safety or emissions inspection certificate and, as
271 applicable, registers the vehicle, within the time period described in Subsection (3)(b)(iii), the
272 owner or driver is not guilty of an infraction and is not required to pay a fee or fine for an
273 infraction described in this section or Section 41-1a-201, 41-1a-205, 41-6a-1601, or 53-8-205.

Legislative Review Note
Office of Legislative Research and General Counsel