

EMISSIONS INSPECTION MODIFICATIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill exempts from an emissions inspection a motor vehicle owned and operated by a canal or irrigation company.

Highlighted Provisions:

This bill:

▶ exempts from an emissions inspection a motor vehicle owned and operated by a canal or irrigation company that is used solely for canal or irrigation purposes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1642, as last amended by Laws of Utah 2017, Chapters 57, 246, and 406

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

Section 1. 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



28 and maintenance program is necessary to attain or maintain any national ambient air quality
29 standard shall require:

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

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

33 (ii) at other times as the county legislative body may require to enforce inspection
34 requirements for individual motor vehicles, except that the county legislative body may not
35 routinely require a certificate of emission inspection, or waiver of the certificate, more often
36 than required under Subsection (7); and

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

40 (i) the federal government;

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

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

43 (2) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions
44 inspection and maintenance program certificate of emissions inspection as described in
45 Subsection (1), but the program may not deny vehicle registration based solely on the presence
46 of a defeat device covered in the Volkswagen partial consent decrees or a United States
47 Environmental Protection Agency-approved vehicle modification in the following vehicles:

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

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

51 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and
52 2014;

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

54 (iv) Volkswagen Golf Sportwagen, model year 2015;

55 (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;

56 (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;

57 (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and

58 (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

- 59 (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
60 emissions are mitigated in the state to a settlement, including:
- 61 (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and
62 2016;
- 63 (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
- 64 (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;
- 65 (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;
- 66 (v) Audi A8, model years 2014, 2015, and 2016;
- 67 (vi) Audi A8L, model years 2014, 2015, and 2016;
- 68 (vii) Audi Q5, model years 2014, 2015, and 2016; and
- 69 (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
- 70 (3) (a) The legislative body of a county identified in Subsection (1), in consultation
71 with the Air Quality Board created under Section 19-1-106, shall make regulations or
72 ordinances regarding:
- 73 (i) emissions standards;
- 74 (ii) test procedures;
- 75 (iii) inspections stations;
- 76 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 77 (v) certificates of emissions inspections.
- 78 (b) The regulations or ordinances shall:
- 79 (i) be made to attain or maintain ambient air quality standards in the county, consistent
80 with the state implementation plan and federal requirements;
- 81 (ii) may allow for a phase-in of the program by geographical area; and
- 82 (iii) be compliant with the analyzer design and certification requirements contained in
83 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
- 84 (c) The county legislative body and the Air Quality Board shall give preference to an
85 inspection and maintenance program that is:
- 86 (i) decentralized, to the extent the decentralized program will attain and maintain
87 ambient air quality standards and meet federal requirements;
- 88 (ii) the most cost effective means to achieve and maintain the maximum benefit with
89 regard to ambient air quality standards and to meet federal air quality requirements as related to

90 vehicle emissions; and

91 (iii) providing a reasonable phase-out period for replacement of air pollution emission
92 testing equipment made obsolete by the program.

93 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:

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

95 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
96 quality standards.

97 (4) The following vehicles are exempt from the provisions of this section:

98 (a) an implement of husbandry;

99 (b) a motor vehicle that:

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

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

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

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

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

108 (f) a motor vehicle:

109 (i) owned by a canal or irrigation company recognized by a county described in
110 Subsection (1); and

111 (ii) used solely for canal and irrigation purposes.

112 (5) (a) The legislative body of a county identified in Subsection (1) shall exempt a
113 pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000 pounds or
114 less from the emission inspection requirements of this section, if the registered owner of the
115 pickup truck provides a signed statement to the legislative body stating the truck is used:

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

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

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

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

124 (b) The county shall provide to the registered owner who signs and submits a signed
125 statement under this section a certificate of exemption from emission inspection requirements
126 for purposes of registering the exempt vehicle.

127 (6) (a) Subject to Subsection (6)(c), the legislative body of each county required under
128 federal law to utilize a motor vehicle emissions inspection and maintenance program or in
129 which an emissions inspection and maintenance program is necessary to attain or maintain any
130 national ambient air quality standard may require each college or university located in a county
131 subject to this section to require its students and employees who park a motor vehicle not
132 registered in a county subject to this section to provide proof of compliance with an emissions
133 inspection accepted by the county legislative body if the motor vehicle is parked on the college
134 or university campus or property.

135 (b) College or university parking areas that are metered or for which payment is
136 required per use are not subject to the requirements of this Subsection (6).

137 (c) The legislative body of a county shall make the reasons for implementing the
138 provisions of this Subsection (6) part of the record at the time that the county legislative body
139 takes its official action to implement the provisions of this Subsection (6).

140 (7) (a) An emissions inspection station shall issue a certificate of emissions inspection
141 for each motor vehicle that meets the inspection and maintenance program requirements
142 established in rules made under Subsection (3).

143 (b) The frequency of the emissions inspection shall be determined based on the age of
144 the vehicle as determined by model year and shall be required annually subject to the
145 provisions of Subsection (7)(c).

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

150 (ii) The provisions of Subsection (7)(c)(i) apply only to a vehicle that is less than six
151 years old on January 1.

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

158 (iv) If a county legislative body establishes or changes the frequency of a vehicle
159 emissions inspection and maintenance program under Subsection (7)(c)(iii), the establishment
160 or change shall take effect on January 1 if the State Tax Commission receives notice meeting
161 the requirements of Subsection (7)(c)(v) from the county before October 1.

162 (v) The notice described in Subsection (7)(c)(iv) shall:

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

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

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

168 (d) If an emissions inspection is only required every two years for a vehicle under
169 Subsection (7)(c), the inspection shall be required for the vehicle in:

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

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

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

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

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

182 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the

183 lessee may use an emissions inspection certificate issued during the previous 11 months to
184 satisfy the requirement under this section.

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

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

191 (9) (a) A county identified in Subsection (1) shall collect information about and
192 monitor the program.

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

196 (10) If approved by the county legislative body, a county that had an established
197 emissions inspection fee as of January 1, 2002, may increase the established fee that an
198 emissions inspection station may charge by \$2.50 for each year that is exempted from
199 emissions inspections under Subsection (7)(c) up to a \$7.50 increase.

200 (11) (a) A county identified in Subsection (1) may impose a local emissions
201 compliance fee on each motor vehicle registration within the county in accordance with the
202 procedures and requirements of Section [41-1a-1223](#).

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

206 (c) A county that imposes a local emissions compliance fee may use revenues
207 generated from the fee to promote programs to maintain a local, state, or national ambient air
208 quality standard.