

# HB0074S01 compared with HB0074

~~{deleted text}~~ shows text that was in HB0074 but was deleted in HB0074S01.

Inserted text shows text that was not in HB0074 but was inserted into HB0074S01.

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~~{EMISSIONS INSPECTION MODIFICATIONS}~~ Representative Scott Sandall proposes the following substitute bill:

## FARM TRUCK DEFINITION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill ~~{exempts from an emissions inspection a motor vehicle owned and operated by a canal or irrigation company.}~~ modifies the definition of a "farm truck."

#### 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}~~ modifies the definition of a "farm truck" to include certain vehicles used by a canal company for irrigation purposes: and
- ▶ makes technical changes.

#### Money Appropriated in this Bill:

None

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### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

~~{41-6a-1642}~~41-1a-102, as last amended by Laws of Utah ~~{2017}~~2016, ~~{Chapters 57, 246, and 406}~~Chapter 40

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

Section 1. Section 41-1a-102 is amended to read:

#### **41-1a-102. Definitions.**

As used in this chapter:

- (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- (2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as operated and certified to by a weighmaster.
- (3) "All-terrain type I vehicle" ~~[has the same meaning provided]~~ means the same as that term is defined in Section 41-22-2.
- (4) "All-terrain type II vehicle" ~~[has the same meaning provided]~~ means the same as that term is defined in Section 41-22-2.
- (5) "Amateur radio operator" means any person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation on the amateur band radio frequencies.
- (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (7) "Branded title" means a title certificate that is labeled:
  - (a) rebuilt and restored to operation;
  - (b) flooded and restored to operation; or
  - (c) not restored to operation.
- (8) "Camper" means any structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.
- (9) "Certificate of title" means a document issued by a jurisdiction to establish a record

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of ownership between an identified owner and the described vehicle, vessel, or outboard motor.

(10) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.

(11) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:

(a) as a carrier for hire, compensation, or profit; or

(b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

(12) "Commission" means the State Tax Commission.

(13) "Dealer" means a person engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

(14) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.

(15) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

(16) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(17) (a) "Farm truck" means:

(i) a truck used by the owner or operator of a farm solely for [his] the owner's or operator's own use in the transportation of:

(i) (A) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products;

(ii) (B) farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and

(iii) (C) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm [-]; or

(ii) a motor vehicle:

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(A) owned by a canal or irrigation company recognized by a political subdivision of the state; and

(B) used solely for canal and irrigation purposes.

(b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.

(18) "Fleet" means one or more commercial vehicles.

(19) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.

(20) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.

(21) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.

(22) (a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.

(b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.

(23) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

(24) (a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.

(b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the total number of miles that those vehicles were towed on Utah highways during the preceding year.

(25) "Interstate vehicle" means any commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.

(26) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

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(27) "Lienholder" means a person with a security interest in particular property.

(28) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(29) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.

(30) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

(31) "Motorboat" ~~has the same meaning as provided~~ means the same as that term is defined in Section 73-18-2.

(32) "Motorcycle" means:

(a) a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; or

(b) an auticycle.

(33) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.

(b) "Motor vehicle" does not include an off-highway vehicle.

(34) (a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

(b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains any vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.

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(35) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while in operation, but does not include any auxiliary odometer designed to be periodically reset.

(36) "Off-highway implement of husbandry" ~~[has the same meaning as provided]~~ means the same as that term is defined in Section 41-22-2.

(37) "Off-highway vehicle" ~~[has the same meaning as provided]~~ means the same as that term is defined in Section 41-22-2.

(38) "Operate" means to drive or be in actual physical control of a vehicle or to navigate a vessel.

(39) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel supply, used to propel a vessel.

(40) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a security interest.

(b) If a vehicle is the subject of an agreement for the conditional sale or installment sale or mortgage of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this chapter.

(c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner until the lessee exercises ~~[his]~~ the lessee's option to purchase the vehicle.

(41) "Park model recreational vehicle" means a unit that:

(a) is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;

(b) is not permanently affixed to real property for use as a permanent dwelling;

(c) requires a special highway movement permit for transit; and

(d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode.

(42) "Personalized license plate" means a license plate that has displayed on it a combination of letters, numbers, or both as requested by the owner of the vehicle and assigned

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to the vehicle by the division.

(43) (a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.

(b) "Pickup truck" includes motor vehicles with the open cargo area covered with a camper, camper shell, tarp, removable top, or similar structure.

(44) "Pneumatic tire" means every tire in which compressed air is designed to support the load.

(45) "Preceding year" means a period of 12 consecutive months fixed by the division that is within 16 months immediately preceding the commencement of the registration or license year in which proportional registration is sought. The division in fixing the period shall conform it to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(46) "Public garage" means every building or other place where vehicles or vessels are kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

(47) "Receipt of surrender of ownership documents" means the receipt of surrender of ownership documents described in Section 41-1a-503.

(48) "Reconstructed vehicle" means every vehicle of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(49) "Recreational vehicle" ~~[has the same meaning as provided]~~ means the same as that term is defined in Section 13-14-102.

(50) "Registration" means a document issued by a jurisdiction that allows operation of a vehicle or vessel on the highways or waters of this state for the time period for which the registration is valid and that is evidence of compliance with the registration requirements of the jurisdiction.

(51) (a) "Registration year" means a 12 consecutive month period commencing with the completion of all applicable registration criteria.

(b) For administration of a multistate agreement for proportional registration the division may prescribe a different 12-month period.

(52) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,

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or outboard motor, or by correcting the inoperative part.

(53) "Replica vehicle" means:

(a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or

(b) a custom vehicle that meets the requirements under Subsection

41-6a-1507(1)(a)(i)(B).

(54) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and constructed so it does not carry any load either independently or any part of the weight of a vehicle or load that is drawn.

(55) "Sailboat" means the same as that term is defined in Section 73-18-2.

(56) "Security interest" means an interest that is reserved or created by a security agreement to secure the payment or performance of an obligation and that is valid against third parties.

(57) "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests or is carried by another vehicle.

(58) "Special group license plate" means a type of license plate designed for a particular group of people or a license plate authorized and issued by the division in accordance with Section 41-1a-418.

(59) (a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is:

(i) 20 years or older from the current year; or

(ii) a make or model of motor vehicle recognized by the division director as having unique interest or historic value.

(b) In making a determination under Subsection (59)(a), the division director shall give special consideration to:

(i) a make of motor vehicle that is no longer manufactured;

(ii) a make or model of motor vehicle produced in limited or token quantities;

(iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or

(iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is



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being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.

(60) (a) "Special mobile equipment" means every vehicle:

(i) not designed or used primarily for the transportation of persons or property;

(ii) not designed to operate in traffic; and

(iii) only incidentally operated or moved over the highways.

(b) "Special mobile equipment" includes:

(i) farm tractors;

(ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

(iii) ditch-digging apparatus.

(c) "Special mobile equipment" does not include a commercial vehicle as defined under Section 72-9-102.

(61) "Specially constructed vehicle" means every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles, and not materially altered from its original construction.

(62) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

(63) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.

(b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means the number of miles that those vehicles were towed on the highways of all jurisdictions during the preceding year.

(64) "Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(65) "Transferee" means a person to whom the ownership of property is conveyed by sale, gift, or any other means except by the creation of a security interest.

(66) "Transferor" means a person who transfers his the person's ownership in property by sale, gift, or any other means except by creation of a security interest.

(67) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle

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without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

(68) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.

(69) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, camper, park model recreational vehicle, manufactured home, and mobile home.

(70) "Vessel" means the same as that term is defined in Section 73-18-2.

(71) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.

(72) "Waters of this state" means the same as that term is defined in Section 73-18-2.

(73) "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles under this chapter.

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

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

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

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

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

~~(i) the federal government;~~

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

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- ~~—— (iii) a political subdivision of the state, including school districts.~~
- ~~—— (2) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1), but the program may not deny vehicle registration based solely on the presence of a defeat device covered in the Volkswagen partial consent decrees or a United States Environmental Protection Agency-approved vehicle modification in the following vehicles:~~
  - ~~—— (a) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state pursuant to a partial consent decree, including:~~
    - ~~—— (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;~~
    - ~~—— (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;~~
    - ~~—— (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;~~
    - ~~—— (iv) Volkswagen Golf Sportwagen, model year 2015;~~
    - ~~—— (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;~~
    - ~~—— (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;~~
    - ~~—— (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and~~
    - ~~—— (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and~~
  - ~~—— (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state to a settlement, including:~~
    - ~~—— (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;~~
    - ~~—— (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;~~
    - ~~—— (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;~~
    - ~~—— (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;~~
    - ~~—— (v) Audi A8, model years 2014, 2015, and 2016;~~
    - ~~—— (vi) Audi A8L, model years 2014, 2015, and 2016;~~
    - ~~—— (vii) Audi Q5, model years 2014, 2015, and 2016; and~~
    - ~~—— (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.~~
- ~~—— (3) (a) The legislative body of a county identified in Subsection (1), in consultation with the Air Quality Board created under Section 19-1-106, shall make regulations or ordinances regarding:~~

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- ~~—— (i) emissions standards;~~
- ~~—— (ii) test procedures;~~
- ~~—— (iii) inspections stations;~~
- ~~—— (iv) repair requirements and dollar limits for correction of deficiencies; and~~
- ~~—— (v) certificates of emissions inspections.~~
- ~~—— (b) The regulations or ordinances shall:~~
  - ~~—— (i) be made to attain or maintain ambient air quality standards in the county, consistent with the state implementation plan and federal requirements;~~
  - ~~—— (ii) may allow for a phase-in of the program by geographical area; and~~
  - ~~—— (iii) be compliant with the analyzer design and certification requirements contained in the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.~~
- ~~—— (c) The county legislative body and the Air Quality Board shall give preference to an inspection and maintenance program that is:~~
  - ~~—— (i) decentralized, to the extent the decentralized program will attain and maintain ambient air quality standards and meet federal requirements;~~
  - ~~—— (ii) the most cost effective means to achieve and maintain the maximum benefit with regard to ambient air quality standards and to meet federal air quality requirements as related to vehicle emissions; and~~
  - ~~—— (iii) providing a reasonable phase-out period for replacement of air pollution emission testing equipment made obsolete by the program.~~
- ~~—— (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:~~
  - ~~—— (i) may be accomplished in accordance with applicable federal requirements; and~~
  - ~~—— (ii) does not otherwise interfere with the attainment and maintenance of ambient air quality standards.~~
- ~~—— (4) The following vehicles are exempt from the provisions of this section:~~
  - ~~—— (a) an implement of husbandry;~~
  - ~~—— (b) a motor vehicle that:~~
    - ~~—— (i) meets the definition of a farm truck under Section 41-1a-102; and~~
    - ~~—— (ii) has a gross vehicle weight rating of 12,001 pounds or more;~~
  - ~~—— (c) a vintage vehicle as defined in Section 41-21-1;~~
  - ~~—— (d) a custom vehicle as defined in Section 41-6a-1507; [and]~~

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

~~—— (f) a motor vehicle:~~

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

~~—— (ii) used solely for canal and irrigation purposes:~~

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

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

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

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

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

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

~~—— (6) (a) Subject to Subsection (6)(c), 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 and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.~~

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

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

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

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

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

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

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

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

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

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

~~—— (B) include a copy of the ordinance establishing or changing the frequency, and~~

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~~—— (C) if the county establishes or changes the frequency under this section, state how frequently the emissions testing will be required:~~

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

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

~~—— (ii) in even-numbered years for vehicles with even-numbered model years:~~

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

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

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

~~—— (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the lessee may use an emissions inspection certificate issued during the previous 11 months to satisfy the requirement under this section:~~

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

~~—— (e) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, the owner may use an emissions inspection certificate issued during the previous eight months to satisfy the requirement under this section:~~

~~—— (9) (a) A county identified in Subsection (1) shall collect information about and monitor the program:~~

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

~~—— (10) If approved by the county legislative body, a county that had an established~~

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~~emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by \$2.50 for each year that is exempted from emissions inspections under Subsection (7)(c) up to a \$7.50 increase.~~

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

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

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

**Legislative Review Note**

**Office of Legislative Research and General Counsel**