

AIR QUALITY EMISSIONS TESTING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends requirements for emissions testing of motor vehicles.

Highlighted Provisions:

This bill:

- ▶ restricts 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 2017, Chapter 406

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 **41-1a-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 an emissions
32 inspection, from which a vintage vehicle is exempt under Subsection 41-6a-1642~~(4)~~(5).

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

34 **41-6a-1642. Emissions inspection -- County program.**

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

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

- 41 (i) as a condition of registration or renewal of registration; and
- 42 (ii) at other times as the county legislative body may require to enforce inspection
43 requirements for individual motor vehicles, except that the county legislative body may not
44 routinely require a certificate of ~~[emission]~~ emissions inspection, or waiver of the certificate,
45 more often than required under Subsection ~~[(7)]~~ (10); and

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

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

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

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

- 59 (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
- 60 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and
- 61 2014;
- 62 (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
- 63 (iv) Volkswagen Golf Sportwagen, model year 2015;
- 64 (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
- 65 (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;
- 66 (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
- 67 (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
- 68 (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
- 69 emissions are mitigated in the state to a settlement, including:
- 70 (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and
- 71 2016;
- 72 (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
- 73 (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;
- 74 (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;
- 75 (v) Audi A8, model years 2014, 2015, and 2016;
- 76 (vi) Audi A8L, model years 2014, 2015, and 2016;
- 77 (vii) Audi Q5, model years 2014, 2015, and 2016; and
- 78 (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
- 79 (3) (a) The legislative body of a county identified in Subsection (1), in consultation
- 80 with the Air Quality Board created under Section 19-1-106, shall make regulations or
- 81 ordinances regarding:
- 82 (i) emissions standards;
- 83 (ii) test procedures;
- 84 (iii) inspections stations;
- 85 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 86 (v) certificates of emissions inspections.
- 87 ~~[(b) The regulations or ordinances shall:]~~
- 88 (b) In accordance with Subsection (3)(a), a county legislative body:
- 89 (i) ~~[be made]~~ shall make regulations or ordinances to attain or maintain ambient air

90 quality standards in the county, consistent with the state implementation plan and federal
91 requirements;

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

93 (iii) ~~[be compliant]~~ shall comply with the analyzer design and certification
94 requirements contained in the state implementation plan prepared under Title 19, Chapter 2,
95 Air Conservation Act.

96 (c) The county legislative body and the Air Quality Board shall give preference to an
97 inspection and maintenance program that ~~[is]~~:

98 (i) is decentralized, to the extent the decentralized program will attain and maintain
99 ambient air quality standards and meet federal requirements;

100 (ii) is the most cost effective means to achieve and maintain the maximum benefit with
101 regard to ambient air quality standards and to meet federal air quality requirements as related to
102 vehicle emissions; and

103 (iii) ~~[providing]~~ provides a reasonable phase-out period for replacement of air pollution
104 emission testing equipment made obsolete by the program.

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

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

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

109 (4) Except for the statewide exemptions provided in Subsection (5) and except as
110 provided in Subsection (7), a legislative body of a county described in Subsection (1) may not
111 exempt a motor vehicle from an emissions inspection program.

112 ~~[(4)]~~ (5) The following vehicles are exempt from an emissions inspection program and
113 the provisions of this section:

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

115 (b) a motor vehicle that:

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

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

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

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

120 (e) to the extent allowed under the current federally approved state implementation

121 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
 122 vehicle that is less than two years old on January 1 based on the age of the vehicle as
 123 determined by the model year identified by the manufacturer[~~;~~];

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

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

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

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

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

134 (B) in the transportation of farm supplies, including tile, fence, and every other thing or
 135 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production
 136 and maintenance[~~;~~];

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

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

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

140 ~~[(b)]~~ (6) The county shall [provide] issue to the registered owner who signs and
 141 submits a signed statement under [this section] Subsection (5)(f) a certificate of exemption
 142 from [emission] emissions inspection requirements for purposes of registering the exempt
 143 vehicle.

144 (7) A legislative body of a county described in Subsection (1) may exempt from an
 145 emissions inspection program a diesel-powered motor vehicle with a:

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

147 (b) model year of 1997 or older.

148 (8) A legislative body of a county described in Subsection (1) shall require:

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

151 (b) a computerized emissions inspection for a diesel-powered motor vehicle

152 manufactured after 2007 with a gross vehicle weight rating of 14,000 pounds or less.

153 ~~[(6)]~~ (9) (a) Subject to Subsection ~~[(6)]~~ (9)(c), the legislative body of each county
154 required under federal law to utilize a motor vehicle emissions inspection and maintenance
155 program or in which an emissions inspection and maintenance program is necessary to attain or
156 maintain any national ambient air quality standard may require each college or university
157 located in a county subject to this section to require its students and employees who park a
158 motor vehicle not registered in a county subject to this section to provide proof of compliance
159 with an emissions inspection accepted by the county legislative body if the motor vehicle is
160 parked on the college or university campus or property.

161 (b) College or university parking areas that are metered or for which payment is
162 required per use are not subject to the requirements of this Subsection ~~[(6)]~~ (9).

163 (c) The legislative body of a county shall make the reasons for implementing the
164 provisions of this Subsection ~~[(6)]~~ (9) part of the record at the time that the county legislative
165 body takes its official action to implement the provisions of this Subsection ~~[(6)]~~ (9).

166 ~~[(7)]~~ (10) (a) An emissions inspection station shall issue a certificate of emissions
167 inspection for each motor vehicle that meets the inspection and maintenance program
168 requirements established in rules made under Subsection (3).

169 (b) The frequency of the emissions inspection shall be determined based on the age of
170 the vehicle as determined by model year and shall be required annually subject to the
171 provisions of Subsection ~~[(7)]~~ (10)(c).

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

176 (ii) The provisions of Subsection ~~[(7)]~~ (10)(c)(i) apply only to a vehicle that is less than
177 six years old on January 1.

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

183 maintain any national ambient air quality standard.

184 (iv) If a county legislative body establishes or changes the frequency of a vehicle
185 emissions inspection and maintenance program under Subsection [~~(7)~~] (10)(c)(iii), the
186 establishment or change shall take effect on January 1 if the State Tax Commission receives
187 notice meeting the requirements of Subsection [~~(7)~~] (10)(c)(v) from the county before October
188 1.

189 (v) The notice described in Subsection [~~(7)~~] (10)(c)(iv) shall:

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

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

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

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

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

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

199 [~~(8)~~] (11) (a) Except as provided in Subsections [~~(7)~~] (10)(b), (c), and (d), the
200 emissions inspection required under this section may be made no more than two months before
201 the renewal of registration.

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

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

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

212 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not
213 use an emissions inspection made more than 11 months before the renewal of registration to

214 satisfy the requirement under this section.

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

218 [~~(9)~~] (12) (a) A county identified in Subsection (1) shall collect information about and
219 monitor the program.

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

223 [~~(10)~~] (13) If approved by the county legislative body, a county that had an established
224 emissions inspection fee as of January 1, 2002, may increase the established fee that an
225 emissions inspection station may charge by \$2.50 for each year that is exempted from
226 emissions inspections under Subsection [~~(7)~~] (10)(c) up to a \$7.50 increase.

227 [~~(11)~~] (14) (a) A county identified in Subsection (1) may impose a local emissions
228 compliance fee on each motor vehicle registration within the county in accordance with the
229 procedures and requirements of Section 41-1a-1223.

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

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

236 Section 3. **Effective date.**

237 This bill takes effect on January 1, 2019.