

Representative Patrice M. Arent proposes the following substitute bill:

AIR QUALITY EMISSIONS TESTING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends requirements for emissions testing of motor vehicles.

Highlighted Provisions:

This bill:

- ▶ amends exemptions to emissions testing;
- ▶ creates a pilot program requiring certain counties to require emissions inspections for certain diesel-powered motor vehicles;
- ▶ requires a county participating in the pilot program to provide a waiver for the emissions inspection as a condition of registration;
- ▶ requires a county participating in the program to present a report;
- ▶ requires the Division of Air Quality to provide an estimate of pollution emitted based on the failure rate of diesel-powered motor vehicles in the pilot program; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **41-6a-1642**, as last amended by Laws of Utah 2017, Chapters 57, 246, and 406

28

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

30 Section 1. Section **41-6a-1642** is amended to read:

31 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

39 (ii) at other times as the county legislative body may require to enforce inspection
40 requirements for individual motor vehicles, except that the county legislative body may not
41 routinely require a certificate of [~~emission~~] emissions inspection, or waiver of the certificate,
42 more often than required under Subsection [~~(7)~~] (9); and

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

46 (i) the federal government;

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

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

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

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

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

57 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and
58 2014;

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

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

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

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

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

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

65 (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
66 emissions are mitigated in the state to a settlement, including:

67 (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and
68 2016;

69 (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;

70 (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;

71 (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;

72 (v) Audi A8, model years 2014, 2015, and 2016;

73 (vi) Audi A8L, model years 2014, 2015, and 2016;

74 (vii) Audi Q5, model years 2014, 2015, and 2016; and

75 (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

76 (3) (a) The legislative body of a county identified in Subsection (1), in consultation
77 with the Air Quality Board created under Section 19-1-106, shall make regulations or
78 ordinances regarding:

79 (i) emissions standards;

80 (ii) test procedures;

81 (iii) inspections stations;

82 (iv) repair requirements and dollar limits for correction of deficiencies; and

83 (v) certificates of emissions inspections.

84 ~~[(b) The regulations or ordinances shall:]~~

85 (b) In accordance with Subsection (3)(a), a county legislative body:

86 (i) ~~[be made]~~ shall make regulations or ordinances to attain or maintain ambient air
87 quality standards in the county, consistent with the state implementation plan and federal

88 requirements;

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

90 (iii) ~~[be compliant]~~ shall comply with the analyzer design and certification

91 requirements contained in the state implementation plan prepared under Title 19, Chapter 2,
92 Air Conservation Act.

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

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

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

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

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

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

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

106 (4) The following vehicles are exempt from an emissions inspection program and the
107 provisions of this section:

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

109 (b) a motor vehicle that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

141 (b) model year of 1997 or older.

142 (7) (a) The legislative body of a county described in Subsection (1) that does not
143 require an emissions inspection for diesel-powered motor vehicles as of December 31, 2017,
144 shall implement a three-year pilot program as described in Subsection (7)(b).

145 (b) Beginning on January 1, 2019, and ending on December 31, 2021, the legislative
146 body of a county described in Subsection (7)(a) shall require:

147 (i) a computerized emissions inspection for a diesel-powered motor vehicle that has:

148 (A) a model year of 2007 or newer;

149 (B) a gross vehicle weight rating of 14,000 pounds or less; and

150 (C) a model year that is five years old or older; and
151 (ii) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
152 (A) with a gross vehicle weight rating of 14,000 pounds or less;
153 (B) that has a model year of 1997 or newer; and
154 (C) that has a model year that is five years old or older.
155 (c) A county that implements a pilot program under this Subsection (7) shall provide to
156 the owner of each diesel-powered motor vehicle inspected as required by the pilot program a
157 waiver to be presented to the Motor Vehicle Division as a condition of registration or renewal
158 of registration.
159 (d) (i) The legislative body of a county that participates in the pilot program described
160 in this Subsection (7) shall prepare a report including:
161 (A) the total number of diesel-powered vehicles inspected as part of the pilot program
162 using computerized technology;
163 (B) the passage and failure rates of the diesel-powered motor vehicles inspected as part
164 of the pilot program using computerized technology, shown by model year;
165 (C) the total number of diesel-powered vehicles visually inspected as part of the pilot
166 program;
167 (D) the passage and failure rates of the diesel-powered motor vehicles visually
168 inspected as part of the pilot program, shown by model year;
169 (E) the total number of diesel-powered vehicles visually inspected as part of the pilot
170 program where tampering with emissions equipment was found, shown by model year; and
171 (F) any other information the executive body or individual considers relevant.
172 (ii) The legislative body of a county that participates in the pilot program described in
173 this Subsection (7) shall present the report described in Subsection (7)(d)(i) to the Natural
174 Resources, Agriculture, and Environment Interim Committee:
175 (A) one time after January 1, 2020, but before August 31, 2020; and
176 (B) one time after January 1, 2021, but before August 31, 2021.
177 (e) After each report described in Subsection (7)(d), the Division of Air Quality created
178 in Section [19-1-105](#) shall provide to the Natural Resources, Agriculture, and Environment
179 Interim Committee and the legislative body of a county participating in the pilot program an
180 estimate of the tons of pollution emitted due to the failure rate of the diesel-powered motor

181 vehicles in the pilot program.

182 ~~[(6)]~~ (8) (a) Subject to Subsection ~~[(6)]~~ (8)(c), the legislative body of each county
183 required under federal law to utilize a motor vehicle emissions inspection and maintenance
184 program or in which an emissions inspection and maintenance program is necessary to attain or
185 maintain any national ambient air quality standard may require each college or university
186 located in a county subject to this section to require its students and employees who park a
187 motor vehicle not registered in a county subject to this section to provide proof of compliance
188 with an emissions inspection accepted by the county legislative body if the motor vehicle is
189 parked on the college or university campus or property.

190 (b) College or university parking areas that are metered or for which payment is
191 required per use are not subject to the requirements of this Subsection ~~[(6)]~~ (8).

192 (c) The legislative body of a county shall make the reasons for implementing the
193 provisions of this Subsection ~~[(6)]~~ (8) part of the record at the time that the county legislative
194 body takes its official action to implement the provisions of this Subsection ~~[(6)]~~ (8).

195 ~~[(7)]~~ (9) (a) An emissions inspection station shall issue a certificate of emissions
196 inspection for each motor vehicle that meets the inspection and maintenance program
197 requirements established in rules made under Subsection (3).

198 (b) The frequency of the emissions inspection shall be determined based on the age of
199 the vehicle as determined by model year and shall be required annually subject to the
200 provisions of Subsection ~~[(7)]~~ (9)(c).

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

205 (ii) The provisions of Subsection ~~[(7)]~~ (9)(c)(i) apply only to a vehicle that is less than
206 six years old on January 1.

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

212 maintain any national ambient air quality standard.

213 (iv) If a county legislative body establishes or changes the frequency of a vehicle
214 emissions inspection and maintenance program under Subsection [~~(7)~~] (9)(c)(iii), the
215 establishment or change shall take effect on January 1 if the State Tax Commission receives
216 notice meeting the requirements of Subsection [~~(7)~~] (9)(c)(v) from the county before October 1.

217 (v) The notice described in Subsection [~~(7)~~] (9)(c)(iv) shall:

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

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

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

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

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

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

227 [~~(8)~~] (10) (a) Except as provided in Subsections [~~(7)~~] (9)(b), (c), and (d), the emissions
228 inspection required under this section may be made no more than two months before the
229 renewal of registration.

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

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

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

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

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

246 [~~9~~] (11) (a) A county identified in Subsection (1) shall collect information about and
247 monitor the program.

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

251 [~~10~~] (12) If approved by the county legislative body, a county that had an established
252 emissions inspection fee as of January 1, 2002, may increase the established fee that an
253 emissions inspection station may charge by \$2.50 for each year that is exempted from
254 emissions inspections under Subsection [~~7~~] (9)(c) up to a \$7.50 increase.

255 [~~11~~] (13) (a) A county identified in Subsection (1) may impose a local emissions
256 compliance fee on each motor vehicle registration within the county in accordance with the
257 procedures and requirements of Section [41-1a-1223](#).

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

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