

EMISSIONS TESTING REVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends a provision to clarify the model years of certain vehicles required to have certain emissions tests.

Highlighted Provisions:

This bill:

► clarifies that a visual inspection of emissions equipment on certain diesel-powered motor vehicles is required for model years 1998 and newer.

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 2018, Chapter 323

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 and maintenance program is necessary to attain or maintain any national ambient air quality 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 emissions inspection, or waiver of the certificate, more often
36 than required under Subsection (9); 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) In accordance with Subsection (3)(a), a county legislative body:
79 (i) shall make regulations or ordinances to attain or maintain ambient air quality
80 standards in the county, consistent with the state implementation plan and federal
81 requirements;
82 (ii) may allow for a phase-in of the program by geographical area; and
83 (iii) shall comply with the analyzer design and certification requirements contained in
84 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
85 (c) The county legislative body and the Air Quality Board shall give preference to an

86 inspection and maintenance program that:

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

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

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

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

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

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

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

100 (a) an implement of husbandry as defined in Section [41-1a-102](#);

101 (b) a motor vehicle that:

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

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

104 (c) a vintage vehicle as defined in Section [41-21-1](#);

105 (d) a custom vehicle as defined in Section [41-6a-1507](#);

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

110 (f) a pickup truck, as defined in Section [41-1a-102](#), with a gross vehicle weight rating
111 of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed
112 statement to the legislative body stating the truck is used:

113 (i) by the owner or operator of a farm located on property that qualifies as land in

114 agricultural use under Sections 59-2-502 and 59-2-503; and
115 (ii) exclusively for the following purposes in operating the farm:
116 (A) for the transportation of farm products, including livestock and its products,
117 poultry and its products, floricultural and horticultural products; and
118 (B) in the transportation of farm supplies, including tile, fence, and every other thing or
119 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production
120 and maintenance;
121 (g) a motorcycle as defined in Section 41-1a-102;
122 (h) a motor vehicle powered solely by electric power; and
123 (i) a motor vehicle with a model year of 1967 or older.
124 (5) The county shall issue to the registered owner who signs and submits a signed
125 statement under Subsection (4)(f) a certificate of exemption from emissions inspection
126 requirements for purposes of registering the exempt vehicle.
127 (6) A legislative body of a county described in Subsection (1) may exempt from an
128 emissions inspection program a diesel-powered motor vehicle with a:
129 (a) gross vehicle weight rating of more than 14,000 pounds; or
130 (b) model year of 1997 or older.
131 (7) (a) The legislative body of a county described in Subsection (1) that does not
132 require an emissions inspection for diesel-powered motor vehicles as of December 31, 2017,
133 shall implement a three-year pilot program as described in Subsection (7)(b).
134 (b) Beginning on January 1, 2019, and ending on December 31, 2021, the legislative
135 body of a county described in Subsection (7)(a) shall require:
136 (i) a computerized emissions inspection for a diesel-powered motor vehicle that has:
137 (A) a model year of 2007 or newer;
138 (B) a gross vehicle weight rating of 14,000 pounds or less; and
139 (C) a model year that is five years old or older; and
140 (ii) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
141 (A) with a gross vehicle weight rating of 14,000 pounds or less;

142 (B) that has a model year of [~~1997~~] 1998 or newer; and

143 (C) that has a model year that is five years old or older.

144 (c) (i) The legislative body of a county that participates in the pilot program described
145 in this Subsection (7) shall prepare a report including:

146 (A) the total number of diesel-powered vehicles inspected as part of the pilot program
147 using computerized technology;

148 (B) the passage and failure rates of the diesel-powered motor vehicles inspected as part
149 of the pilot program using computerized technology, shown by model year;

150 (C) the total number of diesel-powered vehicles visually inspected as part of the pilot
151 program;

152 (D) the passage and failure rates of the diesel-powered motor vehicles visually
153 inspected as part of the pilot program, shown by model year;

154 (E) the total number of diesel-powered vehicles visually inspected as part of the pilot
155 program where tampering with emissions equipment was found, shown by model year; and

156 (F) any other information the executive body or individual considers relevant.

157 (ii) The legislative body of a county that participates in the pilot program described in
158 this Subsection (7) shall present the report described in Subsection (7)(c)(i) to the Natural
159 Resources, Agriculture, and Environment Interim Committee:

160 (A) one time after January 1, 2020, but before August 31, 2020; and

161 (B) one time after January 1, 2021, but before August 31, 2021.

162 (d) After each report described in Subsection (7)(c), the Division of Air Quality created
163 in Section [19-1-105](#) shall provide to the Natural Resources, Agriculture, and Environment
164 Interim Committee and the legislative body of a county participating in the pilot program an
165 estimate of the tons of pollution emitted due to the failure rate of the diesel-powered motor
166 vehicles in the pilot program.

167 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under
168 federal law to utilize a motor vehicle emissions inspection and maintenance program or in
169 which an emissions inspection and maintenance program is necessary to attain or maintain any

170 national ambient air quality standard may require each college or university located in a county
171 subject to this section to require its students and employees who park a motor vehicle not
172 registered in a county subject to this section to provide proof of compliance with an emissions
173 inspection accepted by the county legislative body if the motor vehicle is parked on the college
174 or university campus or property.

175 (b) College or university parking areas that are metered or for which payment is
176 required per use are not subject to the requirements of this Subsection (8).

177 (c) The legislative body of a county shall make the reasons for implementing the
178 provisions of this Subsection (8) part of the record at the time that the county legislative body
179 takes its official action to implement the provisions of this Subsection (8).

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

183 (b) The frequency of the emissions inspection shall be determined based on the age of
184 the vehicle as determined by model year and shall be required annually subject to the
185 provisions of Subsection (9)(c).

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

190 (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six
191 years old on January 1.

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

198 (iv) If a county legislative body establishes or changes the frequency of a vehicle
199 emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment
200 or change shall take effect on January 1 if the State Tax Commission receives notice meeting
201 the requirements of Subsection (9)(c)(v) from the county before October 1.

202 (v) The notice described in Subsection (9)(c)(iv) shall:

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

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

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

208 (d) If an emissions inspection is only required every two years for a vehicle under
209 Subsection(9)(c), the inspection shall be required for the vehicle in:

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

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

212 (10) (a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection
213 required under this section may be made no more than two months before the renewal of
214 registration.

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

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

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

225 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not

226 use an emissions inspection made more than 11 months before the renewal of registration to
227 satisfy the requirement under this section.

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

231 (11) (a) A county identified in Subsection (1) shall collect information about and
232 monitor the program.

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

236 (12) If approved by the county legislative body, a county that had an established
237 emissions inspection fee as of January 1, 2002, may increase the established fee that an
238 emissions inspection station may charge by \$2.50 for each year that is exempted from
239 emissions inspections under Subsection (9)(c) up to a \$7.50 increase.

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

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

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