

90 fuel, as defined under Section 59-13-102, when the emissions from the modified or altered  
 91 motor vehicle are at levels that comply with existing state or federal standards for the emission  
 92 of pollutants from a motor vehicle of the same class.

93 (5) (a) A person who violates Subsection (1) is guilty of an infraction and shall be  
 94 fined:

95 (i) not less than ~~Ĥ~~→ [\$400] \$50 ←~~Ĥ~~ for a violation; or

96 (ii) not less than ~~Ĥ~~→ [\$950] \$100 ←~~Ĥ~~ for a second or subsequent violation within three  
 96a years of a  
 97 previous violation of this section.

98 (b) A violation of Subsection [~~(1), (2);~~] (2) or (3) is an infraction.

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

100 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

108 (ii) at other times as the county legislative body may require to enforce inspection  
 109 requirements for individual motor vehicles, except that the county legislative body may not  
 110 routinely require a certificate of emissions inspection, or waiver of the certificate, more often  
 111 than required under Subsection (9); and

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

115 (i) the federal government;

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

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

118 (2) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions  
 119 inspection and maintenance program certificate of emissions inspection as described in  
 120 Subsection (1), but the program may not deny vehicle registration based solely on the presence