

VEHICLE EMISSIONS REDUCTION PROGRAM

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts the Vehicle Emissions Reduction Program as part of the Air Conservation Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Vehicle Emissions Reduction Program Restricted Account;
- ▶ creates the Vehicle Emissions Reduction Program (program) to provide financial assistance in the purchase of a motor vehicle under certain conditions;
- ▶ establishes certain criteria by which a person may participate in the program;
- ▶ requires certain local health departments to assist in administering the program;
- ▶ requires the Air Quality Board to make rules for the administration of the program;
- ▶ requires the Division of Air Quality under certain circumstances to conduct a public service campaign; and
- ▶ creates a repeal date requiring committee review of the program.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 [63I-1-219](#), as last amended by Laws of Utah 2019, Chapters 62, 63, 64, 65, 246, 469,
30 and 477

31 [63I-1-226](#), as last amended by Laws of Utah 2019, Chapters 67, 136, 246, 289, 455 and
32 last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

33 ENACTS:

34 [19-2-401](#), Utah Code Annotated 1953

35 [19-2-402](#), Utah Code Annotated 1953

36 [19-2-403](#), Utah Code Annotated 1953

37 [19-2-404](#), Utah Code Annotated 1953

38 [19-2-405](#), Utah Code Annotated 1953

39 [19-2-406](#), Utah Code Annotated 1953

40 [19-2-407](#), Utah Code Annotated 1953

41 [19-2-408](#), Utah Code Annotated 1953

42 [26A-1-129](#), Utah Code Annotated 1953



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

45 Section 1. Section [19-2-401](#) is enacted to read:

46 **Part 4. Vehicle Emissions Reduction Program**

47 **[19-2-401](#). Title.**

48 This part is known as "Vehicle Emissions Reduction Program."

49 Section 2. Section [19-2-402](#) is enacted to read:

50 **[19-2-402](#). Definitions.**

51 As used in this chapter:

52 (1) "Crusher" means the same as that term is defined in Section [41-3-102](#).

53 (2) "Dismantler" means the same as that term is defined in Section [41-3-102](#).

54 (3) "Eligible replacement vehicle" means a motor vehicle as defined in Section

55 [41-1a-102](#) that:

56 (a) (i) (A) emits emissions that are equal to or cleaner than the standards established in
57 bin 5 in Table S04-1, of 40 C.F.R. Sec. 86.1811-04(c)(6); and

58 (B) is of the current or previous five model years; or

- 59 (ii) is a zero-emission vehicle;
- 60 (b) has an odometer reading equal to or less than 70,000 miles;
- 61 (c) costs no more than \$35,000 before tax, title, and licensing; and
- 62 (d) passes an emissions inspection.
- 63 (4) "Eligible trade-in vehicle" means a motor vehicle as defined in Section [41-1a-102](#)
- 64 that:
- 65 (a) is of the model year 2003 or older;
- 66 (b) failed the emissions inspection required under Section [41-6a-1642](#) within the
- 67 previous 30 days;
- 68 (c) (i) is registered or regularly operates in a county:
- 69 (A) located in a nonattainment area; or
- 70 (B) required to have a motor vehicle emissions inspection and maintenance program
- 71 under Section [41-6a-1642](#); or
- 72 (ii) was reported to and verified by the local health department as emitting excessive
- 73 amounts of smoky exhaust while being driven through a county:
- 74 (A) located in a nonattainment area; or
- 75 (B) required to have a motor vehicle emissions inspection and maintenance program
- 76 under Section [41-6a-1642](#);
- 77 (d) is registered in the motor vehicle owner's name;
- 78 (e) has been registered in the state for at least the previous 12 months; and
- 79 (f) is drivable under the motor vehicle's own power.
- 80 (5) "Federal poverty level" means the poverty level as defined by the most recently
- 81 revised poverty income guidelines published by the United States Department of Health and
- 82 Human Services in the Federal Register.
- 83 (6) "Local health department" means the same as that term is defined in Section
- 84 [26A-1-102](#).
- 85 (7) "Nonattainment area" means a part of the state where air quality is determined to
- 86 exceed the National Ambient Air Quality Standards, as defined in the Clean Air Act
- 87 Amendments of 1970, Pub. L. No. 91-604, Sec. 109, for fine particulate matter (PM 2.5).
- 88 (8) "Participating dealer" means a dealer as defined in Section [41-3-102](#) that signs a
- 89 written agreement described in Section [19-2-405](#) with a local health department to participate

90 in the program.

91 (9) "Participating recycler" means a crusher or dismantler that signs a written
92 agreement described in Section 19-2-406 with a local health department to participate in the
93 program.

94 (10) "Qualified vehicle owner" means an individual who:

95 (a) has a household income equal to or less than 300% of the federal poverty level; and

96 (b) owns an eligible trade-in vehicle.

97 (11) "Vehicle Emissions Reduction Program" or "program" means the program

98 established in Section 19-2-404.

99 (12) "Zero-emission vehicle" means a motor vehicle that emits no exhaust gas from the
100 onboard source of power.

101 Section 3. Section 19-2-403 is enacted to read:

102 **19-2-403. Creation of restricted account -- Assistance.**

103 (1) There is created within the General Fund a restricted account known as the Vehicle
104 Emissions Reduction Program Restricted Account.

105 (2) The restricted account consists of:

106 (a) any voluntary monetary contributions received;

107 (b) proceeds from the sale of eligible trade-in vehicles to participating recyclers made
108 in connection with the Vehicle Emissions Reduction Program;

109 (c) appropriations the Legislature makes to the restricted account; and

110 (d) interest accrued in accordance with Subsection (3)(b).

111 (3) The state treasurer shall:

112 (a) invest the money in the restricted account by following the procedures and
113 requirements of Title 51, Chapter 7, State Money Management Act; and

114 (b) deposit all interest or other earnings derived from the investments described in
115 Subsection (3)(a) into the restricted account.

116 (4) (a) Subject to legislative appropriations, the division shall provide financial
117 assistance from the Vehicle Emissions Reduction Program Restricted Account:

118 (i) to qualified vehicle owners who purchase eligible replacement vehicles in
119 accordance with this chapter;

120 (ii) in a total amount of up to \$6,500,000; and

121 (iii) as described in Section 19-2-407, in amounts that increase on a sliding scale based
122 on:

123 (A) the household income of the qualified vehicle owner; and

124 (B) the emissions performance of the purchased eligible replacement vehicle.

125 (b) The division may use money in the Vehicle Emissions Reduction Program

126 Restricted Account to:

127 (i) administer the program in accordance with this chapter; or

128 (ii) assist a local health department to carry out the provisions of this chapter.

129 (5) The division shall deposit all money the division receives from the sale of eligible
130 trade-in vehicles to participating recyclers in connection with this program into the restricted
131 account.

132 Section 4. Section 19-2-404 is enacted to read:

133 **19-2-404. Program creation -- Requirements.**

134 (1) There is created the Vehicle Emissions Reduction Program to provide financial
135 assistance to qualified vehicle owners in purchasing eligible replacement vehicles.

136 (2) To receive financial assistance under the program, a qualified vehicle owner shall:

137 (a) in accordance with rules made under this chapter, apply for and obtain from a local
138 health department certification described in Section 26A-1-129, which states the level of
139 assistance the qualified vehicle owner is eligible to receive;

140 (b) deliver to a participating dealer:

141 (i) the qualified vehicle owner's eligible trade-in vehicle, including title to the vehicle;

142 and

143 (ii) the certification described in Subsection (2)(a); and

144 (c) purchase an eligible replacement vehicle from the participating dealer described in

145 Subsection (2)(b).

146 Section 5. Section 19-2-405 is enacted to read:

147 **19-2-405. Participating dealers -- Reimbursement.**

148 (1) To participate in the Vehicle Emissions Reduction Program, a dealer as defined in
149 Section 41-2-102 shall sign an agreement with a local health department that requires the
150 dealer:

151 (a) to surrender to a participating recycler all eligible trade-in vehicles the dealer

152 receives in connection with this program in accordance with rules established under this
153 chapter; and

154 (b) to follow rules established in accordance with this chapter in order to receive
155 reimbursement under this chapter.

156 (2) When a qualifying vehicle owner purchases an eligible replacement vehicle
157 following the requirements described in Subsection 19-2-404(2), the participating dealer shall:

158 (a) credit the qualifying vehicle owner's purchase with the amount of financial
159 assistance the qualifying vehicle owner's certification, as described in Section 19-2-404,
160 specifies;

161 (b) recycle the eligible trade-in vehicle in accordance with the agreement described in
162 Subsection (1); and

163 (c) provide the local health department that issued the certification described in Section
164 19-2-404:

165 (i) a copy of the contract of sale;

166 (ii) a copy of the used certification;

167 (iii) a picture of the purchased vehicle's emission information sticker;

168 (iv) a receipt showing that a participating recycler received the eligible trade-in vehicle
169 and the vehicle's title; and

170 (v) a request for reimbursement.

171 Section 6. Section 19-2-406 is enacted to read:

172 **19-2-406. Participating recyclers.**

173 (1) To participate in the Vehicle Emissions Reduction Program, a dismantler or crusher
174 shall:

175 (a) certify to the local health department with a signed agreement that each vehicle the
176 crusher or dismantler has received in connection with the program has been disabled or
177 scrapped in accordance with rules made by the board pursuant to Section 19-2-407;

178 (b) on a monthly basis, send the local health department:

179 (i) a list of all vehicles the crusher or dismantler received in connection with the
180 program; and

181 (ii) money the crusher or dismantler owes to the local health department for all vehicles
182 surrendered to the crusher or dismantler as described in Subsection 19-2-405(1)(a); and

183 (c) comply with rules made in accordance with this chapter.

184 (2) (a) A scrapped engine, equipment, or vehicle components may be salvaged from a
185 vehicle being replaced.

186 (b) If a crusher or dismantler sells a scrapped or salvaged engine, equipment, or part,
187 the crusher or dismantler shall remit the proceeds to the local health department on a monthly
188 basis.

189 Section 7. Section **19-2-407** is enacted to read:

190 **19-2-407. Rulemaking.**

191 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
192 board shall make rules that:

193 (a) carry out the provisions of this chapter;

194 (b) establish a certification and reimbursement process in accordance with this chapter;

195 (c) ensure that an individual who receives financial assistance under both this program
196 and any similar program that relies on federal funding does not receive a total amount more
197 than the individual is qualified to receive under either program alone;

198 (d) ensure that an eligible trade-in vehicle surrendered under this program is converted
199 to scrap or otherwise disposed of;

200 (e) ensure that no engine part or emissions control system from an eligible trade-in
201 vehicle surrendered under this program is resold, except as scrap metal; and

202 (f) establish a sliding scale for financial assistance provided under this chapter that:

203 (i) provides up to \$5,500 in financial assistance to a qualified vehicle owner that
204 purchases an eligible replacement vehicle in connection with the program; and

205 (ii) is based on:

206 (A) the household income of the qualified vehicle owner; and

207 (B) the emissions performance of the purchased eligible replacement vehicle.

208 (2) In making the rules described in Subsection (1), the board shall:

209 (a) consider recommendations from the division; and

210 (b) coordinate with the relevant local health departments, where applicable.

211 Section 8. Section **19-2-408** is enacted to read:

212 **19-2-408. Public service campaign.**

213 (1) Subject to legislative appropriations, the division shall conduct a public service

214 campaign to educate the public about:

215 (a) smog ratings of motor vehicles;

216 (b) the benefits to the state of lowering motor vehicle emissions;

217 (c) financial assistance available through the program; and

218 (d) any other program the division administers that is aimed at reducing air pollution or
219 improving air quality in nonattainment areas.

220 (2) The division may issue a request for proposal to assist the division in fulfilling the
221 requirements described in Subsection (1).

222 Section 9. Section **26A-1-129** is enacted to read:

223 **26A-1-129. Vehicle Emissions Reduction Program certification.**

224 (1) As used in this section:

225 (a) "Eligible replacement vehicle" means the same as that term is defined in Section
226 19-2-402.

227 (b) "Nonattainment area" means the same as that term is defined in Section 19-2-402.

228 (c) "Participating dealer" means the same as that term is defined in Section 19-2-402.

229 (d) "Qualified vehicle owner" means the same as that term is defined in Section
230 19-2-402.

231 (e) "Vehicle Emissions Reduction Program" or "program" means the program
232 established in Section 19-2-404.

233 (2) A local health department shall participate as described in this section in the
234 Vehicle Emissions Reduction Program, if the local health department is located in a county that
235 is required to have a motor vehicle emissions inspection and maintenance program under
236 Section 41-6a-1642.

237 (3) In accordance with rules made under Section 19-2-407, a local health department
238 described in Subsection (2) shall accept an application to receive certification for financial
239 assistance under the program.

240 (4) After receiving an application for certification as described in Subsection (3), a
241 local health department shall:

242 (a) determine whether the applicant is a qualified vehicle owner; and

243 (b) if the applicant is a qualified vehicle owner:

244 (i) determine the amount of assistance the qualified vehicle owner is eligible to receive

245 in accordance with the sliding scale established under Section 19-2-407;

246 (ii) issue the qualified vehicle owner a certification stating:

247 (A) the amount described in Subsection (4)(b)(i); and

248 (B) any other information the Air Quality Board requires on the certification.

249 (5) A local health department shall enter into agreements described in Sections

250 19-2-405 and 19-2-406 in accordance with rules the Air Quality Board makes as described in

251 Section 19-3-407.

252 (6) A local health department that receives a participating dealer's request for

253 reimbursement in accordance with Section 19-2-405 shall reimburse the participating dealer for

254 the amount the participating dealer credited the qualifying vehicle owner.

255 (7) On a monthly basis, each local health department shall submit to the Division of

256 Air Quality:

257 (a) a request for reimbursement that reflects the amount participating crushers or

258 dismantlers submitted to the local health department under Subsection 19-2-406(2)(b) deducted

259 from the amount the local health department reimbursed participating dealers in accordance

260 with Subsection (6); and

261 (b) all documents and information submitted to the local health department under

262 Subsections 19-2-405(2)(c) and 19-2-406(2).

263 Section 10. Section **63I-1-219** is amended to read:

264 **63I-1-219. Repeal dates, Title 19.**

265 (1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2029.

266 (2) Title 19, Chapter 2, Part 4, Vehicle Emissions Reduction Program, is repealed July

267 1, 2025.

268 [~~2~~] (3) Section 19-2a-102 is repealed July 1, 2021.

269 [~~3~~] (4) Section 19-2a-104 is repealed July 1, 2022.

270 [~~4~~] (5) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.

271 [~~5~~] (6) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.

272 [~~6~~] (7) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1,

273 2029.

274 [~~7~~] (8) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed

275 July 1, 2020.

276 [~~(8)~~] (9) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1,
277 2028.

278 [~~(9)~~] (10) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1,
279 2026.

280 [~~(10)~~] (11) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1,
281 2029.

282 [~~(11)~~] (12) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1,
283 2020.

284 [~~(12)~~] (13) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July
285 1, 2027.

286 Section 11. Section **63I-1-226** is amended to read:

287 **63I-1-226. Repeal dates, Title 26.**

288 (1) Section **26-1-40** is repealed July 1, 2022.

289 (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
290 1, 2025.

291 (3) Section **26-10-11** is repealed July 1, 2020.

292 (4) Subsection **26-18-417(3)** is repealed July 1, 2020.

293 (5) Subsection **26-18-418(2)**, the language that states "and the Mental Health Crisis
294 Line Commission created in Section **63C-18-202**" is repealed July 1, 2023.

295 (6) Section **26-18-419.1** is repealed December 31, 2019.

296 (7) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

297 (8) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

298 (9) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
299 July 1, 2024.

300 (10) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.

301 (11) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
302 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2023.

303 (12) Subsection **26-61a-108(2)(e)(i)**, related to the Native American Legislative
304 Liaison Committee, is repealed July 1, 2022.

305 (13) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed
306 July 1, 2026.

307

(14) Section [26A-1-129](#) is repealed on July 1, 2025.