

**Senator Kathleen Riebe** proposes the following substitute bill:

**SAFETY INSPECTIONS ON SECONDHAND VEHICLES**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kathleen Riebe**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill requires safety inspections for motor vehicles more than three years old when being registered by a new owner.

**Highlighted Provisions:**

This bill:

- ▶ requires a safety inspection for a motor vehicle more than three years old when being registered by a new owner;
- ▶ extends the time period for persons to repair a vehicle after being cited by a peace officer; and
- ▶ allows a peace officer to stop and inspect a vehicle that has been in an accident.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-8-205**, as last amended by Laws of Utah 2017, Chapters 149 and 406

**53-8-209**, as last amended by Laws of Utah 2017, Chapter 149



26 **53-8-210**, as last amended by Laws of Utah 2016, Chapter 348



27  
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53-8-205** is amended to read:

30 **53-8-205. Safety inspection required for certain vehicles -- Out-of-state permits.**

31 (1) (a) A motor vehicle, as defined in Section **41-1a-102**, that is three or more years old  
32 is required to pass a safety inspection when an initial application is made by the owner to  
33 register the vehicle.

34 ~~[(1)(a)]~~ (b) A salvage vehicle as defined in Section **41-1a-1001** is required to pass a  
35 safety inspection when an application is made for initial registration as a salvage vehicle.

36 ~~[(b)]~~ (c) An off-highway vehicle being registered for the first time as a street-legal  
37 all-terrain vehicle as described in Section **41-6a-1509** is required to pass a safety inspection  
38 when the owner makes the initial application to register the vehicle as a street-legal all-terrain  
39 vehicle.

40 ~~[(c)]~~ (d) The owner of a commercial vehicle, as defined in Section **72-9-102**, shall:

- 41 (i) ensure that the commercial vehicle passes a safety inspection annually; or
- 42 (ii) provide evidence of a valid annual federal inspection that complies with the  
43 requirements of 49 C.F.R. Sec. 396.17.

44 ~~[(d)]~~ (e) The owner of a vehicle operated by a ground transportation service provider as  
45 defined in Section **72-10-601** shall ensure that the vehicle passes a safety inspection annually.

46 ~~[(e)]~~ (f) An owner of one or more of the following types of vehicles shall ensure that  
47 the vehicle passes a safety inspection annually:

- 48 (i) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with  
49 multiple axles;
- 50 (ii) a combination unit;
- 51 (iii) a bus or van for hire; or
- 52 (iv) a taxicab.

53 (2) A safety inspection station shall issue two safety inspection certificates to the owner  
54 of:

- 55 (a) each motor vehicle that passes a safety inspection under this section; and
- 56 (b) a street-legal all-terrain vehicle that meets all the equipment requirements in

57 Section 41-6a-1509.

58 (3) A person operating a motor vehicle required to have an annual safety inspection  
59 shall have in the person's immediate possession a safety inspection certificate or other evidence  
60 of compliance.

61 (4) The division may authorize the acceptance of a safety inspection certificate issued  
62 in another state having a safety inspection law similar to Utah's law.

63 (5) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

64 Section 2. Section 53-8-209 is amended to read:

65 **53-8-209. Inspection by officers -- Certificate of inspection.**

66 (1) A peace officer may stop, inspect, and test a vehicle at any time upon reasonable  
67 cause to believe that:

68 (a) a vehicle is unsafe or not equipped as required by law; [~~or~~]

69 (b) the vehicle's equipment is not in proper adjustment or repair[~~;~~]; or

70 (c) the vehicle has been in an accident and a post accident investigation is necessary.

71 (2) (a) (i) If a vehicle is found to be in unsafe condition or any required part or  
72 equipment is not present or is not in proper repair and adjustment, the officer may give a  
73 written notice to the driver and shall send a copy to the division.

74 (ii) The notice shall:

75 (A) require that the vehicle be placed in safe condition and the vehicle's equipment in  
76 proper repair and adjustment;

77 (B) specify the repairs and adjustments needed; and

78 (C) require that a safety inspection certificate be obtained within [~~five~~] 14 days.

79 (b) If a vehicle is, in the reasonable judgment of the peace officer, hazardous to  
80 operate, the peace officer may require that the vehicle:

81 (i) not be operated under its own power; or

82 (ii) be driven to the nearest garage or other place of safety.

83 (c) (i) If the owner or driver does not comply with the notice requirements and secure a  
84 safety inspection certificate within [~~five~~] 14 days, the vehicle may not be operated on the  
85 highways of this state.

86 (ii) A violation of Subsection (2)(c)(i) is an infraction.

87 (3) An owner or driver of a vehicle is not guilty of an infraction and is not required to

88 pay a fee or fine if the citation was issued for:

89 (a) expired registration in violation of Section 41-1a-201, and:

90 (i) the citation was issued within two months after the expiration of the vehicle's  
91 registration; and

92 (ii) the owner or driver registers the vehicle within 14 days after the citation was  
93 issued; or

94 (b) a violation of Section 41-1a-205, 41-6a-1601, or 53-8-205 or any other equipment  
95 related infraction under Title 41, Chapter 6a, Part 16, Vehicle Equipment, and the owner or  
96 driver obtains a safety inspection, emissions inspection, or proof of repair, as applicable, within  
97 14 days after the citation was issued.

98 Section 3. Section 53-8-210 is amended to read:

99 **53-8-210. Enforcement of inspection requirements.**

100 (1) A person operating a vehicle shall submit the vehicle to a safety inspection when  
101 required to do so by a peace officer.

102 (2) (a) An owner or driver, upon receiving a notice as provided in Section 53-8-209,  
103 shall within [~~five~~] 14 business days:

104 (i) secure a safety inspection certificate~~[, which shall be issued in duplicate, one copy~~  
105 ~~to be retained by the owner or driver and the other copy to be forwarded to the division.]; and~~

106 (ii) present the certificate and the repaired vehicle to the Utah Highway Patrol for  
107 verification.

108 (b) In lieu of compliance with this subsection, the vehicle may not be operated, except  
109 as provided in Subsection (3).

110 (3) (a) A person may not operate any vehicle after receiving a notice from a peace  
111 officer that the vehicle is in need of repair or adjustment, except that a peace officer may allow  
112 the vehicle to be driven to the residence or place of business of the owner or driver or to the  
113 nearest garage where repairs are available if driving the vehicle is not excessively dangerous.

114 (b) The vehicle may not be operated again on the highways until its equipment has  
115 been placed in proper repair and adjustment and otherwise conforms to the requirements of this  
116 part and Title 41, Chapter 6a, Traffic Code, and a safety inspection certificate is obtained as  
117 promptly as possible.

118 (4) If repair or adjustment of any vehicle or its equipment is necessary, the owner of

119 the vehicle may obtain repair or adjustment at any place he may choose.