

SB0031S01 compared with SB0031

~~{deleted text}~~ shows text that was in SB0031 but was deleted in SB0031S01.

Inserted text shows text that was not in SB0031 but was inserted into SB0031S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

LONG TITLE

~~{Committee Note:~~

~~_____The Law Enforcement and Criminal Justice Interim Committee recommended this bill.~~

~~_____Legislative Vote: 10 voting for 0 voting against _____6 absent~~

~~{General Description:~~

This bill requires safety inspections for ~~{used}~~ motor vehicles ~~{sold}~~ more than three years old when being registered by a ~~{dealer}~~ new owner.

Highlighted Provisions:

This bill:

- ▶ requires a ~~{used motor vehicle dealer to subject a motor vehicle to a }~~ safety inspection ~~{before issuing a temporary permit}~~ 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

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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:

~~{ 41-3-303, as last amended by Laws of Utah 2017, Chapter 406~~

~~‡ 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

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

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

Section 1. Section ~~{41-3-303}~~53-8-205 is amended to read:

~~{41-3-303. Temporary permits -- Inspections required before issuance:~~

~~—— (1) Except as provided in Subsections (2) and (3), a dealer licensed in accordance with this chapter may not issue a temporary permit for a motor vehicle under Section 41-3-302 unless the motor vehicle passed an emissions inspection test if required by Section 41-6a-1642.~~

~~—— (2) A dealer may issue a temporary permit without proof of an emissions inspection if:~~

~~—— (a) the motor vehicle is exempt from an emissions inspection under Section 41-6a-1642;~~

~~—— (b) the purchaser is a resident of a county that does not require emissions inspections; or~~

~~—— (c) the motor vehicle is otherwise exempt from emissions inspections;~~

~~—— (3) A dealer may sell a motor vehicle as is without an emissions inspection if the dealer does not issue a temporary permit.~~

~~—— (4) A dealer licensed to sell used motor vehicles in accordance with this chapter may not issue a temporary permit for a used motor vehicle under Section 41-3-302 unless~~

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~~the used motor vehicle has passed a vehicle safety inspection in accordance with Section 53-8-205 within the previous 180 days.~~

~~Section 2. Section 53-8-205 is amended to read:~~

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

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

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

~~(1) (b) (c)~~ An off-highway vehicle being registered for the first time as a street-legal all-terrain vehicle as described in Section 41-6a-1509 is required to pass a safety inspection when the owner makes the initial application to register the vehicle as a street-legal all-terrain vehicle.

~~(c) In accordance with Section 41-3-303, a used motor vehicle is required to pass a safety inspection when being sold by a dealer licensed to sell used motor vehicles.~~

~~(1) (d)~~ The owner of a commercial vehicle, as defined in Section 72-9-102, shall:

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

~~(1) (e)~~ The owner of a vehicle operated by a ground transportation service provider as defined in Section 72-10-601 shall ensure that the vehicle passes a safety inspection annually.

~~(1) (f)~~ An owner of one or more of the following types of vehicles shall ensure that the vehicle passes a safety inspection annually:

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

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

- (a) each motor vehicle that passes a safety inspection under this section; and

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(b) a street-legal all-terrain vehicle that meets all the equipment requirements in Section 41-6a-1509.

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

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

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

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

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

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

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

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

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

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

(ii) The notice shall:

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

(B) specify the repairs and adjustments needed; and

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

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

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

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

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

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

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(3) An owner or driver of a vehicle is not guilty of an infraction and is not required to pay a fee or fine if the citation was issued for:

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

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

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

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

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

53-8-210. Enforcement of inspection requirements.

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

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

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

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

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

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

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

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(4) If repair or adjustment of any vehicle or its equipment is necessary, the owner of the vehicle may obtain repair or adjustment at any place he may choose.