

EMISSIONS TESTING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Suzanne Harrison

LONG TITLE

General Description:

This bill removes the end date of a pilot program requiring emissions inspections of certain diesel-powered motor vehicles, making the requirement permanent.

Highlighted Provisions:

This bill:

- ▶ updates a pilot program to make permanent a pilot emissions inspection program, which requires counties to have an emissions inspection program for certain diesel-powered vehicles.

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 2020, Chapter 83

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

30 standard shall require:

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

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

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

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

41 (i) the federal government;

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

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

44 (2) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions
45 inspection and maintenance program certificate of emissions inspection as described in
46 Subsection (1), but the program may not deny vehicle registration based solely on the presence
47 of a defeat device covered in the Volkswagen partial consent decrees or a United States
48 Environmental Protection Agency-approved vehicle modification in the following vehicles:

49 (a) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
50 emissions are mitigated in the state pursuant to a partial consent decree, including:

51 (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;

52 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and
53 2014;

54 (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;

55 (iv) Volkswagen Golf Sportwagen, model year 2015;

56 (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;

57 (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;

- 58 (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
59 (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
60 (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
61 emissions are mitigated in the state to a settlement, including:
62 (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and
63 2016;
64 (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
65 (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;
66 (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;
67 (v) Audi A8, model years 2014, 2015, and 2016;
68 (vi) Audi A8L, model years 2014, 2015, and 2016;
69 (vii) Audi Q5, model years 2014, 2015, and 2016; and
70 (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
71 (3) (a) The legislative body of a county identified in Subsection (1), in consultation
72 with the Air Quality Board created under Section 19-1-106, shall make regulations or
73 ordinances regarding:
74 (i) emissions standards;
75 (ii) test procedures;
76 (iii) inspections stations;
77 (iv) repair requirements and dollar limits for correction of deficiencies; and
78 (v) certificates of emissions inspections.
79 (b) In accordance with Subsection (3)(a), a county legislative body:
80 (i) shall make regulations or ordinances to attain or maintain ambient air quality
81 standards in the county, consistent with the state implementation plan and federal
82 requirements;
83 (ii) may allow for a phase-in of the program by geographical area; and
84 (iii) shall comply with the analyzer design and certification requirements contained in
85 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.

86 (c) The county legislative body and the Air Quality Board shall give preference to an
87 inspection and maintenance program that:

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

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

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

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

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

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

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

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

102 (b) a motor vehicle that:

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

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

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

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

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

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

114 (i) by the owner or operator of a farm located on property that qualifies as land in
115 agricultural use under Sections 59-2-502 and 59-2-503; and

116 (ii) exclusively for the following purposes in operating the farm:

117 (A) for the transportation of farm products, including livestock and its products,
118 poultry and its products, floricultural and horticultural products; and

119 (B) in the transportation of farm supplies, including tile, fence, and every other thing or
120 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production
121 and maintenance;

122 (g) a motorcycle as defined in Section 41-1a-102;

123 (h) an electric motor vehicle as defined in Section 41-1a-102; and

124 (i) a motor vehicle with a model year of 1967 or older.

125 (5) The county shall issue to the registered owner who signs and submits a signed
126 statement under Subsection (4)(f) a certificate of exemption from emissions inspection
127 requirements for purposes of registering the exempt vehicle.

128 (6) A legislative body of a county described in Subsection (1) may exempt from an
129 emissions inspection program a diesel-powered motor vehicle with a:

130 (a) gross vehicle weight rating of more than 14,000 pounds; or

131 (b) model year of 1997 or older.

132 ~~[(7) (a) The legislative body of a county described in Subsection (1) that does not
133 require an emissions inspection for diesel-powered motor vehicles as of December 31, 2017,
134 shall implement a three-year pilot program as described in Subsection (7)(b).]~~

135 ~~[(b) Beginning on January 1, 2019, and ending on December 31, 2021, the legislative
136 body of a county described in Subsection (7)(a) shall require:]~~

137 (7) The legislative body of a county required under federal law to utilize a motor
138 vehicle emissions inspection program shall require:

139 ~~[(i)]~~ (a) a computerized emissions inspection for a diesel-powered motor vehicle that
140 has:

141 ~~[(A)]~~ (i) a model year of 2007 or newer;

142 ~~[(B)]~~ (ii) a gross vehicle weight rating of 14,000 pounds or less; and
143 ~~[(C)]~~ (iii) a model year that is five years old or older; and
144 ~~[(d)]~~ (b) a visual inspection of emissions equipment for a diesel-powered motor
145 vehicle:
146 ~~[(A)]~~ (i) with a gross vehicle weight rating of 14,000 pounds or less;
147 ~~[(B)]~~ (ii) that has a model year of 1998 or newer; and
148 ~~[(C)]~~ (iii) that has a model year that is five years old or older.
149 ~~[(c) (i) The legislative body of a county that participates in the pilot program described~~
150 ~~in this Subsection (7) shall prepare a report including:]~~
151 ~~[(A) the total number of diesel-powered vehicles inspected as part of the pilot program~~
152 ~~using computerized technology;]~~
153 ~~[(B) the passage and failure rates of the diesel-powered motor vehicles inspected as~~
154 ~~part of the pilot program using computerized technology, shown by model year;]~~
155 ~~[(C) the total number of diesel-powered vehicles visually inspected as part of the pilot~~
156 ~~program;]~~
157 ~~[(D) the passage and failure rates of the diesel-powered motor vehicles visually~~
158 ~~inspected as part of the pilot program, shown by model year;]~~
159 ~~[(E) the total number of diesel-powered vehicles visually inspected as part of the pilot~~
160 ~~program where tampering with emissions equipment was found, shown by model year; and]~~
161 ~~[(F) any other information the executive body or individual considers relevant.]~~
162 (ii) ~~The legislative body of a county that participates in the pilot program described in~~
163 ~~this Subsection (7) shall present the report described in Subsection (7)(c)(i) to the Natural~~
164 ~~Resources, Agriculture, and Environment Interim Committee:]~~
165 ~~[(A) one time after January 1, 2020, but before August 31, 2020; and]~~
166 ~~[(B) one time after January 1, 2021, but before August 31, 2021.]~~
167 ~~[(d) After each report described in Subsection (7)(c), the Division of Air Quality~~
168 ~~created in Section 19-1-105 shall provide to the Natural Resources, Agriculture, and~~
169 ~~Environment Interim Committee and the legislative body of a county participating in the pilot~~

170 ~~program an estimate of the tons of pollution emitted due to the failure rate of the~~
171 ~~diesel-powered motor vehicles in the pilot program.]~~

172 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under
173 federal law to utilize a motor vehicle emissions inspection and maintenance program or in
174 which an emissions inspection and maintenance program is necessary to attain or maintain any
175 national ambient air quality standard may require each college or university located in a county
176 subject to this section to require its students and employees who park a motor vehicle not
177 registered in a county subject to this section to provide proof of compliance with an emissions
178 inspection accepted by the county legislative body if the motor vehicle is parked on the college
179 or university campus or property.

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

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

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

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

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

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

197 (iii) For a county required to implement a new vehicle emissions inspection and

198 maintenance program on or after December 1, 2012, under Subsection (1), but for which no
199 current federally approved state implementation plan exists, a vehicle shall be tested at a
200 frequency determined by the county legislative body, in consultation with the Air Quality
201 Board created under Section 19-1-106, that is necessary to comply with federal law or attain or
202 maintain any national ambient air quality standard.

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

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

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

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

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

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

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

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

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

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

223 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may
224 use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded
225 motor vehicle dealer's name during the previous 11 months to satisfy the requirement under

226 this section.

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

230 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not
231 use an emissions inspection made more than 11 months before the renewal of registration to
232 satisfy the requirement under this section.

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

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

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

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

245 (13) (a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in
246 Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration
247 within the county in accordance with the procedures and requirements of Section 41-1a-1223.

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

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

