

**Representative Mark A. Wheatley** proposes the following substitute bill:

**NOISE POLLUTION AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark A. Wheatley**

Senate Sponsor: \_\_\_\_\_

Cosponsor: James A. Dunnigan

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**LONG TITLE**

**General Description:**

This bill requires an inspection of noise suppression equipment at the time of a vehicle emissions inspection as a prerequisite to registration of a motor vehicle.

**Highlighted Provisions:**

This bill:

- ▶ defines "excessive or unusual noise" as it pertains to an inspection of vehicle noise suppression devices;

- ▶ defines other terms;

- ▶ for a vehicle in a county of the first class, requires vehicles subject to an emissions inspection to be inspected for compliance with noise suppression equipment requirements;

- ▶ for a vehicle in a county of the first class, requires proof of the inspection as a condition of registration; and

- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None



25 **Other Special Clauses:**

26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **41-1a-110**, as last amended by Laws of Utah 2019, Chapter 461

30 **41-6a-1626**, as last amended by Laws of Utah 2021, Chapter 282

31 **41-6a-1642**, as last amended by Laws of Utah 2021, Chapter 322

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

34 Section 1. Section **41-1a-110** is amended to read:

35 **41-1a-110. Authority of division to suspend or revoke registration, certificate of**  
36 **title, license plate, or permit.**

37 (1) Except as provided in Subsections (3) and (4), the division may suspend or revoke  
38 a registration, certificate of title, license plate, or permit if:

39 (a) the division is satisfied that a registration, certificate of title, license plate, or permit  
40 was fraudulently procured or erroneously issued;

41 (b) the division determines that a registered vehicle is mechanically unfit or unsafe to  
42 be operated or moved upon the highways;

43 (c) a registered vehicle has been dismantled;

44 (d) the division determines that the required fee has not been paid and the fee is not  
45 paid upon reasonable notice and demand;

46 (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle  
47 other than the one for which issued;

48 (f) the division determines that the owner has committed any offense under this chapter  
49 involving the registration, certificate of title, registration card, license plate, registration decal,  
50 or permit; or

51 (g) the division receives notification by the Department of Transportation that the  
52 owner has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act.

53 (2) (a) The division shall revoke the registration of a vehicle if the division receives  
54 notification by the:

55 (i) Department of Public Safety that a person:

56 (A) has been convicted of operating a registered motor vehicle in violation of Section  
57 41-12a-301 or 41-12a-303.2; or

58 (B) is under an administrative action taken by the Department of Public Safety for  
59 operating a registered motor vehicle in violation of Section 41-12a-301; or

60 (ii) designated agent that the owner of a motor vehicle:

61 (A) has failed to provide satisfactory proof of owner's or operator's security to the  
62 designated agent after the second notice provided under Section 41-12a-804; or

63 (B) provided a false or fraudulent statement to the designated agent.

64 (b) The division shall notify the Driver License Division if the division revokes the  
65 registration of a vehicle under Subsection (2)(a)(ii)(A).

66 (3) The division may not suspend or revoke the registration of a vessel or outboard  
67 motor unless authorized under Section 73-18-7.3.

68 (4) The division may not suspend or revoke the registration of an off-highway vehicle  
69 unless authorized under Section 41-22-17.

70 (5) The division shall charge a registration reinstatement fee under Section 41-1a-1220,  
71 if the registration is revoked under Subsection (1)(f).

72 (6) Except as provided in Subsections (3), (4), and (7), the division may suspend or  
73 revoke a registered vehicle's registration if the division is notified by a local health department,  
74 as defined in Section 26A-1-102, that the registered vehicle is unable to meet state or local air  
75 emissions standards or violates Subsection [~~41-6a-1626(2)(a)~~] 41-6a-1626(3)(a) or (b).

76 (7) The division may not suspend or revoke a registered vehicle's registration under  
77 Subsection (6) if the registered vehicle has a manufacturer's gross vehicle weight rating that is  
78 greater than 26,000 pounds.

79 Section 2. Section 41-6a-1626 is amended to read:

80 **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**  
81 **control devices.**

82 (1) As used in this section:

83 (a) "A-weighted sound pressure level" means the sound pressure level in  
84 decibels as measured with a sound level meter using the A-weighting network,  
85 expressed in "dBA" units.

86 (b) "dBA" means the unit for measuring and reporting an A-weighted sound pressure

87 level.

88 (c) "Excessive or unusual noise," for purposes of an inspection described in Subsection  
89 (2)(d), means 80 dBA when measured, while the motor vehicle is in neutral, from a distance of  
90 2.5 feet from the exhaust port while the motor vehicle's engine is running at an average  
91 steady-state engine speed of 75% of the maximum revolutions per minute.

92 ~~[(1)]~~ (2) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive  
93 or unusual noise.

94 (b) A motor vehicle shall be equipped with a muffler or other effective noise  
95 suppressing system in good working order and in constant operation.

96 (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

97 (d) As part of an emissions inspection described in Section [41-6a-1642](#), for a motor  
98 vehicle registered in a county of the first class, an emissions inspection station shall inspect  
99 each motor vehicle subject to an emissions inspection to ensure:

100 (i) compliance with the noise prevention equipment requirements in this section; and

101 (ii) that the motor vehicle does not produce an excessive or unusual noise.

102 ~~[(2)]~~ (3) (a) Except while the engine is being warmed to the recommended operating  
103 temperature, the engine and power mechanism of a gasoline-powered motor vehicle may not  
104 emit visible contaminants during operation.

105 (b) (i) As used in this Subsection ~~[(2)]~~ (3)(b), "heavy tow" means a tow that exceeds  
106 the vehicle's maximum tow weight.

107 (ii) A diesel engine manufactured on or after January 1, 2008, may not emit visible  
108 contaminants during operation:

109 (A) except while the engine is being warmed to the recommended operating  
110 temperature or under a heavy tow; or

111 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight  
112 rating in excess of 26,000 pounds.

113 (iii) A diesel engine manufactured before January 1, 2008, may not emit visible  
114 contaminants of a shade or density that obscures a contrasting background by more than 20%,  
115 for more than five consecutive seconds:

116 (A) except while the engine is being warmed to the recommended operating  
117 temperature or under a heavy tow; or

118 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight  
119 rating in excess of 26,000 pounds.

120 (c) A person who violates the provisions of Subsection [~~(2)~~] (3)(a) is guilty of an  
121 infraction and shall be fined:

122 (i) not less than \$50 for a violation; or

123 (ii) not less than \$100 for a second or subsequent violation within three years of a  
124 previous violation of this section.

125 (d) A person who violates the provisions of Subsection [~~(2)~~] (3)(b) is guilty of an  
126 infraction and shall be fined:

127 (i) not less than \$100 for a violation; or

128 (ii) not less than \$500 for a second or subsequent violation within three years of a  
129 previous violation of this section.

130 (e) (i) As used in this section:

131 (A) "Local health department" means the same as that term is defined in Section  
132 [26A-1-102](#).

133 (B) "Nonattainment area" means a part of the state where air quality is determined to  
134 exceed the National Ambient Air Quality Standards, as defined in the Clean Air Act  
135 Amendments of 1970, Pub. L. No. 91-604, Sec. 109, for fine particulate matter (PM 2.5).

136 (ii) Within a nonattainment area, for a second or subsequent violation of Subsection  
137 [~~(2)~~] (3)(a) or [~~(2)~~] (3)(b), the court shall report the violations to the local health department at  
138 a regular interval.

139 (iii) If the local health department receives a notification as described in Subsection  
140 [~~(2)~~] (3)(e)(ii), and the local health department determines that the registered vehicle is unable  
141 to meet state or local air emission standards, the local health department shall send notification  
142 to the Motor Vehicle Division.

143 [~~(3)~~] (4) (a) If a motor vehicle is equipped by a manufacturer with air pollution control  
144 devices, the devices shall be maintained in good working order and in constant operation.

145 (b) For purposes of the first sale of a vehicle at retail, an air pollution control device  
146 may be substituted for the manufacturer's original device if the substituted device is at least as  
147 effective in the reduction of emissions from the vehicle motor as the air pollution control  
148 device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle

149 class.

150 (c) A person who renders inoperable an air pollution control device on a motor vehicle  
151 is guilty of an infraction.

152 [~~(4)~~] (5) Subsection [~~(3)~~] (4) does not apply to a motor vehicle altered and modified to  
153 use clean fuel, as defined under Section 59-13-102, when the emissions from the modified or  
154 altered motor vehicle are at levels that comply with existing state or federal standards for the  
155 emission of pollutants from a motor vehicle of the same class.

156 [~~(5)~~] (6) A violation of Subsection [~~(1), (2), or (3)~~] (2), (3), or (4) is an infraction.

157 Section 3. Section 41-6a-1642 is amended to read:

158 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

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

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

173 (i) the federal government;

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

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

176 (2) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions  
177 inspection and maintenance program certificate of emissions inspection as described in  
178 Subsection (1), but the program may not deny vehicle registration based solely on the presence  
179 of a defeat device covered in the Volkswagen partial consent decrees or a United States

180 Environmental Protection Agency-approved vehicle modification in the following vehicles:

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

- 183 (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
- 184 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and  
185 2014;
- 186 (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
- 187 (iv) Volkswagen Golf Sportwagen, model year 2015;
- 188 (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
- 189 (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;
- 190 (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
- 191 (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

192 (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide  
193 emissions are mitigated in the state to a settlement, including:

- 194 (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and  
195 2016;
- 196 (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
- 197 (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;
- 198 (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;
- 199 (v) Audi A8, model years 2014, 2015, and 2016;
- 200 (vi) Audi A8L, model years 2014, 2015, and 2016;
- 201 (vii) Audi Q5, model years 2014, 2015, and 2016; and
- 202 (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

203 (3) (a) The legislative body of a county identified in Subsection (1), in consultation  
204 with the Air Quality Board created under Section [19-1-106](#), shall make regulations or  
205 ordinances regarding:

- 206 (i) emissions standards;
- 207 (ii) test procedures;
- 208 (iii) inspections stations;
- 209 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 210 (v) certificates of emissions inspections.

211 (b) In accordance with Subsection (3)(a), a county legislative body:  
212 (i) shall make regulations or ordinances to attain or maintain ambient air quality  
213 standards in the county, consistent with the state implementation plan and federal  
214 requirements;  
215 (ii) may allow for a phase-in of the program by geographical area; and  
216 (iii) shall comply with the analyzer design and certification requirements contained in  
217 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.

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

220 (i) is decentralized, to the extent the decentralized program will attain and maintain  
221 ambient air quality standards and meet federal requirements;  
222 (ii) is the most cost effective means to achieve and maintain the maximum benefit with  
223 regard to ambient air quality standards and to meet federal air quality requirements as related to  
224 vehicle emissions; and  
225 (iii) provides a reasonable phase-out period for replacement of air pollution emission  
226 testing equipment made obsolete by the program.

227 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:  
228 (i) may be accomplished in accordance with applicable federal requirements; and  
229 (ii) does not otherwise interfere with the attainment and maintenance of ambient air  
230 quality standards.

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

233 (a) an implement of husbandry as defined in Section 41-1a-102;  
234 (b) a motor vehicle that:  
235 (i) meets the definition of a farm truck under Section 41-1a-102; and  
236 (ii) has a gross vehicle weight rating of 12,001 pounds or more;  
237 (c) a vintage vehicle as defined in Section 41-21-1;  
238 (d) a custom vehicle as defined in Section 41-6a-1507;  
239 (e) to the extent allowed under the current federally approved state implementation  
240 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor  
241 vehicle that is less than two years old on January 1 based on the age of the vehicle as



242 determined by the model year identified by the manufacturer;

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

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

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

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

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

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

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

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

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

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

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

263 (b) model year of 1997 or older.

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

266 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:

267 (i) a model year of 2007 or newer;

268 (ii) a gross vehicle weight rating of 14,000 pounds or less; and

269 (iii) a model year that is five years old or older; and

270 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:

271 (i) with a gross vehicle weight rating of 14,000 pounds or less;

272 (ii) that has a model year of 1998 or newer; and

273 (iii) that has a model year that is five years old or older.

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

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

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

287 (9) (a) An emissions inspection station shall issue a certificate of emissions inspection  
288 for each motor vehicle that meets the inspection and maintenance program requirements  
289 established in [Section 41-6a-1626](#) and in rules made under Subsection (3).

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

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

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

299 (iii) For a county required to implement a new vehicle emissions inspection and  
300 maintenance program on or after December 1, 2012, under Subsection (1), but for which no  
301 current federally approved state implementation plan exists, a vehicle shall be tested at a  
302 frequency determined by the county legislative body, in consultation with the Air Quality  
303 Board created under [Section 19-1-106](#), that is necessary to comply with federal law or attain or

304 maintain any national ambient air quality standard.

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

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

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

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

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

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

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

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

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

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

325 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may  
326 use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded  
327 motor vehicle dealer's name during the previous 11 months to satisfy the requirement under  
328 this section.

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

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

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

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

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

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

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

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

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

356 Section 4. **Effective date.**

357 This bill takes effect on January 1, 2023.