

**Senator Todd D. Weiler** proposes the following substitute bill:

**VEHICLE REGISTRATION MODIFICATIONS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Pitcher**

Senate Sponsor: Todd D. Weiler

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**LONG TITLE**

**General Description:**

This bill allows a county to investigate to determine if a vehicle owner has provided a false or an improper address to avoid an emissions inspection.

**Highlighted Provisions:**

This bill:

- ▶ allows a county to investigate to determine if a vehicle owner has provided a false or an improper address to register a vehicle to avoid an emissions inspection;
- ▶ allows a county to impose a civil penalty;
- ▶ allows the county to notify the Motor Vehicle Division if a person has used a false or an improper address;
- ▶ allows the Motor Vehicle Division to revoke the vehicle owner's registration; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 41-1a-110, as last amended by Laws of Utah 2019, Chapter 461

27 41-6a-1642, as last amended by Laws of Utah 2021, Chapter 322



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

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

31 **41-1a-110. Authority of division to suspend or revoke registration, certificate of**  
32 **title, license plate, or permit.**

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

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

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

39 (c) a registered vehicle has been dismantled;

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

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

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

47 (g) the division receives notification by the Department of Transportation that the  
48 owner has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act~~[-];~~ or

49 (h) the division receives a notification from a county regarding the use of an improper  
50 address to avoid an emissions inspection as described in Subsection 41-6a-1642(14).

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

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

54 (A) has been convicted of operating a registered motor vehicle in violation of Section  
55 41-12a-301 or 41-12a-303.2; or

56 (B) is under an administrative action taken by the Department of Public Safety for

57 operating a registered motor vehicle in violation of Section 41-12a-301; or

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

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

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

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

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

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

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

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

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

77 Section 2. Section 41-6a-1642 is amended to read:

78 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

86 (ii) at other times as the county legislative body may require to enforce inspection  
87 requirements for individual motor vehicles, except that the county legislative body may not

88 routinely require a certificate of emissions inspection, or waiver of the certificate, more often  
89 than required under Subsection (9); and

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

- 93 (i) the federal government;
- 94 (ii) the state and any of its agencies; or
- 95 (iii) a political subdivision of the state, including school districts.

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

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

- 103 (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
- 104 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and  
105 2014;
- 106 (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
- 107 (iv) Volkswagen Golf Sportwagen, model year 2015;
- 108 (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
- 109 (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;
- 110 (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
- 111 (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

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

- 114 (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and  
115 2016;
- 116 (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
- 117 (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;
- 118 (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;

- 119 (v) Audi A8, model years 2014, 2015, and 2016;
- 120 (vi) Audi A8L, model years 2014, 2015, and 2016;
- 121 (vii) Audi Q5, model years 2014, 2015, and 2016; and
- 122 (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
- 123 (3) (a) The legislative body of a county identified in Subsection (1), in consultation
- 124 with the Air Quality Board created under Section 19-1-106, shall make regulations or
- 125 ordinances regarding:
- 126 (i) emissions standards;
- 127 (ii) test procedures;
- 128 (iii) inspections stations;
- 129 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 130 (v) certificates of emissions inspections.
- 131 (b) In accordance with Subsection (3)(a), a county legislative body:
- 132 (i) shall make regulations or ordinances to attain or maintain ambient air quality
- 133 standards in the county, consistent with the state implementation plan and federal
- 134 requirements;
- 135 (ii) may allow for a phase-in of the program by geographical area; and
- 136 (iii) shall comply with the analyzer design and certification requirements contained in
- 137 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
- 138 (c) The county legislative body and the Air Quality Board shall give preference to an
- 139 inspection and maintenance program that:
- 140 (i) is decentralized, to the extent the decentralized program will attain and maintain
- 141 ambient air quality standards and meet federal requirements;
- 142 (ii) is the most cost effective means to achieve and maintain the maximum benefit with
- 143 regard to ambient air quality standards and to meet federal air quality requirements as related to
- 144 vehicle emissions; and
- 145 (iii) provides a reasonable phase-out period for replacement of air pollution emission
- 146 testing equipment made obsolete by the program.
- 147 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
- 148 (i) may be accomplished in accordance with applicable federal requirements; and
- 149 (ii) does not otherwise interfere with the attainment and maintenance of ambient air

150 quality standards.

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

153 (a) an implement of husbandry as defined in Section 41-1a-102;

154 (b) a motor vehicle that:

155 (i) meets the definition of a farm truck under Section 41-1a-102; and

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

157 (c) a vintage vehicle as defined in Section 41-21-1;

158 (d) a custom vehicle as defined in Section 41-6a-1507;

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

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

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

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

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

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

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

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

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

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

180 (6) A legislative body of a county described in Subsection (1) may exempt from an

181 emissions inspection program a diesel-powered motor vehicle with a:

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

183 (b) model year of 1997 or older.

184 (7) The legislative body of a county required under federal law to utilize a motor

185 vehicle emissions inspection program shall require:

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

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

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

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

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

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

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

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

194 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under

195 federal law to utilize a motor vehicle emissions inspection and maintenance program or in

196 which an emissions inspection and maintenance program is necessary to attain or maintain any

197 national ambient air quality standard may require each college or university located in a county

198 subject to this section to require its students and employees who park a motor vehicle not

199 registered in a county subject to this section to provide proof of compliance with an emissions

200 inspection accepted by the county legislative body if the motor vehicle is parked on the college

201 or university campus or property.

202 (b) College or university parking areas that are metered or for which payment is

203 required per use are not subject to the requirements of this Subsection (8).

204 (c) The legislative body of a county shall make the reasons for implementing the

205 provisions of this Subsection (8) part of the record at the time that the county legislative body

206 takes its official action to implement the provisions of this Subsection (8).

207 (9) (a) An emissions inspection station shall issue a certificate of emissions inspection

208 for each motor vehicle that meets the inspection and maintenance program requirements

209 established in rules made under Subsection (3).

210 (b) The frequency of the emissions inspection shall be determined based on the age of

211 the vehicle as determined by model year and shall be required annually subject to the

212 provisions of Subsection (9)(c).

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

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

219 (iii) For a county required to implement a new vehicle emissions inspection and  
220 maintenance program on or after December 1, 2012, under Subsection (1), but for which no  
221 current federally approved state implementation plan exists, a vehicle shall be tested at a  
222 frequency determined by the county legislative body, in consultation with the Air Quality  
223 Board created under Section 19-1-106, that is necessary to comply with federal law or attain or  
224 maintain any national ambient air quality standard.

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

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

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

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

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

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

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

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

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

242 (b) (i) If the title of a used motor vehicle is being transferred, the owner may use an



243 emissions inspection certificate issued for the motor vehicle during the previous 11 months to  
244 satisfy the requirement under this section.

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

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

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

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

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

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

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

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

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

273 (c) A county that imposes a local emissions compliance fee may use revenues

274 generated from the fee to promote programs to maintain a local, state, or national ambient air  
275 quality standard.

276 (14) (a) If a county has reason to believe that a vehicle owner has provided an address  
277 as required in Section 41-1a-209 to register or attempt to register a motor vehicle in a county  
278 other than the county of the bona fide residence of the owner in order to avoid an emissions  
279 inspection required under this section, the county may investigate and gather evidence to  
280 determine whether the vehicle owner has used a false address or an address other than the  
281 vehicle owner's bona fide residence or place of business.

282 (b) If a county conducts an investigation as described in Subsection (14)(a) and  
283 determines that the vehicle owner has used a false or improper address in an effort to avoid an  
284 emissions inspection as required in this section the county may:

285 (i) impose a civil penalty of \$1,000; and

286 (ii) provide relevant information and evidence to the Motor Vehicle Division.