

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

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; and
- ▶ makes technical changes.

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 2021, Chapter 322

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



26 Section 1. Section **41-6a-1642** is amended to read:

27 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

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

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

42 (i) the federal government;

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

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

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

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

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

53 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and
54 2014;

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

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

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

88 inspection and maintenance program that:

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

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

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

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

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

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

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

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

103 (b) a motor vehicle that:

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

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

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

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

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

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

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

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

118 (A) for the transportation of farm products, including livestock and its products,

119 poultry and its products, floricultural and horticultural products; and

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

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

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

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

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

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

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

132 (b) model year of 1997 or older.

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

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

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

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

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

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

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

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

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

143 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under
144 federal law to utilize a motor vehicle emissions inspection and maintenance program or in
145 which an emissions inspection and maintenance program is necessary to attain or maintain any
146 national ambient air quality standard may require each college or university located in a county
147 subject to this section to require its students and employees who park a motor vehicle not
148 registered in a county subject to this section to provide proof of compliance with an emissions
149 inspection accepted by the county legislative body if the motor vehicle is parked on the college

150 or university campus or property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

216 (13) (a) Except as provided in Subsection [41-1a-1223\(1\)\(c\)](#), a county identified in
217 Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration
218 within the county in accordance with the procedures and requirements of Section [41-1a-1223](#).

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

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

225 (14) (a) If a county has reason to believe that a vehicle owner has provided an address
226 as required in Section [41-1a-209](#) to register or attempt to register a motor vehicle in a county
227 other than the county of the bona fide residence of the owner in order to avoid an emissions
228 inspection required under this section, the county may investigate and gather evidence to
229 determine whether the vehicle owner has used a false address or an address other than the
230 vehicle owner's bona fide residence or place of business.

231 (b) If a county conducts an investigation as described in Subsection (14)(a) and
232 determines that the vehicle owner has used a false or improper address in an effort to avoid an
233 emissions inspection as required in this section, the county may impose a civil penalty of
234 \$1,000.