

**MOTOR VEHICLE SAFETY INSPECTION ADVISORY**

**COUNCIL AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen M. Peterson**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill repeals the Motor Vehicle Safety Inspection Advisory Council.

**Highlighted Provisions:**

This bill:

- repeals the Motor Vehicle Safety Inspection Advisory Council; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**53-1-104**, as last amended by Laws of Utah 2013, Chapter 295

**53-8-202**, as last amended by Laws of Utah 2005, Chapter 2

**53-8-204**, as last amended by Laws of Utah 2012, Chapter 356

**REPEALS:**

**53-8-201**, as enacted by Laws of Utah 1993, Chapter 234

**53-8-203**, as last amended by Laws of Utah 2016, Chapter 302

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

Section 1. Section **53-1-104** is amended to read:

**53-1-104. Boards, bureaus, councils, divisions, and offices.**

(1) The following are the policymaking boards within the department:

- (a) the Driver License Medical Advisory Board, created in Section 53-3-303;
- (b) the Concealed Firearm Review Board, created in Section 53-5-703;
- (c) the Utah Fire Prevention Board, created in Section 53-7-203;
- (d) the Liquified Petroleum Gas Board, created in Section 53-7-304; and
- (e) the Private Investigator Hearing and Licensure Board, created in Section 53-9-104.

(2) The ~~[following are the councils]~~ Peace Officer Standards and Training Council,  
created in Section 53-6-106, is within the department.[\*]

~~[(a) the Peace Officer Standards and Training Council, created in Section 53-6-106;~~  
and]

~~[(b) the Motor Vehicle Safety Inspection Advisory Council, created in Section~~  
53-8-203.]

(3) The following are the divisions within the department:

- (a) the Administrative Services Division, created in Section 53-1-203;
- (b) the Management Information Services Division, created in Section 53-1-303;
- (c) the Division of Emergency Management, created in Section 53-2a-103;
- (d) the Driver License Division, created in Section 53-3-103;
- (e) the Criminal Investigations and Technical Services Division, created in Section 53-10-103;
- (f) the Peace Officer Standards and Training Division, created in Section 53-6-103;
- (g) the State Fire Marshal Division, created in Section 53-7-103; and
- (h) the Utah Highway Patrol Division, created in Section 53-8-103.

(4) The Office of Executive Protection is created in Section 53-1-112.

(5) The following are the bureaus within the department:

- (a) the Bureau of Criminal Identification, created in Section 53-10-201;
- (b) the State Bureau of Investigation, created in Section 53-10-301;
- (c) the Bureau of Forensic Services, created in Section 53-10-401; and

(d) the Bureau of Communications, created in Section 53-10-501.

Section 2. Section 53-8-202 is amended to read:

**53-8-202. Definitions.**

~~[(1)]~~ The definitions in Section 41-6a-102 apply to this part.

~~[(2) As used in this part, "council" means the Motor Vehicle Safety Inspection Advisory Council created in Section 53-8-203.]~~

Section 3. Section 53-8-204 is amended to read:

**53-8-204. Division duties -- Official inspection stations -- Permits -- Fees -- Suspension or revocation -- Utah-based interstate commercial motor carriers.**

(1) The division shall:

(a) conduct examinations of every safety inspection station permit applicant and safety inspector certificate applicant to determine whether the applicant is properly equipped and qualified to make safety inspections;

(b) issue safety inspection station permits and safety inspector certificates to qualified applicants;

(c) establish application, renewal, and reapplication fees in accordance with Section 63J-1-504 for safety inspection station permits and safety inspector certificates;

(d) provide instructions and all necessary forms, including safety inspection certificates, to safety inspection stations for the inspection of motor vehicles and the issuance of the safety inspection certificates;

(e) investigate complaints regarding safety inspection stations and safety inspectors;

(f) compile and publish all applicable safety inspection laws, rules, instructions, and standards and distribute them to all safety inspection stations and provide updates to the compiled laws, rules, instructions, and standards as needed; and

(g) establish a fee in accordance with Section 63J-1-504 to cover the cost of compiling and publishing the safety inspection laws, rules, instructions, and standards and any updates[; ~~and~~].

~~[(h) assist the council in conducting its meetings and hearings.]~~

86           (2) (a) Receipts from the fees established in accordance with Subsection (1)(g) are  
87 fixed collections to be used by the division for the expenses of the Utah Highway Patrol  
88 incurred under Subsection (1)(g).

89           (b) Funds received in excess of the expenses under Subsection (1)(g) shall be deposited  
90 in the Transportation Fund.

91           (3) The division may:

92           (a) before issuing a safety inspection permit, require an applicant, other than a fleet  
93 station or government station, to file a bond that will provide a guarantee that the applicant  
94 safety inspection station will make compensation for any damage to a motor vehicle during an  
95 inspection or adjustment due to negligence on the part of an applicant or the applicant's  
96 employees;

97           (b) establish procedures governing the issuance of safety inspection certificates to  
98 Utah-based interstate commercial motor carriers;

99           (c) suspend, revoke, or refuse renewal of any safety inspection station permit issued  
100 when the division finds that the safety inspection station is not:

101           (i) properly equipped; or

102           (ii) complying with rules made by the division; and

103           (d) suspend, revoke, or refuse renewal of any safety inspection station permit or safety  
104 inspector certificate issued when the station or inspector has violated any safety inspection law  
105 or rule.

106           (4) The division shall maintain a record of safety inspection station permits and safety  
107 inspector certificates issued, suspended, revoked, or refused renewal under Subsection (3)(c).

108           (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
109 division shall make rules:

110           (a) setting minimum standards covering the design, construction, condition, and  
111 operation of motor vehicle equipment for safely operating a motor vehicle on the highway;

112           (b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle  
113 can be operated safely;

(c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections;

(d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate;

(e) establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students;

(f) establishing requirements:

(i) designed to protect consumers from unwanted or unneeded repairs or adjustments;

(ii) for maintaining safety inspection records;

(iii) for providing reports to the division; and

(iv) for maintaining and protecting safety inspection certificates;

(g) establishing procedures for a motor vehicle that fails a safety inspection;

(h) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and

(i) establishing procedures for a safety inspection station to follow if the station is going out of business.

(6) The rules of the division:

(a) shall conform as nearly as practical to federal motor vehicle safety standards including 49 C.F.R. Parts 393, 396, 396 Appendix G, and Federal Motor Vehicle Safety Standards 205; and

(b) may incorporate by reference, in whole or in part, the federal standards under Subsection (6)(a) and nationally recognized and readily available standards and codes on motor vehicle safety.

#### Section 4. **Repealer.**

This bill repeals:

Section **53-8-201**, **Short title.**

Section **53-8-203**, **Council created -- Members -- Term -- Meetings -- Duties.**