

Representative Tyler Clancy proposes the following substitute bill:

AIR QUALITY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses motor vehicle emission issues related to air quality.

Highlighted Provisions:

This bill:

- ▶ imposes a local emissions compliance fee on certain heavy duty vehicles;
- ▶ requires that revenue generated by the new local emissions compliance fee be used for emission related enforcement; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-1223, as last amended by Laws of Utah 2020, Chapter 83

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

Section 1. Section **41-1a-1223** is amended to read:



26 **41-1a-1223. Local emissions compliance fee -- Exemptions -- Transfer -- County**
27 **ordinance -- Notice -- Heavy duty vehicle fees.**

28 (1) (a) (i) A county legislative body of a county that is required 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 in accordance with Section 41-6a-1642 may impose a local emissions compliance fee
32 of up to:

33 (A) \$3 on each motor vehicle registration within the county for a motor vehicle
34 registration under Section 41-1a-215; or

35 (B) \$2.25 on each motor vehicle registration within the county for a six-month
36 registration period under Section 41-1a-215.5.

37 (ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.

38 (b) If imposed under Subsection (1)(a)(i), at the time application is made for
39 registration or renewal of registration of a motor vehicle under this chapter, the applicant shall
40 pay the local emissions compliance fee established by the county legislative body.

41 (c) The following are exempt from the fee required under Subsection (1)(a)(i):

42 (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or
43 Subsection 41-1a-419(3);

44 (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301;
45 and

46 (iii) an electric motor vehicle.

47 (2) The revenue generated from the fees collected under this section shall be
48 transferred to the county that imposed the fee.

49 (3) To impose or change the amount of a fee under this section, the county legislative
50 body shall pass an ordinance:

51 (a) approving the fee;

52 (b) setting the amount of the fee; and

53 (c) providing an effective date for the fee as provided in Subsection (4).

54 (4) (a) If a county legislative body enacts, changes, or repeals a fee under this section,
55 the enactment, change, or repeal shall take effect on January 1 if the commission receives
56 notice meeting the requirements of Subsection (4)(b) from the county prior to October 1.

57 (b) The notice described in Subsection (4)(a) shall:
58 (i) state that the county will enact, change, or repeal a fee under this section;
59 (ii) include a copy of the ordinance imposing the fee; and
60 (iii) if the county enacts or changes the fee under this section, state the amount of the
61 fee.

62 (5) (a) A county legislative body of a county that is required to use a motor vehicle
63 emissions inspection and maintenance program or in which an emissions inspection and
64 maintenance program is necessary to attain or maintain any national ambient air quality
65 standard in accordance with Section [41-6a-1642](#) shall impose a local emissions fee of \$50 on
66 each motor vehicle registration within the county that has a gross vehicle weight rating of
67 14,000 pounds or more and equipped with a diesel-powered motor.

68 (b) In addition to paying any other fee under this part, the applicant shall pay this
69 emissions compliance fee required by the county unless exempt under Subsection (5)(c).

70 (c) The following are exempt from the fee required under Subsection (5)(a):

71 (i) a vehicle with a gross vehicle weight rating of 14,000 pounds or more and equipped
72 with a diesel-powered motor manufactured on or after January 1, 2010;

73 (ii) a vehicle with a gross vehicle weight rating of 14,000 pounds or more and equipped
74 with a diesel-powered motor manufactured before January 1, 2010 that has a vehicle emissions
75 control information label indicating that the motor is rated to emit no more than .20 grams of
76 oxides of nitrogen per brake horsepower hour, as verified by an emissions inspection station
77 within the county;

78 (iii) a motor vehicle that is exempt from the registration fee under Section [41-1a-1209](#);

79 (iv) an implement of husbandry;

80 (v) a farm truck; or

81 (vi) a heavy duty vehicle used exclusively off-highway, such as a heavy duty vehicle
82 used in mining operations.

83 (d) A fee imposed under this Subsection (5) is subject to Subsections (2), (3), and (4).

84 (e) A county shall use the revenue generated from the fee collected under this
85 Subsection (5) exclusively for the enforcement of law preventing improper:

86 (i) vehicle registration; or

87 (ii) tampering with vehicle emissions control devices.

88 Section 2. **Effective date.**

89 This bill takes effect on May 1, 2024.