

# HB0279S02 compared with HB0279

~~{deleted text}~~ shows text that was in HB0279 but was deleted in HB0279S02.

inserted text shows text that was not in HB0279 but was inserted into HB0279S02.

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Representative Tyler Clancy proposes the following substitute bill:

## AIR QUALITY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tyler Clancy**

Senate Sponsor: ~~{Kirk A. Cullimore}~~ \_\_\_\_\_

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### LONG TITLE

#### General Description:

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

#### Highlighted Provisions:

This bill:

- ▶ ~~{establishes a policy regarding reducing certain emissions;~~
- ~~addresses possible revocation of a vehicle registration for avoiding emissions testing;~~
- ~~clarifies civil penalties by counties;~~
- ~~provides for counties to notify the Motor Vehicle Division of the use of an address that is not a bona fide address to avoid emissions testing;~~
- ~~defines terms;~~
- ~~requires specified state agencies to develop plans to reduce emissions;~~

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- ~~repeals outdated language regarding air quality mitigation~~; imposes a local emissions compliance fee on certain heavy duty vehicles;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 ~~{changes}~~ and conforming amendments.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

- ~~{ 19-2-101, as renumbered and amended by Laws of Utah 1991, Chapter 112~~
- ~~}~~ {41-1a-110}41-1a-1223, as last amended by Laws of Utah ~~{2023, Chapter 212~~
- ~~41-6a-1642, as last amended by Laws of Utah 2023, Chapters 22, 33 and 532~~

#### ENACTS:

- ~~63G-17-301, Utah Code Annotated 1953~~
- ~~63G-17-302, Utah Code Annotated 1953~~

#### REPEALS:

- ~~63G-17-101, as enacted by Laws of Utah 2013, Chapter 105~~
- ~~63G-17-102, as enacted by Laws of Utah 2013, Chapter 105~~
- ~~63G-17-201, as enacted by Laws of Utah 2013, Chapter 105~~
- ~~63G-17-202, as enacted by Laws of Utah 2013, Chapter 105~~
- ~~}~~ 2020, Chapter 83

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

Section 1. Section ~~{19-2-101}~~ 41-1a-1223 is amended to read:

#### ~~{CHAPTER 2. AIR CONSERVATION ACT~~

~~19-2-101. Policy of state and purpose of chapter -- Support of local and regional programs -- Provision of coordinated statewide program -- Emission reductions:~~

~~(1) [This chapter is known as the "Air Conservation Act."] As used in this section:~~

~~(a) "Applicable emission" means:~~

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- ~~—— (i) fine particulate matter;~~
- ~~—— (ii) carbon monoxide;~~
- ~~—— (iii) sulfur dioxide; and~~
- ~~—— (iv) nitrogen oxide;~~
- ~~—— (b) "Applicable geographic area" means:~~
  - ~~—— (i) Box Elder County;~~
  - ~~—— (ii) Cache County;~~
  - ~~—— (iii) Davis County;~~
  - ~~—— (iv) Salt Lake County;~~
  - ~~—— (v) Summit County;~~
  - ~~—— (vi) Tooele County;~~
  - ~~—— (vii) Utah County; and~~
  - ~~—— (viii) Weber County;~~
- ~~—— (2) It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this state, and facilitate the enjoyment of the natural attractions of this state.~~
- ~~—— (3) Local and regional air pollution control programs shall be supported to the extent practicable as essential instruments to secure and maintain appropriate levels of air quality.~~
- ~~—— (4) The purpose of this chapter is to:~~
  - ~~—— (a) provide for a coordinated statewide program of air pollution prevention, abatement, and control;~~
  - ~~—— (b) provide for an appropriate distribution of responsibilities among the state and local units of government;~~
  - ~~—— (c) facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within single jurisdictions; and~~
  - ~~—— (d) provide a framework within which air quality may be protected and consideration given to the public interest at all levels of planning and development within the state.~~
- ~~—— (5) (a) It is the policy of the state, independent of federal law, that each type of applicable emissions, measured in tons per year, be reduced by 50% in the applicable~~

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~~geographic area by December 31, 2033, compared to a baseline of each type of applicable emissions determined by the Division of Air Quality for 2017 in the applicable geographic area.~~

~~(b) Section 63G-17-302 applies to state plans to achieve the policy described in this section.~~

~~Section 2. Section 41-1a-110 is amended to read:~~

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

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

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

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

~~(c) a registered vehicle has been dismantled;~~

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

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

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

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

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

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

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

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

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- ~~—— (ii) designated agent that the owner of a motor vehicle:~~
- ~~—— (A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or~~
- ~~—— (B) provided a false or fraudulent statement to the designated agent.~~
- ~~—— (b) The division shall notify the Driver License Division if the division revokes the registration of a vehicle under Subsection (2)(a)(ii)(A):~~
- ~~—— (3) The division may not suspend or revoke the registration of a vessel or outboard motor unless authorized under Section 73-18-7.3.~~
- ~~—— (4) The division may not suspend or revoke the registration of an off-highway vehicle unless authorized under Section 41-22-17.~~
- ~~—— (5) The division shall charge a registration reinstatement fee under Section 41-1a-1220; if the registration is revoked under Subsection (2):~~
- ~~—— (6) (a) Except as provided in Subsections (3), (4), and (7), the division may suspend or revoke a registered vehicle's registration if the division is notified by a local health department, as defined in Section 26A-1-102, that the registered vehicle is unable to meet state or local air emissions standards pursuant to Section 41-6a-1642 or violates Subsection 41-6a-1626(2)(a) or (b):~~
  - ~~—— (b) (i) If the division receives information as described in Subsection 41-6a-1642(14) regarding a claim of a possible address discrepancy or violation, the division shall:~~
    - ~~—— (A) notify the vehicle owner of the possible address discrepancy or violation; and~~
    - ~~—— (B) require the vehicle owner to verify the bona fide residence and mailing address for the vehicle owner or cure the discrepancy or violation.~~
  - ~~—— (ii) If the vehicle owner fails to verify the bona fide residence and mailing address as required in Section 41-1a-209 or otherwise cure the discrepancy or violation within 30 days of the day the vehicle owner notification described in Subsection (6)(b)(i) is sent, the division shall:~~
    - ~~—— (A) notify the owner of the division's intent to revoke the registration of the vehicle and the vehicle owner's right to appeal; and~~
    - ~~—— (B) provide the vehicle owner reasonable notice and a hearing.~~
    - ~~—— (c) If a vehicle owner receives a notification described in Subsection (6)(b)(i), the vehicle owner shall provide the division verification of the bona fide residence and mailing~~

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~~address relevant to the vehicle by providing the division:~~

~~—— (i) at least three pieces of mail sent to the bona fide residence and mailing address; or~~  
~~—— (ii) other evidence that the vehicle is located and operated primarily from the provided bona fide address.~~

~~—— (d) If the division notifies a vehicle owner of the division's intent to revoke a vehicle registration as provided in Subsection (6)(b)(ii), and the vehicle owner fails to make good faith efforts to comply with the registration requirements of this chapter and emissions inspection requirements described in Section 41-6a-1642 within 60 days following the day on which the notice is sent, the division shall:~~

~~—— (i) revoke the registration of the vehicle; and~~

~~—— (ii) notify the relevant county described in Subsection 41-6a-1642(14);~~

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

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

(1) (a) (i) A county legislative body of a county that is required to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard in accordance with Section 41-6a-1642 may impose a local emissions compliance fee of up to:

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

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

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

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

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

(i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or

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Subsection 41-1a-419(3);

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

and

(iii) an electric motor vehicle.

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

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

(a) approving the fee;

(b) setting the amount of the fee; and

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

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

(b) The notice described in Subsection (4)(a) shall:

(i) state that the county will enact, change, or repeal a fee under this section;

(ii) include a copy of the ordinance imposing the fee; and

(iii) if the county enacts or changes the fee under this section, state the amount of the fee.

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

~~41-6a-1642. Emissions inspection -- County program.~~

~~(1) The } (5) (a) A county legislative body of {each} a county that is required {under federal law } to {utilize} use a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard {shall require:~~

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

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

~~(ii) at other times as the county legislative body may require to enforce inspection requirements for individual motor vehicles, except that the county legislative body may not routinely require a certificate of emissions inspection, or waiver of the certificate, more often~~

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than in accordance with Section 41-6a-1642 shall impose a local emissions fee of \$50 on each motor vehicle registration within the county that has a gross vehicle weight rating of 14,000 pounds or more and equipped with a diesel-powered motor.

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

(c) The following are exempt from the fee required under Subsection ~~(9)~~; and

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

~~(i) the federal government;~~

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

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

~~(2) (a) A vehicle owner subject to Subsection (1) shall obtain a motor~~ 5(a):

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

(ii) a vehicle with a gross vehicle weight rating of 14,000 pounds or more and equipped with a diesel-powered motor manufactured before January 1, 2010 that has a vehicle emissions ~~inspection and maintenance program certificate of emissions inspection as described in Subsection (1), but the program may not deny vehicle registration based solely on the presence of a defeat device covered in the Volkswagen partial consent decrees or a United States Environmental Protection Agency-approved vehicle modification in the following vehicles:~~

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

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

~~(B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and 2014;~~

~~(C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;~~

~~(D) Volkswagen Golf Sportwagen, model year 2015;~~

~~(E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;~~

~~(F) Volkswagen Beetle, model years 2013, 2014, and 2015;~~

~~(G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and~~



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- ~~\_\_\_\_\_ (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and~~
- ~~\_\_\_\_\_ (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state to a settlement, including:~~
  - ~~\_\_\_\_\_ (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;~~
  - ~~\_\_\_\_\_ (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;~~
  - ~~\_\_\_\_\_ (C) Audi A6 Quattro, model years 2014, 2015, and 2016;~~
  - ~~\_\_\_\_\_ (D) Audi A7 Quattro, model years 2014, 2015, and 2016;~~
  - ~~\_\_\_\_\_ (E) Audi A8, model years 2014, 2015, and 2016;~~
  - ~~\_\_\_\_\_ (F) Audi A8L, model years 2014, 2015, and 2016;~~
  - ~~\_\_\_\_\_ (G) Audi Q5, model years 2014, 2015, and 2016; and~~
  - ~~\_\_\_\_\_ (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.~~
- ~~\_\_\_\_\_ (b) (i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1):~~
  - ~~\_\_\_\_\_ (ii) A county emissions program may not refuse to perform; control information label indicating that the motor is rated to emit no more than .20 grams of oxides of nitrogen per brake horsepower hour, as verified by an emissions inspection ~~for indicate a failed emissions test of the vehicle based solely on a modification to the engine or component of the motor vehicle if:~~
    - ~~\_\_\_\_\_ (A) the modification is not likely to result in the motor vehicle having increased emissions relative to the emissions of the motor vehicle before the modification; and~~
    - ~~\_\_\_\_\_ (B) the motor vehicle modification is a change to an engine that is newer than the engine with which the motor vehicle was originally equipped, or the engine includes technology that increases the facility of the administration of an emissions test, such as an on-board diagnostics system.~~~~
  - ~~\_\_\_\_\_ (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite to registration of a restored-modified vehicle:~~
    - ~~\_\_\_\_\_ (A) the owner shall present the signed statement described in Subsection 41-1a-226(4); and~~
    - ~~\_\_\_\_\_ (B) the county emissions program shall perform the emissions test.~~

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~~—— (iv) If station within the county;~~

~~—— (iii) a motor vehicle that is {registered as a restored-modified vehicle and} exempt from the registration {certificate is notated as described in Subsection 41-1a-226(4), a county emissions program may not refuse to perform an emissions test based solely on the restored-modified status of the motor vehicle.~~

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

~~—— (i) emissions standards;~~

~~—— (ii) test procedures;~~

~~—— (iii) inspections stations;~~

~~—— (iv) repair requirements and dollar limits for correction of deficiencies; [and]~~

~~—— (v) certificates of emissions inspections[.]; and~~

~~—— (vi) administration of a civil penalty as described in Subsection (14)(b):~~

~~—— (b) In accordance with Subsection (3)(a), a county legislative body:~~

~~—— (i) shall make regulations or ordinances to attain or maintain ambient air quality standards in the county, consistent with the state implementation plan and federal requirements;~~

~~—— (ii) may allow for a phase-in of the program by geographical area; and~~

~~—— (iii) shall comply with the analyzer design and certification requirements contained in the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.~~

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

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

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

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

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

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- ~~—— (i) may be accomplished in accordance with applicable federal requirements; and~~
- ~~—— (ii) does not otherwise interfere with the attainment and maintenance of ambient air quality standards.~~
- ~~—— (4) The following vehicles are exempt from an emissions inspection program and the provisions of this section:~~
  - ~~—— (a) fee under Section 41-1a-1209;~~
  - ~~(iv) an implement of husbandry { as defined in Section 41-1a-102};~~
    - ~~{(b) a motor vehicle that:~~
      - ~~—— (i) meets the definition of a farm truck under Section 41-1a-102; and~~
      - ~~—— (ii) has a gross vehicle weight rating of 12,001 pounds or more;~~
      - ~~—— (c) a vintage vehicle as defined in Section 41-21-1:~~
        - ~~—— (i) if the vintage vehicle has a model year of 1982 or older; or~~
        - ~~—— (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner provides proof of vehicle insurance that is a type specific to a vehicle collector;~~
      - ~~—— (d) a custom vehicle as defined in Section 41-6a-1507;~~
      - ~~—— (e) to the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor vehicle that is less than two years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer;~~
      - ~~—— (f) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:~~
        - ~~—— (i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and~~
        - ~~—— (ii) exclusively for the following purposes in operating the farm:~~
          - ~~—— (A) for the transportation of farm products, including livestock and its products, poultry and its products, floricultural and horticultural products; and~~
          - ~~—— (B) in the transportation of farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance;~~
      - ~~—— (g) a motorcycle as defined in Section 41-1a-102;~~

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- ~~\_\_\_\_\_ (h) an electric motor vehicle as defined in Section 41-1a-102; and~~
- ~~\_\_\_\_\_ (i) a motor vehicle with a model year of 1967 or older.~~
- ~~\_\_\_\_\_ (5) The county shall issue to the registered owner who signs and submits a signed statement under Subsection (4)(f) a certificate of exemption from emissions inspection requirements for purposes of registering the exempt vehicle.~~
- ~~\_\_\_\_\_ (6) A legislative body of a county described in Subsection (1) may exempt from an emissions inspection program a diesel-powered motor vehicle with a:~~
  - ~~\_\_\_\_\_ (a) gross vehicle weight rating of more than 14,000 pounds; or~~
  - ~~\_\_\_\_\_ (b) model year of 1997 or older.~~
- ~~\_\_\_\_\_ (7) The legislative body of a county required under federal law to utilize a motor vehicle emissions inspection program shall require:~~
  - ~~\_\_\_\_\_ (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:~~
    - ~~\_\_\_\_\_ (i) a model year of 2007 or newer;~~
    - ~~\_\_\_\_\_ (ii) a gross vehicle weight rating of 14,000 pounds or less; and~~
    - ~~\_\_\_\_\_ (iii) a model year that is five years old or older; and~~
  - ~~\_\_\_\_\_ (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:~~
    - ~~\_\_\_\_\_ (i) with a gross vehicle weight rating of 14,000 pounds or less;~~
    - ~~\_\_\_\_\_ (ii) that has a model year of 1998 or newer; and~~
    - ~~\_\_\_\_\_ (iii) that has a model year that is five years old or older.~~
- ~~\_\_\_\_\_ (8) (a) Subject} (v) a farm truck; or~~  
~~(vi) a heavy duty vehicle used exclusively off-highway, such as a heavy duty vehicle used in mining operations.~~
- ~~(d) A fee imposed under this Subsection (5) is subject to }Subsection (8)(c), the legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.~~
- ~~\_\_\_\_\_ (b) College or university parking areas that are metered or for which payment is~~

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~~required per use are not subject to the requirements of this Subsection (8):~~

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

~~—— (9) (a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in regulations or ordinances made under Subsection (3):~~

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

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

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

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

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

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

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

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

~~—— (C) if the county establishes or changes the frequency under this section, state how~~

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frequently the emissions testing will be required:

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

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

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

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

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

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

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

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

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

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

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

~~—— (12) If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an~~

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~~emissions inspection station may charge by \$2.50 for each year that is exempted from emissions inspections under Subsection (9)(c) up to a \$7.50 increase.~~

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

~~—— (b) A county that imposes a local emissions compliance fee may use revenues}~~ Subsections (2), (3), and (4).

(e) A county shall use the revenue generated from the fee collected under this Subsection (5) exclusively for the ~~{ establishment and}~~ enforcement of ~~{an emissions inspection and maintenance program in accordance with the requirements of this section.~~

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

~~—— (14) (a) If a county has reason to believe that a vehicle owner has provided an address as required in Section 41-1a-209 to register or attempt to register a motor vehicle in a county other than the county of the bona fide residence of the owner in order to avoid an emissions inspection required under this section, the county may:~~

~~—— (i) investigate and gather evidence to determine whether the vehicle owner has used a false address or an address other than the vehicle owner's bona fide residence or place of business[.]; or~~

~~—— (ii) provide relevant information and evidence to the Motor Vehicle Division for an investigation and verification of a bona fide address as described in Subsection 41-1a-110(6).~~

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

~~—— (15) A county legislative body described in Subsection (1) may exempt a motor vehicle from an emissions inspection if:~~

~~—— (a) the motor vehicle is 30 years old or older;~~

~~—— (b) the county determines that the motor vehicle was driven less than 1,500 miles during the preceding 12-month period; and~~

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~~(c) the owner provides to the county legislative body a statement signed by the owner that states the motor vehicle:~~

~~(i) is primarily a collector's item used for:~~

~~(A) participation in club activities;~~

~~(B) exhibitions;~~

~~(C) tours; or~~

~~(D) parades; or~~

~~(ii) is only used for occasional transportation.~~

~~Section 4. Section 63G-17-301 is enacted to read:~~

### **Part 3. Emission Reduction Plans**

~~**63G-17-301. Definitions:**~~

~~As used in this part:~~

~~(1) "Applicable emission" means the same as that term is defined in Section 19-2-101.~~

~~(2) "Applicable geographic area" means the same as that term is defined in Section 19-2-101.~~

~~(3) "Policy" means the policy set for the reduction of applicable emissions in the applicable geographic area under Section 19-2-101.~~

~~Section 5. Section 63G-17-302 is enacted to read:~~

~~**63G-17-302. State agency plans.**~~

~~(1) In accordance with the other provisions of this section, the following state agencies shall prepare a plan to contribute to achieving the policy for the reduction of applicable emissions in the applicable geographic area:~~

~~(a) the Department of Environmental Quality;~~

~~(b) the Governor's Office of Economic Opportunity;~~

~~(c) the Department of Natural Resources;~~

~~(d) the Department of Transportation; and~~

~~(e) the Public Service Commission.~~

~~(2) A state agency listed in Subsection (1) shall prepare a plan of how the state agency can contribute to achieving the policy by addressing:~~

~~(a) the state agency's activities, including procurement; and~~

~~(b) activities the state agency oversees or regulates.~~



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~~(3) Notwithstanding the other provisions of this section, the Public Service Commission shall submit the Public Service Commission's plan required by this section for the reduction statewide of applicable emissions:~~

~~(4) A state agency shall submit the agency's plan prepared under this section to the Legislature by no later than January 1, 2025:~~

~~Section 6. **Repealer:**~~

~~This bill repeals:~~

~~Section 63G-17-101, Title:~~

~~Section 63G-17-102, Definitions:~~

~~Section 63G-17-201, Title:~~

~~Section 63G-17-202, Air quality mitigation report and plan.~~

~~Section 7} law preventing improper:~~

~~(i) vehicle registration; or~~

~~(ii) tampering with vehicle emissions control devices.~~

~~Section 2. Effective date.~~

~~This bill takes effect on May 1, 2024.~~