

Representative Mark A. Wheatley proposes the following substitute bill:

NOISE POLLUTION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Wheatley

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires an inspection of noise suppression equipment at the time of a vehicle emissions inspection as a prerequisite to registration of a motor vehicle.

Highlighted Provisions:

This bill:

- ▶ requires vehicles subject to an emissions inspection to be inspected for compliance with noise suppression equipment requirements;
- ▶ requires proof of the inspection as a condition of registration; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-6a-1626, as last amended by Laws of Utah 2021, Chapter 282

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



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

27 Section 1. Section **41-6a-1626** is amended to read:

28 **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**
29 **control devices.**

30 (1) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or
31 unusual noise.

32 (b) A motor vehicle shall be equipped with a muffler or other effective noise
33 suppressing system in good working order and in constant operation.

34 (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

35 (d) As part of an emissions inspection described in Section [41-6a-1642](#), an emissions
36 inspection station shall inspect each motor vehicle subject to an emissions inspection to ensure
37 compliance with the noise prevention equipment requirements in this section.

38 (2) (a) Except while the engine is being warmed to the recommended operating
39 temperature, the engine and power mechanism of a gasoline-powered motor vehicle may not
40 emit visible contaminants during operation.

41 (b) (i) As used in this Subsection (2)(b), "heavy tow" means a tow that exceeds the
42 vehicle's maximum tow weight.

43 (ii) A diesel engine manufactured on or after January 1, 2008, may not emit visible
44 contaminants during operation:

45 (A) except while the engine is being warmed to the recommended operating
46 temperature or under a heavy tow; or

47 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight
48 rating in excess of 26,000 pounds.

49 (iii) A diesel engine manufactured before January 1, 2008, may not emit visible
50 contaminants of a shade or density that obscures a contrasting background by more than 20%,
51 for more than five consecutive seconds:

52 (A) except while the engine is being warmed to the recommended operating
53 temperature or under a heavy tow; or

54 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight
55 rating in excess of 26,000 pounds.

56 (c) A person who violates the provisions of Subsection (2)(a) is guilty of an infraction

57 and shall be fined:

58 (i) not less than \$50 for a violation; or

59 (ii) not less than \$100 for a second or subsequent violation within three years of a
60 previous violation of this section.

61 (d) A person who violates the provisions of Subsection (2)(b) is guilty of an infraction
62 and shall be fined:

63 (i) not less than \$100 for a violation; or

64 (ii) not less than \$500 for a second or subsequent violation within three years of a
65 previous violation of this section.

66 (e) (i) As used in this section:

67 (A) "Local health department" means the same as that term is defined in Section
68 [26A-1-102](#).

69 (B) "Nonattainment area" means a part of the state where air quality is determined to
70 exceed the National Ambient Air Quality Standards, as defined in the Clean Air Act
71 Amendments of 1970, Pub. L. No. 91-604, Sec. 109, for fine particulate matter (PM 2.5).

72 (ii) Within a nonattainment area, for a second or subsequent violation of Subsection
73 (2)(a) or (2)(b), the court shall report the violations to the local health department at a regular
74 interval.

75 (iii) If the local health department receives a notification as described in Subsection
76 (2)(e)(ii), and the local health department determines that the registered vehicle is unable to
77 meet state or local air emission standards, the local health department shall send notification to
78 the Motor Vehicle Division.

79 (3) (a) If a motor vehicle is equipped by a manufacturer with air pollution control
80 devices, the devices shall be maintained in good working order and in constant operation.

81 (b) For purposes of the first sale of a vehicle at retail, an air pollution control device
82 may be substituted for the manufacturer's original device if the substituted device is at least as
83 effective in the reduction of emissions from the vehicle motor as the air pollution control
84 device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle
85 class.

86 (c) A person who renders inoperable an air pollution control device on a motor vehicle
87 is guilty of an infraction.

88 (4) Subsection (3) does not apply to a motor vehicle altered and modified to use clean
89 fuel, as defined under Section 59-13-102, when the emissions from the modified or altered
90 motor vehicle are at levels that comply with existing state or federal standards for the emission
91 of pollutants from a motor vehicle of the same class.

92 (5) A violation of Subsection (1), (2), or (3) is an infraction.

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

94 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

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

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

109 (i) the federal government;

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

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

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

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

- 119 (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
- 120 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and
- 121 2014;
- 122 (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
- 123 (iv) Volkswagen Golf Sportwagen, model year 2015;
- 124 (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
- 125 (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;
- 126 (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
- 127 (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
- 128 (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide

129 emissions are mitigated in the state to a settlement, including:

- 130 (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and
- 131 2016;
- 132 (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
- 133 (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;
- 134 (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;
- 135 (v) Audi A8, model years 2014, 2015, and 2016;
- 136 (vi) Audi A8L, model years 2014, 2015, and 2016;
- 137 (vii) Audi Q5, model years 2014, 2015, and 2016; and
- 138 (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

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

- 142 (i) emissions standards;
- 143 (ii) test procedures;
- 144 (iii) inspections stations;
- 145 (iv) repair requirements and dollar limits for correction of deficiencies; and
- 146 (v) certificates of emissions inspections.

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

- 148 (i) shall make regulations or ordinances to attain or maintain ambient air quality
149 standards in the county, consistent with the state implementation plan and federal

150 requirements;

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

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

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

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

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

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

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

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

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

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

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

170 (b) a motor vehicle that:

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

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

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

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

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

179 (f) a pickup truck, as defined in Section [41-1a-102](#), with a gross vehicle weight rating
180 of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed

181 statement to the legislative body stating the truck is used:

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

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

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

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

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

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

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

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

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

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

199 (b) model year of 1997 or older.

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

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

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

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

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

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

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

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

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

210 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under
211 federal law to utilize a motor vehicle emissions inspection and maintenance program or in

212 which an emissions inspection and maintenance program is necessary to attain or maintain any
213 national ambient air quality standard may require each college or university located in a county
214 subject to this section to require its students and employees who park a motor vehicle not
215 registered in a county subject to this section to provide proof of compliance with an emissions
216 inspection accepted by the county legislative body if the motor vehicle is parked on the college
217 or university campus or property.

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

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

223 (9) (a) An emissions inspection station shall issue a certificate of emissions inspection
224 for each motor vehicle that meets the inspection and maintenance program requirements
225 established in [Section 41-6a-1626](#) and in rules made under Subsection (3).

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

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

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

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

241 (iv) If a county legislative body establishes or changes the frequency of a vehicle
242 emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment

243 or change shall take effect on January 1 if the State Tax Commission receives notice meeting
244 the requirements of Subsection (9)(c)(v) from the county before October 1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

292 **Section 3. Effective date.**

293 This bill takes effect on January 1, 2023.