

**MANDATORY EMISSION INSPECTIONS AND
MAINTENANCE PROGRAMS**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jackie Biskupski

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to motor vehicle emissions inspection programs.

Highlighted Provisions:

This bill:

► provides that the legislative body of each county with a geographic boundary that is adjacent to a county that is required under federal law to utilize an emissions inspection and maintenance program shall:

• require a certificate of emissions inspection or a waiver be presented as a condition of registration or renewal of registration; and

• implement an emissions inspection and maintenance program;

► authorizes each county legislative body required to implement an emissions inspection and maintenance program to impose a local emissions compliance fee;

and

► makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on January 1, 2012.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-1a-1223**, as enacted by Laws of Utah 2010, Chapter 295

31 **41-6a-1642**, as last amended by Laws of Utah 2010, Chapter 295

32 **41-6a-1643**, as renumbered and amended by Laws of Utah 2005, Chapter 2

33 **41-6a-1644**, as last amended by Laws of Utah 2009, Chapter 333



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

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

37 **41-1a-1223. Local emissions compliance fee -- Exemptions -- Transfer -- County**
38 **ordinance -- Notice.**

39 (1) (a) (i) A county legislative body of a county that is required to utilize a motor
40 vehicle emissions inspection and maintenance program [~~or in which an emissions inspection~~
41 ~~and maintenance program is necessary to attain or maintain any national ambient air quality~~
42 ~~standard~~] in accordance with Section 41-6a-1642 may impose a local emissions compliance fee
43 of up to \$3 on each motor vehicle registration within the county.

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

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

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

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

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

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

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

56 (a) approving the fee;

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

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

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

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

- 63 (i) state that the county will enact, change, or repeal a fee under this section;
- 64 (ii) include a copy of the ordinance imposing the fee; and
- 65 (iii) if the county enacts or changes the fee under this section, state the amount of the
66 fee.

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

68 **41-6a-1642. Emissions inspection -- County program.**

69 (1) (a) The legislative body of each county:

70 (i) required under federal law to utilize a motor vehicle emissions inspection and
71 maintenance program or in which an emissions inspection and maintenance program is
72 necessary to attain or maintain any national ambient air quality standard; or

73 (ii) with a geographic boundary that is adjacent to a county required under federal law
74 to utilize a motor vehicle emissions inspection and maintenance program or in which an
75 emissions inspection and maintenance program is necessary to attain any national ambient air
76 quality standard shall [require:] comply with the provisions of this section.

77 (b) The legislative body of each county described in Subsection (1)(a) shall require:

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

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

82 ~~(i)~~ (B) at other times as the county legislative body may require to enforce inspection
83 requirements for individual motor vehicles, except that the county legislative body may not
84 routinely require a certificate of emission inspection, or waiver of the certificate, more often
85 than required under Subsection (6); and

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

89 ~~(i)~~ (A) the federal government;

90 [~~(ii)~~] (B) the state and any of its agencies; or

91 [~~(iii)~~] (C) a political subdivision of the state, including school districts.

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

95 (i) emissions standards;

96 (ii) test procedures;

97 (iii) inspections stations;

98 (iv) repair requirements and dollar limits for correction of deficiencies; and

99 (v) certificates of emissions inspections.

100 (b) The regulations or ordinances shall:

101 (i) be made to attain or maintain ambient air quality standards in the county, consistent
102 with the state implementation plan and federal requirements; and

103 (ii) may allow for a phase-in of the program by geographical area.

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

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

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

111 (iii) providing a reasonable phase-out period for replacement of air pollution emission
112 testing equipment made obsolete by the program.

113 (d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out:

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

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

117 (3) The following vehicles are exempt from the provisions of this section:

118 (a) an implement of husbandry;

119 (b) a motor vehicle that:

120 (i) meets the definition of a farm truck under Section 41-1a-102; and

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

122 (c) a vintage vehicle as defined in Section 41-21-1; and

123 (d) a custom vehicle as defined in Section 41-6a-1507.

124 (4) (a) The legislative body of a county identified in Subsection (1) shall exempt a
125 pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000 pounds or
126 less from the emission inspection requirements of this section, if the registered owner of the
127 pickup truck provides a signed statement to the legislative body stating the truck is used:

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

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

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

133 (B) in the transportation of farm supplies, including tile, fence, and every other thing or
134 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production
135 and maintenance.

136 (b) The county shall provide to the registered owner who signs and submits a signed
137 statement under this section a certificate of exemption from emission inspection requirements
138 for purposes of registering the exempt vehicle.

139 (5) (a) Subject to Subsection (5)(c), the legislative body of each county [~~required under~~
140 ~~federal law to utilize a motor vehicle emissions inspection and maintenance program or in~~
141 ~~which an emissions inspection and maintenance program is necessary to attain or maintain any~~
142 ~~national ambient air quality standard]~~ described in Subsection (1) may require each college or
143 university located in a county subject to this section to require its students and employees who
144 park a motor vehicle not registered in a county subject to this section to provide proof of
145 compliance with an emissions inspection accepted by the county legislative body if the motor
146 vehicle is parked on the college or university campus or property.

147 (b) College or university parking areas that are metered or for which payment is
148 required per use are not subject to the requirements of this Subsection (5).

149 (c) The legislative body of a county shall make the reasons for implementing the
150 provisions of this Subsection (5) part of the record at the time that the county legislative body
151 takes its official action to implement the provisions of this Subsection (5).

152 (6) (a) An emissions inspection station shall issue a certificate of emissions inspection
153 for each motor vehicle that meets the inspection and maintenance program requirements
154 established in rules made under Subsection (2).

155 (b) The frequency of the emissions inspection shall be determined based on the age of
156 the vehicle as determined by model year and shall be required annually subject to the
157 provisions of Subsection (6)(c).

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

162 (ii) The provisions of Subsection (6)(c)(i) apply only to a vehicle that is less than six
163 years old on January 1.

164 (d) If an emissions inspection is only required every two years for a vehicle under
165 Subsection (6)(c), the inspection shall be required for the vehicle in:

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

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

168 (7) The emissions inspection shall be required within the same time limit applicable to
169 a safety inspection under Section 41-1a-205.

170 (8) (a) A county identified in Subsection (1) shall collect information about and
171 monitor the program.

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

175 (9) If approved by the county legislative body, a county that had an established
176 emissions inspection fee as of January 1, 2002, may increase the established fee that an
177 emissions inspection station may charge by \$2.50 for each year that is exempted from
178 emissions inspections under Subsection (6)(c) up to a \$7.50 increase.

179 (10) (a) A county identified in Subsection (1) may impose a local emissions
180 compliance fee on each motor vehicle registration within the county in accordance with the
181 procedures and requirements of Section 41-1a-1223.

182 (b) A county that imposes a local emissions compliance fee shall use revenues

183 generated from the fee for the establishment and enforcement of an emissions inspection and
184 maintenance program in accordance with the requirements of this section.

185 Section 3. Section **41-6a-1643** is amended to read:

186 **41-6a-1643. Development of standardized emissions inspection and maintenance**
187 **program.**

188 (1) The county legislative body of each county in which an emissions inspection and
189 maintenance program for motor vehicles is implemented [~~to meet National Ambient Air~~
190 ~~Quality Standards~~] in accordance with Section 41-6a-1642 may enter into an agreement under
191 Title 11, Chapter 13, Interlocal Cooperation Act, to develop an emissions inspection and
192 maintenance program that:

- 193 (a) requires standardized, computerized testing equipment;
- 194 (b) provides for reciprocity, so that a person required to submit an emissions certificate
195 for vehicle registration may obtain an emissions certificate from any county in which a vehicle
196 emissions inspection and maintenance program is in operation; and
- 197 (c) requires standardized emissions standards for all counties entering into an
198 agreement under this section.

199 (2) Emissions standards set under Subsection (1) shall allow all counties identified in
200 Subsection (1) to meet the National Ambient Air Quality Standards.

201 (3) Each county legislative body entering into an agreement under Subsection (1) shall
202 make regulations or ordinances to implement the emissions inspection and maintenance
203 program developed under Subsection (1).

204 Section 4. Section **41-6a-1644** is amended to read:

205 **41-6a-1644. Diesel emissions program -- Implementation -- Monitoring --**
206 **Exemptions.**

207 (1) The legislative body of each county required by [~~the comprehensive plan for air~~
208 ~~pollution control developed by the Air Quality Board under Subsection 19-2-104(3)(e)] Section
209 41-6a-1642 to use an emissions opacity inspection and maintenance program for
210 diesel-powered motor vehicles shall:~~

- 211 (a) make regulations or ordinances to implement and enforce the requirement
212 established by the Air Quality Board;
- 213 (b) collect information about and monitor the program; and

214 (c) by August 1 of each year, supply written information to the Department of
215 Environmental Quality to identify program status.

216 (2) The following vehicles are exempt from an emissions opacity inspection and
217 maintenance program for diesel-powered motor vehicles established by a legislative body of a
218 county under Subsection (1):

219 (a) an implement of husbandry; and

220 (b) a motor vehicle that:

221 (i) meets the definition of a farm truck under Section 41-1a-102; and

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

223 (3) (a) The legislative body of a county identified in Subsection (1) shall exempt a
224 pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000 pounds or
225 less from the emissions opacity inspection and maintenance program requirements of this
226 section, if the registered owner of the pickup truck provides a signed statement to the
227 legislative body stating the truck is used:

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

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

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

233 (B) for the transportation of farm supplies, including tile, fence, and every other thing
234 or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production
235 and maintenance.

236 (b) The county shall provide to the registered owner who signs and submits a signed
237 statement under this section a certificate of exemption from emissions opacity inspection and
238 maintenance program requirements for purposes of registering the exempt vehicle.

239 **Section 5. Effective date.**

240 This bill takes effect on January 1, 2012.

Legislative Review Note
as of 1-28-11 3:10 PM

Office of Legislative Research and General Counsel