

1 **MOTOR VEHICLE EMISSIONS AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Francis D. Gibson**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides that certain county regulations and ordinances shall be compliant with the
- 14 analyzer design and certification requirements contained in the state implementation
- 15 plan as approved by the United States Environmental Protection Agency; and
- 16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **41-6a-1642**, as last amended by Laws of Utah 2010, Chapter 295

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

26 Section 1. Section **41-6a-1642** is amended to read:

27 **41-6a-1642. Emissions inspection -- County program.**



28 (1) The legislative body of each county required under federal law 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 shall require:

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

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

35 (ii) at other times as the county legislative body may require to enforce inspection
36 requirements for individual motor vehicles, except that the county legislative body may not
37 routinely require a certificate of emission inspection, or waiver of the certificate, more often
38 than required under Subsection (6); and

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

42 (i) the federal government;

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

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

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

48 (i) emissions standards;

49 (ii) test procedures;

50 (iii) inspections stations;

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

52 (v) certificates of emissions inspections.

53 (b) The regulations or ordinances shall:

54 (i) be made to attain or maintain ambient air quality standards in the county, consistent
55 with the state implementation plan and federal requirements; [~~and~~]

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

57 (iii) be compliant with the analyzer design and certification requirements contained in
58 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act, as

59 approved by the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

74 (a) an implement of husbandry;

75 (b) a motor vehicle that:

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

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

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

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

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

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

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

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

89 (B) in the transportation of farm supplies, including tile, fence, and every other thing or

90 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production
91 and maintenance.

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

95 (5) (a) Subject to Subsection (5)(c), the legislative body of each county required under
96 federal law to utilize a motor vehicle emissions inspection and maintenance program or in
97 which an emissions inspection and maintenance program is necessary to attain or maintain any
98 national ambient air quality standard may require each college or university located in a county
99 subject to this section to require its students and employees who park a motor vehicle not
100 registered in a county subject to this section to provide proof of compliance with an emissions
101 inspection accepted by the county legislative body if the motor vehicle is parked on the college
102 or university campus or property.

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

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

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

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

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

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

120 (d) If an emissions inspection is only required every two years for a vehicle under

121 Subsection (6)(c), the inspection shall be required for the vehicle in:

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

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

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

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

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

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

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

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

Legislative Review Note
as of 1-27-11 3:35 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 265

SHORT TITLE: **Motor Vehicle Emissions Amendments**

SPONSOR: **Gibson, F.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.