

1 **NEW CAR SAFETY AND EMISSIONS INSPECTION**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Don L. Ipson**

5 Senate Sponsor: Curtis S. Bramble

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Traffic Code and the Public Safety Code by amending provisions
10 relating to motor vehicle safety and emissions inspections.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides that to the extent allowed under the current federally approved state
14 implementation plan, a motor vehicle that is less than two years old on January 1,
15 based on the age of the vehicle as determined by the model year identified by the
16 manufacturer, is exempt from the requirement to obtain an emissions inspection;
- 17 ▶ provides that a motor vehicle that is less than two years old on January 1, based on
18 the age of the vehicle as determined by the model year identified by the
19 manufacturer, is exempt from the requirement to pass a safety inspection; and
- 20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill takes effect on October 1, 2012.

24a **↔** This bill coordinates with H.B. 298, Motor Vehicle Safety Inspection Amendments, by
24b omitting substantive changes. **↔**

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **41-6a-1642**, as last amended by Laws of Utah 2011, Chapter 36



28 **53-8-205**, as last amended by Laws of Utah 2009, Chapters 155 and 311

28a **H→ Utah Code Sections Affected by Coordination Clause:**

28b **53-8-205, as last amended by Laws of Utah 2009, Chapters 155 and 311 ←H**

29

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

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

32 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

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

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

47 (i) the federal government;

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

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

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

53 (i) emissions standards;

54 (ii) test procedures;

55 (iii) inspections stations;

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

57 (v) certificates of emissions inspections.

58 (b) The regulations or ordinances shall:

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

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

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

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

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

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

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

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

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

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

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

78 (a) an implement of husbandry;

79 (b) a motor vehicle that:

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

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

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

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

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

88 (4) (a) The legislative body of a county identified in Subsection (1) shall exempt a
89 pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000 pounds or

90 less from the emission inspection requirements of this section, if the registered owner of the
91 pickup truck provides a signed statement to the legislative body stating the truck is used:

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

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

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

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

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

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

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

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

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

119 (b) The frequency of the emissions inspection shall be determined based on the age of
120 the vehicle as determined by model year and shall be required annually subject to the

121 provisions of Subsection (6)(c).

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

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

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

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

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

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

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

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

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

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

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

149 Section 2. Section **53-8-205** is amended to read:

150 **53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety**
151 **inspection certificate required -- Out-of-state permits.**

152 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway
153 a motor vehicle required to be registered in this state unless the motor vehicle has passed a
154 safety inspection.

155 (b) Subsection (1)(a) does not apply to:

156 (i) a vehicle that is exempt from registration under Section 41-1a-205;

157 (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a
158 street-legal all-terrain vehicle in accordance with Section 41-6a-1509;

159 (iii) a vintage vehicle as defined in Section 41-21-1;

160 (iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:

161 (A) is operating with an apportioned registration under Section 41-1a-301; and

162 (B) has a valid annual federal inspection that complies with the requirements of 49

163 C.F.R. Sec. 396.17; [~~and~~]

164 (v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle
165 described in Subsection (1)(a)(iv) that has a valid annual federal inspection that complies with
166 the requirements of 49 C.F.R. Sec. 396.17[-]; and

167 (vi) a motor vehicle that is less than two years old on January 1 based on the age of the
168 vehicle as determined by the model year identified by the manufacturer.

169 (2) Except as provided in Subsection (3), the frequency of the safety inspection shall be
170 determined based on the age of the vehicle determined by model year and shall:

171 (a) be required each year for a vehicle that is eight or more years old on January 1; or

172 (b) every two years for each vehicle that is less than eight years old on January 1 as

173 follows:

174 (i) in odd-numbered years for a vehicle with an odd-numbered model year; and

175 (ii) in even-numbered years for a vehicle with an even-numbered model year;

176 (c) be made by a safety inspector certified by the division at a safety inspection station
177 authorized by the division;

178 (d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to
179 ensure proper adjustment and condition as required by department rules; and

180 (e) include an inspection for the display of license plates in accordance with Section
181 41-1a-404.

182 (3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a

183 safety inspection when an application is made for initial registration as a salvage vehicle.

184 (ii) After initial registration as a salvage vehicle, the frequency of the safety inspection
185 shall correspond with the model year, as provided in Subsection (2).

186 (b) A motor vehicle with a gross vehicle weight rating of 10,001 pounds or more is
187 required to pass a safety inspection annually.

188 (4) (a) A safety inspection station shall issue two safety inspection certificates to the
189 owner of:

190 (i) each motor vehicle that passes a safety inspection under this section; and

191 (ii) a street-legal all-terrain vehicle that meets all the equipment requirements in
192 Section 41-6a-1509.

193 (b) A safety inspection station shall use one safety inspection certificate issued under
194 this Subsection (4) for processing the vehicle registration.

195 (c) A person operating a motor vehicle shall have in the person's immediate possession
196 a safety inspection certificate or other evidence of compliance with the requirement to obtain a
197 safety inspection under this section.

198 (5) The division may:

199 (a) authorize the acceptance in this state of a safety inspection certificate issued in
200 another state having a safety inspection law similar to this state; and

201 (b) extend the time within which a safety inspection certificate must be obtained by the
202 resident owner of a vehicle that was not in this state during the time a safety inspection was
203 required.

204 Section 3. **Effective date.**

205 This bill takes effect on October 1, 2012.

205a **H→ Section 4. Coordinating H.B. 407 with H.B. 298 -- Omitting substantive changes.**

205b **If this H.B. 407 and H.B. 298, Motor Vehicle Safety Inspection Amendments, both**
205c **pass and become law, the Legislature intends that the Office of Legislative Research and**
205d **General Counsel, in preparing the Utah Code database for publication, not make the changes**
205e **in H.B. 407 to Section 53-8-205. ←H**

Legislative Review Note
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Office of Legislative Research and General Counsel