

1 **EMISSIONS INSPECTION REVISIONS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: A. Cory Maloy**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill revises provisions related to motor vehicle emissions inspection.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ exempts electric motor vehicles from local emissions compliance fees; and
- 13 ▶ makes technical changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides a special effective date.

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **41-1a-1223**, as last amended by Laws of Utah 2013, Chapter 113

21 **41-6a-1642**, as last amended by Laws of Utah 2019, Chapter 140

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

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

25 **41-1a-1223. Local emissions compliance fee -- Exemptions -- Transfer -- County**
26 **ordinance -- Notice.**

27 (1) (a) (i) A county legislative body of a county that is required to utilize a motor
28 vehicle emissions inspection and maintenance program or in which an emissions inspection
29 and maintenance program is necessary to attain or maintain any national ambient air quality

30 standard in accordance with Section 41-6a-1642 may impose a local emissions compliance fee
31 of up to:

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

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

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

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

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

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

43 (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301~~[-]~~;
44 and

45 (iii) an electric motor vehicle.

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

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

50 (a) approving the fee;

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

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

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

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

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

58 (ii) include a copy of the ordinance imposing the fee; and
59 (iii) if the county enacts or changes the fee under this section, state the amount of the
60 fee.

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

62 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

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

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

77 (i) the federal government;

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

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

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

85 (a) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide

86 emissions are mitigated in the state pursuant to a partial consent decree, including:

- 87 (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
- 88 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and
- 89 2014;
- 90 (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
- 91 (iv) Volkswagen Golf Sportwagen, model year 2015;
- 92 (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
- 93 (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;
- 94 (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
- 95 (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

96 (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
97 emissions are mitigated in the state to a settlement, including:

- 98 (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and
- 99 2016;
- 100 (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
- 101 (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;
- 102 (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;
- 103 (v) Audi A8, model years 2014, 2015, and 2016;
- 104 (vi) Audi A8L, model years 2014, 2015, and 2016;
- 105 (vii) Audi Q5, model years 2014, 2015, and 2016; and
- 106 (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

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

- 110 (i) emissions standards;
- 111 (ii) test procedures;
- 112 (iii) inspections stations;
- 113 (iv) repair requirements and dollar limits for correction of deficiencies; and

- 114 (v) certificates of emissions inspections.
- 115 (b) In accordance with Subsection (3)(a), a county legislative body:
- 116 (i) shall make regulations or ordinances to attain or maintain ambient air quality
- 117 standards in the county, consistent with the state implementation plan and federal
- 118 requirements;
- 119 (ii) may allow for a phase-in of the program by geographical area; and
- 120 (iii) shall comply with the analyzer design and certification requirements contained in
- 121 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
- 122 (c) The county legislative body and the Air Quality Board shall give preference to an
- 123 inspection and maintenance program that:
- 124 (i) is decentralized, to the extent the decentralized program will attain and maintain
- 125 ambient air quality standards and meet federal requirements;
- 126 (ii) is the most cost effective means to achieve and maintain the maximum benefit with
- 127 regard to ambient air quality standards and to meet federal air quality requirements as related to
- 128 vehicle emissions; and
- 129 (iii) provides a reasonable phase-out period for replacement of air pollution emission
- 130 testing equipment made obsolete by the program.
- 131 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
- 132 (i) may be accomplished in accordance with applicable federal requirements; and
- 133 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
- 134 quality standards.
- 135 (4) The following vehicles are exempt from an emissions inspection program and the
- 136 provisions of this section:
- 137 (a) an implement of husbandry as defined in Section [41-1a-102](#);
- 138 (b) a motor vehicle that:
- 139 (i) meets the definition of a farm truck under Section [41-1a-102](#); and
- 140 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
- 141 (c) a vintage vehicle as defined in Section [41-21-1](#);

142 (d) a custom vehicle as defined in Section 41-6a-1507;
143 (e) to the extent allowed under the current federally approved state implementation
144 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
145 vehicle that is less than two years old on January 1 based on the age of the vehicle as
146 determined by the model year identified by the manufacturer;

147 (f) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating
148 of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed
149 statement to the legislative body stating the truck is used:

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

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

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

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

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

159 (h) [a] an electric motor vehicle [~~powered solely by electric power~~] as defined in
160 Section 41-1a-102; and

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

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

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

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

168 (b) model year of 1997 or older.

169 (7) (a) The legislative body of a county described in Subsection (1) that does not

170 require an emissions inspection for diesel-powered motor vehicles as of December 31, 2017,
171 shall implement a three-year pilot program as described in Subsection (7)(b).

172 (b) Beginning on January 1, 2019, and ending on December 31, 2021, the legislative
173 body of a county described in Subsection (7)(a) shall require:

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

175 (A) a model year of 2007 or newer;

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

177 (C) a model year that is five years old or older; and

178 (ii) a visual inspection of emissions equipment for a diesel-powered motor vehicle:

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

180 (B) that has a model year of 1998 or newer; and

181 (C) that has a model year that is five years old or older.

182 (c) (i) The legislative body of a county that participates in the pilot program described
183 in this Subsection (7) shall prepare a report including:

184 (A) the total number of diesel-powered vehicles inspected as part of the pilot program
185 using computerized technology;

186 (B) the passage and failure rates of the diesel-powered motor vehicles inspected as part
187 of the pilot program using computerized technology, shown by model year;

188 (C) the total number of diesel-powered vehicles visually inspected as part of the pilot
189 program;

190 (D) the passage and failure rates of the diesel-powered motor vehicles visually
191 inspected as part of the pilot program, shown by model year;

192 (E) the total number of diesel-powered vehicles visually inspected as part of the pilot
193 program where tampering with emissions equipment was found, shown by model year; and

194 (F) any other information the executive body or individual considers relevant.

195 (ii) The legislative body of a county that participates in the pilot program described in
196 this Subsection (7) shall present the report described in Subsection (7)(c)(i) to the Natural
197 Resources, Agriculture, and Environment Interim Committee:

198 (A) one time after January 1, 2020, but before August 31, 2020; and

199 (B) one time after January 1, 2021, but before August 31, 2021.

200 (d) After each report described in Subsection (7)(c), the Division of Air Quality created
201 in Section 19-1-105 shall provide to the Natural Resources, Agriculture, and Environment
202 Interim Committee and the legislative body of a county participating in the pilot program an
203 estimate of the tons of pollution emitted due to the failure rate of the diesel-powered motor
204 vehicles in the pilot program.

205 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under
206 federal law to utilize a motor vehicle emissions inspection and maintenance program or in
207 which an emissions inspection and maintenance program is necessary to attain or maintain any
208 national ambient air quality standard may require each college or university located in a county
209 subject to this section to require its students and employees who park a motor vehicle not
210 registered in a county subject to this section to provide proof of compliance with an emissions
211 inspection accepted by the county legislative body if the motor vehicle is parked on the college
212 or university campus or property.

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

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

218 (9) (a) An emissions inspection station shall issue a certificate of emissions inspection
219 for each motor vehicle that meets the inspection and maintenance program requirements
220 established in rules made under Subsection (3).

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

224 (c) (i) To the extent allowed under the current federally approved state implementation
225 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative

226 body of a county identified in Subsection (1) shall only require the emissions inspection every
227 two years for each vehicle.

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

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

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

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

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

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

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

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

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

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

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

253 (b) (i) If the title of a used motor vehicle is being transferred, the owner may use an

254 emissions inspection certificate issued for the motor vehicle during the previous 11 months to
255 satisfy the requirement under this section.

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

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

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

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

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

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

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

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

281 (b) A county that imposes a local emissions compliance fee may use revenues

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

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

287 Section 3. **Effective date.**

288 This bill takes effect on January 1, 2021.