

SAFETY INSPECTION AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill modifies provisions relating to motor vehicle safety inspection programs.

Highlighted Provisions:

This bill:

- ▶ repeals the requirement that certain vehicles obtain a safety inspection certificate in order to be registered and to operate on a highway; 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:

13-51-107, as enacted by Laws of Utah 2015, Chapter 461

41-1a-203, as last amended by Laws of Utah 2010, Chapter 295

41-1a-205, as last amended by Laws of Utah 2015, Chapter 412

41-1a-217, as last amended by Laws of Utah 2005, Chapter 2

41-1a-226, as last amended by Laws of Utah 2015, Chapter 400

41-3-303, as last amended by Laws of Utah 2013, Chapter 207

41-6a-1508, as last amended by Laws of Utah 2015, Chapter 412



28 **41-6a-1509**, as last amended by Laws of Utah 2015, Chapters 412 and 454

29 **41-6a-1642**, as last amended by Laws of Utah 2015, Chapter 258

30 **53-8-205**, as last amended by Laws of Utah 2015, Chapter 412

31 **53-8-206**, as last amended by Laws of Utah 2015, Chapter 429



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

34 Section 1. Section **13-51-107** is amended to read:

35 **13-51-107. Driver requirements.**

36 (1) Before a transportation network company allows an individual to use the
37 transportation network company's software application as a transportation network driver, the
38 transportation network company shall:

- 39 (a) require the individual to submit to the transportation network company:
 - 40 (i) the individual's name, address, and age;
 - 41 (ii) a copy of the individual's driver license, including the driver license number; and
 - 42 (iii) proof that the vehicle that the individual will use to provide transportation network
43 services is registered with the Division of Motor Vehicles;

- 44 (b) require the individual to consent to a criminal background check of the individual
45 by the transportation network company or the transportation network company's designee; and
- 46 (c) obtain and review a report that lists the individual's driving history.

47 (2) A transportation company may not allow an individual to provide transportation
48 network services as a transportation network driver if the individual:

- 49 (a) has committed more than three moving violations in the three years before the day
50 on which the individual applies to become a transportation network driver;
- 51 (b) has been convicted, in the seven years before the day on which the individual
52 applies to become a transportation network driver, of:
 - 53 (i) driving under the influence of alcohol or drugs;
 - 54 (ii) fraud;
 - 55 (iii) a sexual offense;
 - 56 (iv) a felony involving a motor vehicle;
 - 57 (v) a crime involving property damage;
 - 58 (vi) a crime involving theft;

- 59 (vii) a crime of violence; or
60 (viii) an act of terror;
61 (c) is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex
62 and Kidnap Offender Registry;
63 (d) does not have a valid Utah driver license; or
64 (e) is not at least 19 years of age.

65 (3) A transportation network company shall prohibit a transportation network driver
66 from accepting a request for a prearranged ride if the motor vehicle that the transportation
67 network driver uses to provide transportation network services fails to comply with:

- 68 [~~(a)~~ safety and inspection requirements described in Section ~~53-8-205~~];
69 [~~(b)~~] (a) equipment standards described in Section 41-6a-1601; and
70 [~~(c)~~] (b) emission requirements adopted by a county under Section 41-6a-1642.

71 (4) A transportation network driver, while providing transportation network services,
72 shall carry proof, in physical or electronic form, that the transportation network driver is
73 covered by insurance that satisfies the requirements of Section 13-51-108.

74 Section 2. Section 41-1a-203 is amended to read:

75 **41-1a-203. Prerequisites for registration, transfer of ownership, or registration**
76 **renewal.**

77 (1) Except as otherwise provided, [~~prior to~~] before registration of a vehicle, an owner
78 shall:

- 79 (a) obtain an identification number inspection under Section 41-1a-204;
80 [~~(b)~~ obtain a safety inspection certificate, if required in the current year, as provided
81 under Sections ~~41-1a-205~~ and ~~53-8-205~~];
82 [~~(c)~~] (b) obtain a certificate of emissions inspection, if required in the current year, as
83 provided under Section 41-6a-1642;
84 [~~(d)~~] (c) pay property taxes, the in lieu fee, or receive a property tax clearance under
85 Section 41-1a-206 or 41-1a-207;
86 [~~(e)~~] (d) pay the automobile driver education tax required by Section 41-1a-208;
87 [~~(f)~~] (e) pay the applicable registration fee under Part 12, Fee and Tax Requirements;
88 [~~(g)~~] (f) pay the uninsured motorist identification fee under Section 41-1a-1218, if
89 applicable;

90 ~~[(h)]~~ (g) pay the motor carrier fee under Section 41-1a-1219, if applicable;
91 ~~[(i)]~~ (h) pay any applicable local emissions compliance fee under Section 41-1a-1223;

92 and

93 ~~[(j)]~~ (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.

94 (2) In addition to the requirements in Subsection (1), an owner ~~[whose]~~ of a vehicle
95 that has not been previously registered or that is currently registered under a previous owner's
96 name shall ~~[also]~~ apply for a valid certificate of title in the owner's name ~~[prior to]~~ before
97 registration.

98 (3) ~~[A]~~ The division may not issue a new registration, transfer of ownership, or
99 registration renewal under Section 73-18-7 ~~[may not be issued]~~ for a vessel or outboard motor
100 that is subject to ~~[the title provisions of]~~ this chapter unless a certificate of title has been or is in
101 the process of being issued in the same owner's name.

102 (4) ~~[A]~~ The division may not issue a new registration, transfer of ownership, or
103 registration renewal under Section 41-22-3 ~~[may not be issued]~~ for an off-highway vehicle that
104 is subject to ~~[the titling provisions of]~~ this chapter unless a certificate of title has been or is in
105 the process of being issued in the same owner's name.

106 Section 3. Section **41-1a-205** is amended to read:

107 **41-1a-205. Safety inspection certificate required for commercial motor vehicles**
108 **and initial registration of street-legal ATVs.**

109 ~~[(1) If required in the current year, a safety inspection certificate, as required by Section~~
110 53-8-205, or proof of exemption from safety inspection shall be presented at the time of, and as
111 a condition of, registration or renewal of registration of a motor vehicle.]

112 ~~[(2) (a) Except as provided in Subsections (2)(b), (c), and (d), the safety inspection~~
113 ~~required under this section may be made no more than two months prior to the renewal of~~
114 ~~registration.]~~

115 ~~[(b) (i) If the title of a used motor vehicle is being transferred, a safety inspection~~
116 ~~certificate issued for the motor vehicle during the previous 11 months may be used to satisfy~~
117 ~~the requirement under Subsection (1).]~~

118 ~~[(ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety~~
119 ~~inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle~~
120 ~~dealer's name during the previous 11 months may be used to satisfy the requirement under~~

121 Subsection (1):]

122 ~~[(c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, a~~
 123 ~~safety inspection certificate issued during the previous 11 months may be used to satisfy the~~
 124 ~~requirement under Subsection (1):]~~

125 ~~[(d) If the motor vehicle is part of a fleet of 101 or more vehicles, the safety inspection~~
 126 ~~required under this section may be made no more than 11 months prior to the renewal of~~
 127 ~~registration:]~~

128 ~~[(e) If the application for renewal of registration is for a six-month registration period~~
 129 ~~under Section 41-1a-215.5, a safety inspection certificate issued during the previous eight~~
 130 ~~months may be used to satisfy the requirement under Subsection (1):]~~

131 ~~[(3) (a) The following motor vehicles are exempt from this section:]~~

132 ~~[(i) except as provided in Subsection (3)(b), a new motor vehicle when registered the~~
 133 ~~first time, if:]~~

134 ~~[(A) a new car predelivery inspection has been made by a dealer;]~~

135 ~~[(B) the dealer provides a written disclosure statement listing any known deficiency,~~
 136 ~~existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle~~
 137 ~~to fail a safety inspection given in accordance with Section 53-8-205; and]~~

138 ~~[(C) the buyer signs the disclosure statement to acknowledge that the buyer has read~~
 139 ~~and understands the listed deficiencies;]~~

140 ~~[(ii) a motor vehicle required to be registered under this chapter that bears a dealer~~
 141 ~~plate or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates,~~
 142 ~~except that if the motor vehicle is propelled by its own power and is not being moved for repair~~
 143 ~~or dismantling, the motor vehicle shall comply with Section 41-6a-1601 regarding safe~~
 144 ~~mechanical condition; and]~~

145 ~~[(iii) a vintage vehicle as defined in Section 41-21-1:]~~

146 ~~Ĥ→ [(1) A salvage vehicle as defined in Section 41-1a-1001 must pass a safety inspection~~
 147 ~~when the owner makes the initial application to register the vehicle as a salvage vehicle.] ←Ĥ~~

148 ~~[(b) Ĥ→ [(2) (1) ←Ĥ A street-legal all-terrain vehicle registered in accordance~~
 148a ~~with Section~~
 149 ~~41-6a-1509 is subject to a safety inspection[; (i)] the first time that a person registers an~~
 150 ~~off-highway vehicle as a street-legal all-terrain vehicle[; and].~~

151 ~~[(ii) subsequently, on the same frequency as described in Subsection 53-8-205(2) based~~

152 on the age of the vehicle as determined by the model year identified by the manufacturer.]

153 [(4)(a)] ~~H~~ → [(3)] (2) ← ~~H~~ A safety inspection certificate shall be displayed on:

154 [(i)] (a) all registered commercial [motor] vehicles [with a gross vehicle weight rating
155 of 26,000 pounds or more] as defined in Section 72-9-102;

156 [(ii)] (b) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer
157 with multiple axles;

158 [(iii)] (c) a combination unit; [and]

159 [(iv)] (d) a bus or van for hire[-];

160 (e) a taxicab; and

161 (f) a motor vehicle operated by a ground transportation service provider as defined in
162 Section 72-10-601.

163 [(b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of
164 Subsection (1).]

165 [(5) A motor vehicle may be sold and the title assigned to the new owner without a
166 valid safety inspection, but the motor vehicle may not be registered in the new owner's name
167 until the motor vehicle complies with this section.]

168 [(6)] ~~H~~ → [(4)] (3) ← ~~H~~ A violation of this section is an infraction.

169 Section 4. Section **41-1a-217** is amended to read:

170 **41-1a-217. Application for renewal of registration.**

171 (1) [~~Renewal of~~] An applicant may renew a vehicle registration [~~shall be made by the~~
172 ~~owner upon~~] by:

173 (a) filing an application for registration renewal; and [~~by payment of~~]

174 (b) paying the fees or taxes required under Subsection **41-1a-203**(1).

175 (2) The applicant shall ensure that the application for registration renewal and the
176 payment for applicable fees or taxes [~~shall be~~] is accompanied by a[-(a) safety inspection
177 certificate as required under Section **41-1a-205**; and (b)] certificate of emissions inspection [~~as~~
178 if required under Section **41-6a-1642**].

179 (3) The division shall issue a new registration card [~~issued shall show~~] that contains:

180 (a) the identical information with respect to the owner and the vehicle description
181 required by Section **41-1a-213**; and

182 (b) the new expiration date.

183 Section 5. Section **41-1a-226** is amended to read:

184 **41-1a-226. Vintage vehicle -- Signed statement -- Registration.**

185 (1) The owner of a vintage vehicle who applies for registration under this part shall
186 provide a signed statement that the vintage vehicle:

187 (a) is owned and operated for the purposes described in Section [41-21-1](#); and

188 (b) is safe to operate on the highways of this state as described in Section [41-21-4](#).

189 (2) The signed statement described in Subsection (1) is in lieu of~~[(a) a safety~~
190 ~~inspection, from which a vintage vehicle is exempt under Subsection [41-1a-205\(3\)](#); and (b)]~~ an
191 emissions inspection, from which a vintage vehicle is exempt under Subsection [41-6a-1642\(3\)](#).

192 Section 6. Section **41-3-303** is amended to read:

193 **41-3-303. Temporary permits -- Inspections required before issuance.**

194 (1) ~~[A] Except as provided in Subsections (2) and (3), a dealer licensed in accordance~~
195 ~~with this chapter may not issue a temporary permit for a motor vehicle under Section [41-3-302](#)~~
196 ~~unless~~[(a) (i) the motor vehicle for which the temporary permit is issued has received and~~~~
197 ~~passed the safety inspection if required in the current year under Section [53-8-205](#) within the~~
198 ~~previous 11 months; (ii) the safety inspection certificate was issued in the name of a licensed~~
199 ~~and bonded dealer; and (iii) a copy of the safety inspection certificate is given to the customer;~~
200 ~~and (b)] the motor vehicle passed [the emission] an emissions inspection test if required by~~
201 ~~Section [41-6a-1642](#).~~

202 ~~[(2) Notwithstanding Subsection (1)(a), a dealer may issue a temporary permit without~~
203 ~~a safety inspection certificate if the motor vehicle complies with the safety inspection as~~
204 ~~provided in Section [41-1a-205](#).]~~

205 ~~[(3) Notwithstanding Subsection (1)(b), a]~~

206 (2) A dealer may issue a temporary permit without proof of an ~~[emission]~~ emissions
207 inspection if:

208 (a) the motor vehicle is exempt from ~~[emission]~~ an emissions inspection ~~[as provided~~
209 ~~in] under Section [41-6a-1642](#);~~

210 (b) the purchaser is a resident of a county that does not require ~~[emission]~~ emissions
211 inspections; or

212 (c) the motor vehicle is otherwise exempt from ~~[emission]~~ emissions inspections.

213 ~~[(4) Notwithstanding Subsection (1), a]~~

214 (3) A dealer may sell a motor vehicle as is without [~~having it safety or emission~~
215 ~~inspected provided that no~~] an emissions inspection if the dealer does not issue a temporary
216 permit [is issued].

217 Section 7. Section **41-6a-1508** is amended to read:

218 **41-6a-1508. Low-speed vehicle.**

219 (1) Except as otherwise provided in this section, a low-speed vehicle is considered a
220 motor vehicle for purposes of the Utah Code including requirements for:

221 (a) traffic rules under Title 41, Chapter 6a, Traffic Code;

222 (b) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

223 (c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
224 Motor Vehicle Owners and Operators Act;

225 (d) vehicle registration, titling, vehicle identification numbers, license plates, and
226 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

227 (e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and
228 fee in lieu of property taxes or in lieu fees under Section [59-2-405](#);

229 (f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business
230 Regulation Act; and

231 ~~[(g) motor vehicle safety inspection requirements under Section [53-8-205](#); and]~~

232 ~~[(h)]~~ (g) safety belt requirements under [Title 41, Chapter 6a,] Part 18, Motor Vehicle
233 Safety Belt Usage Act.

234 (2) (a) [~~A~~] The owner of a low-speed vehicle shall [comply] ensure that the low-speed
235 vehicle:

236 (i) complies with federal safety standards established in 49 C.F.R. 571.500; and [~~shall~~
237 ~~be~~]

238 (ii) is equipped with:

239 ~~[(i)]~~ (A) headlamps;

240 ~~[(ii)]~~ (B) front and rear turn signals, tail lamps, and stop lamps;

241 ~~[(iii)]~~ (C) turn signal lamps;

242 ~~[(iv)]~~ (D) reflex reflectors one on the rear of the vehicle and one on the left and right
243 side and as far to the rear of the vehicle as practical;

244 ~~[(v)]~~ (E) a parking brake;

245 ~~[(vi)]~~ (F) a windshield that meets the standards under Section 41-6a-1635, including a
246 device for cleaning rain, snow, or other moisture from the windshield; and

247 ~~[(vii)]~~ (G) an exterior rearview mirror on the driver's side and either an interior
248 rearview mirror or an exterior rearview mirror on the passenger side.

249 (b) A low-speed vehicle that complies with this Subsection (2) and Subsection (3) and
250 that is not altered from the manufacturer is considered to comply with equipment requirements
251 under Part 16, Vehicle Equipment.

252 (3) A person may not operate a low-speed vehicle that has been structurally altered
253 from the original manufacturer's design.

254 (4) A low-speed vehicle is exempt from a motor vehicle emissions inspection and
255 maintenance program requirements under Section 41-6a-1642.

256 (5) (a) Except to cross a highway at an intersection, a low-speed vehicle may not be
257 operated on a highway with a posted speed limit of more than 35 miles per hour.

258 (b) In addition to the restrictions under Subsection (5)(a), a highway authority, may
259 prohibit or restrict the operation of a low-speed vehicle on any highway under its jurisdiction, if
260 the highway authority determines the prohibition or restriction is necessary for public safety.

261 (6) A person may not operate a low-speed vehicle on a highway without displaying on
262 the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies
263 with the Society of Automotive Engineers standard SAE J943.

264 (7) A person who violates Subsection (2), (3), (5), or (6) is guilty of an infraction.

265 Section 8. Section 41-6a-1509 is amended to read:

266 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**

267 **Registration and licensing requirements -- Equipment requirements.**

268 (1) (a) Except as provided in Subsection (1)(b), an all-terrain type I vehicle, utility type
269 vehicle, or full-sized all-terrain vehicle that meets the requirements of this section may be
270 operated as a street-legal ATV on a street or highway unless the highway is an interstate
271 freeway as defined in Section 41-6a-102.

272 (b) Unless a street or highway is designated as open for street-legal ATV use by the
273 controlling highway authority in accordance with Section 41-22-10.5, a person may not operate
274 a street-legal ATV on a street or highway in accordance with Subsection (1)(a) if the highway
275 is under the jurisdiction of:

- 276 (i) a county of the first class; or
277 (ii) a municipality that is within a county of the first class.
- 278 (2) A street-legal ATV shall comply with Subsection 41-1a-205(2), Subsection
279 53-8-205(1)(b), and the same requirements as:
- 280 (a) a motorcycle for:
281 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;
282 (ii) registration, titling, odometer statement, vehicle identification, license plates, and
283 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;
284 (iii) fees in lieu of property taxes or in lieu of fees under Section 59-2-405.2; and
285 (iv) the county motor vehicle emissions inspection and maintenance programs under
286 Section 41-6a-1642;
- 287 (b) a motor vehicle for:
288 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
289 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
290 Motor Vehicle Owners and Operators Act; and
291 ~~[(iii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle~~
292 ~~Safety Inspection Act, except that a street-legal ATV shall be subject to a safety inspection: (A)~~
293 ~~when registered for the first time; and]~~
- 294 ~~[(B) subsequently, on the same frequency as described in Subsection 53-8-205(2)~~
295 ~~based on the age of the vehicle as determined by the model year identified by the manufacturer;~~
296 ~~and]~~
- 297 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
298 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
299 Regulation Act, unless otherwise specified in this section.
- 300 (3) (a) ~~[An]~~ The owner of an all-terrain type I vehicle [and] or a utility type vehicle
301 being operated as a street-legal ATV shall [be] ensure that the vehicle is equipped with:
302 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
303 (ii) one or more tail lamps;
304 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
305 with a white light;
306 (iv) one or more red reflectors on the rear;

- 307 (v) one or more stop lamps on the rear;
- 308 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 309 (vii) a braking system, other than a parking brake, that meets the requirements of
- 310 Section 41-6a-1623;
- 311 (viii) a horn or other warning device that meets the requirements of Section
- 312 41-6a-1625;
- 313 (ix) a muffler and emission control system that meets the requirements of Section
- 314 41-6a-1626;
- 315 (x) rearview mirrors on the right and left side of the driver in accordance with Section
- 316 41-6a-1627;
- 317 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 318 (xii) a speedometer, illuminated for nighttime operation;
- 319 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
- 320 seat designed for passengers, including a footrest and handhold for each passenger;
- 321 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
- 322 (xv) tires that:
- 323 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available
- 324 for the all-terrain vehicle model; and
- 325 (B) have at least 2/32 inches or greater tire tread.
- 326 (b) [A] The owner of a full-sized all-terrain vehicle being operated as a street-legal
- 327 all-terrain vehicle shall [be] ensure that the vehicle is equipped with:
- 328 (i) two headlamps that meet the requirements of Section 41-6a-1603;
- 329 (ii) two tail lamps;
- 330 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
- 331 with a white light;
- 332 (iv) one or more red reflectors on the rear;
- 333 (v) two stop lamps on the rear;
- 334 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 335 (vii) a braking system, other than a parking brake, that meets the requirements of
- 336 Section 41-6a-1623;
- 337 (viii) a horn or other warning device that meets the requirements of Section

338 41-6a-1625;

339 (ix) a muffler and emission control system that meets the requirements of Section

340 41-6a-1626;

341 (x) rearview mirrors on the right and left side of the driver in accordance with Section

342 41-6a-1627;

343 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;

344 (xii) a speedometer, illuminated for nighttime operation;

345 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a

346 seat designed for passengers, including a footrest and handhold for each passenger;

347 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and

348 (xv) tires that:

349 (A) do not exceed 44 inches in height; and

350 (B) have at least 2/32 inches or greater tire tread.

351 (c) ~~[A]~~ The owner of a street-legal all-terrain vehicle is not required to ~~[be equipped]~~

352 equip the vehicle with wheel covers, mudguards, flaps, or splash aprons.

353 (4) (a) Subject to the ~~[requirement in]~~ requirements of Subsection (4)(b), an operator of

354 a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway,

355 may not exceed the lesser of:

356 (i) the posted speed limit; or

357 (ii) 50 miles per hour.

358 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal

359 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

360 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the

361 roadway; and

362 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front

363 and back of both sides of the vehicle.

364 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be

365 operated on the highways of another state has the same rights and privileges as a street-legal

366 ATV that is granted operating privileges on the highways of this state, subject to the

367 restrictions under this section and rules made by the Board of Parks and Recreation, if the other

368 state offers reciprocal operating privileges to Utah residents.

369 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
370 Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating
371 privileges for nonresident users granted under Subsection (5)(a).

372 (6) Nothing in this chapter [~~shall restrict the operation of~~] restricts the owner of an
373 off-highway vehicle from operating the off-highway vehicle in accordance with Section
374 41-22-10.5.

375 (7) A violation of this section is an infraction.

376 Section 9. Section **41-6a-1642** is amended to read:

377 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

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

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

392 (i) the federal government;

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

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

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

398 (i) emissions standards;

399 (ii) test procedures;

400 (iii) inspections stations;
401 (iv) repair requirements and dollar limits for correction of deficiencies; and
402 (v) certificates of emissions inspections.
403 (b) The regulations or ordinances shall:
404 (i) be made to attain or maintain ambient air quality standards in the county, consistent
405 with the state implementation plan and federal requirements;
406 (ii) may allow for a phase-in of the program by geographical area; and
407 (iii) be compliant with the analyzer design and certification requirements contained in
408 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.
409 (c) The county legislative body and the Air Quality Board shall give preference to an
410 inspection and maintenance program that is:
411 (i) decentralized, to the extent the decentralized program will attain and maintain
412 ambient air quality standards and meet federal requirements;
413 (ii) the most cost effective means to achieve and maintain the maximum benefit with
414 regard to ambient air quality standards and to meet federal air quality requirements as related to
415 vehicle emissions; and
416 (iii) providing a reasonable phase-out period for replacement of air pollution emission
417 testing equipment made obsolete by the program.
418 (d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out:
419 (i) may be accomplished in accordance with applicable federal requirements; and
420 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
421 quality standards.
422 (3) The following vehicles are exempt from the provisions of this section:
423 (a) an implement of husbandry;
424 (b) a motor vehicle that:
425 (i) meets the definition of a farm truck under Section 41-1a-102; and
426 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
427 (c) a vintage vehicle as defined in Section 41-21-1;
428 (d) a custom vehicle as defined in Section 41-6a-1507; and
429 (e) to the extent allowed under the current federally approved state implementation
430 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor

431 vehicle that is less than two years old on January 1 based on the age of the vehicle as
432 determined by the model year identified by the manufacturer.

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

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

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

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

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

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

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

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

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

461 (6) (a) An emissions inspection station shall issue a certificate of emissions inspection

462 for each motor vehicle that meets the inspection and maintenance program requirements
463 established in rules made under Subsection (2).

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

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

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

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

479 (iv) If a county legislative body establishes or changes the frequency of a vehicle
480 emissions inspection and maintenance program under Subsection (6)(c)(iii), the establishment
481 or change shall take effect on January 1 if the Tax Commission receives notice meeting the
482 requirements of Subsection (6)(c)(v) from the county [~~prior to~~] before October 1.

483 (v) The notice described in Subsection (6)(c)(iv) shall:

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

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

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

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

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

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

493 ~~[(7) The emissions inspection shall be required within the same time limit applicable to~~
494 ~~a safety inspection under Section [41-1a-205](#).]~~

495 (7) (a) Except as provided in Subsections (7)(b), (c), and (d), the emissions inspection
496 required under this section may be made no more than two months before the renewal of
497 registration.

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

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

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

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

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

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

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

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

523 (10) (a) A county identified in Subsection (1) may impose a local emissions

524 compliance fee on each motor vehicle registration within the county in accordance with the
525 procedures and requirements of Section 41-1a-1223.

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

529 Section 10. Section 53-8-205 is amended to read:

530 **53-8-205. Safety inspection required for certain vehicles -- Out-of-state permits.**

531 ~~[(1)(a) Except as provided in Subsection (1)(b), a person may not operate on a
532 highway a motor vehicle required to be registered in this state unless the motor vehicle has
533 passed a safety inspection if required in the current year.]~~

534 ~~[(b) Subsection (1)(a) does not apply to:]~~

535 ~~[(i) a vehicle that is exempt from registration under Section 41-1a-205;]~~

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

538 ~~[(iii) a vintage vehicle as defined in Section 41-21-1;]~~

539 ~~[(iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:]~~

540 ~~[(A) is operating with an apportioned registration under Section 41-1a-301; and]~~

541 ~~[(B) has a valid annual federal inspection that complies with the requirements of 49
542 C.F.R. Sec. 396.17; and]~~

543 ~~[(v) a trailer, semitrailer, or trailering equipment attached to a commercial motor
544 vehicle described in Subsection (1)(b)(iv) that has a valid annual federal inspection that
545 complies with the requirements of 49 C.F.R. Sec. 396.17.]~~

546 ~~[(2) Except as provided in Subsection (3), the frequency of the safety inspection shall
547 be determined based on the age of the vehicle determined by model year and shall:]~~

548 ~~[(a) be required each year for a vehicle that is 10 or more years old on January 1; or]~~

549 ~~[(b) for each vehicle that is less than 10 years old on January 1, be required in the
550 fourth year and the eighth year;]~~

551 ~~[(c) be made by a safety inspector certified by the division at a safety inspection station
552 authorized by the division;]~~

553 ~~[(d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to
554 ensure proper adjustment and condition as required by department rules; and]~~

555 ~~[(e) include an inspection for the display of license plates in accordance with Section~~
 556 ~~41-1a-404.]~~

557 ~~Ĥ→ [(3) (a) (i)] (1) (a) A salvage vehicle as defined in Section 41-1a-1001 [is required to]~~
 558 ~~must pass a safety inspection when [an] the owner makes the initial application [is made for~~
 559 ~~initial registration] to register the vehicle as a salvage vehicle.] ←Ĥ~~

560 ~~[(ii) After initial registration as a salvage vehicle, the frequency of the safety inspection~~
 561 ~~shall correspond with the model year, as provided in Subsection (2).]~~

562 ~~Ĥ→ [(b)] (1) (a) ←Ĥ~~ An off-highway vehicle being registered for the first time as a
 562a street-legal all-terrain

563 vehicle as described in Section 41-6a-1509 is required to pass a safety inspection when the
 564 owner makes the initial application to register the vehicle as a street-legal all-terrain vehicle.

565 ~~Ĥ→ [f] (b) [f] [(e)] ←Ĥ~~ [Beginning on the date that the Motor Vehicle Division has
 565a implemented the

566 Motor Vehicle Division's GenTax system,] The owner of a commercial vehicle, as defined in
 567 Section [41-1a-102, with a gross vehicle weight rating of 10,001 pounds or more is required to
 568 pass] 72-9-102, Ĥ→ [must] shall ←Ĥ :

569 (i) ensure that the commercial vehicle passes a safety inspection annually [or comply
 570 with Subsection (1)(b)(iv)(B)]; or

571 (ii) provide evidence of a valid annual federal inspection that complies with the
 572 requirements of 49 C.F.R. Sec. 396.17.

573 ~~Ĥ→ [(d)] (c) ←Ĥ~~ The owner of a vehicle operated by a ground transportation service
 573a provider as

574 defined in Section 72-10-601 shall ensure that the vehicle passes a safety inspection annually.

575 ~~Ĥ→ [(e)] (d) ←Ĥ~~ An owner of one or more of the following types of vehicles shall ensure
 575a that the

576 vehicle passes a safety inspection annually:

577 (i) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with
 578 multiple axles;

579 (ii) a combination unit;

580 (iii) a bus or van for hire; or

581 (iv) a taxicab.

582 ~~[(4) (a)] (2)~~ A safety inspection station shall issue two safety inspection certificates to
 583 the owner of:

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

585 [(ii)] (b) a street-legal all-terrain vehicle that meets all the equipment requirements in

586 Section ~~41-6a-1509~~.

587 ~~[(b) A safety inspection station shall use one safety inspection certificate issued under~~
588 ~~this Subsection (4) for processing the vehicle registration.]~~

589 ~~[(c) A person operating a motor vehicle shall have in the person's immediate~~
590 ~~possession a safety inspection certificate or other evidence of compliance with the requirement~~
591 ~~to obtain a safety inspection under this section.]~~

592 (3) A person operating a motor vehicle required to have an annual safety inspection
593 shall have in the person's immediate possession a safety inspection certificate or other evidence
594 of compliance.

595 ~~[(5)]~~ (4) The division may~~[(a)]~~ authorize the acceptance ~~[in this state]~~ of a safety
596 inspection certificate issued in another state having a safety inspection law similar to ~~[this state;~~
597 ~~and]~~ Utah's law.

598 ~~[(b) extend the time within which a safety inspection certificate must be obtained by~~
599 ~~the resident owner of a vehicle that was not in this state during the time a safety inspection was~~
600 ~~required.]~~

601 ~~[(6)]~~ (5) A violation of this section is an infraction.

602 Section 11. Section **53-8-206** is amended to read:

603 **53-8-206. Safety inspection -- Station requirements -- Permits not transferable --**
604 **Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of**
605 **permits.**

606 (1) The safety inspection required under ~~[Section 53-8-205]~~ this part may only be
607 performed:

608 (a) by a person certified by the division as a safety inspector; and

609 (b) at a safety inspection station with a valid safety inspection station permit issued by
610 the division.

611 (2) (a) A safety inspection station permit may not be assigned₂ or transferred₂ or used at
612 any location other than a designated location~~[, and every]~~₂.

613 (b) The holder of a safety inspection station permit shall ~~[be posted]~~ post the permit in
614 a conspicuous place at the location designated in the permit.

615 (3) If required by the division, the safety inspector shall keep a record and file a report
616 ~~[shall be made]~~ of every safety inspection and every safety inspection certificate issued.

617 (4) A safety inspection station holding a safety inspection station permit issued by the
618 division may charge a reasonable fee for labor in performing safety inspections, not to exceed:

- 619 (a) \$7 or less for motorcycles and street-legal all-terrain vehicles;
620 (b) unless Subsection (4)(a) or (c) applies, \$15 or less for motor vehicles; or
621 (c) \$20 or less for 4-wheel drive, split axle, and any motor vehicles that necessitate
622 disassembly of front hub or removal of rear axle for inspection.

623 (5) (a) A safety inspection station may return to the division unused safety inspection
624 certificates in a quantity of 10 or more [~~and~~].

625 (b) The division shall [~~be reimbursed by the division~~] reimburse the station for the cost
626 of [~~the~~] the returned safety inspection certificates.

627 (6) (a) Upon receiving notice of the suspension or revocation of a safety inspection
628 station permit and after the conclusion of any adjudicative proceedings upholding the
629 suspension or revocation, the safety inspection station permit holder shall:

- 630 (i) immediately terminate all safety inspection activities; and
631 (ii) return all safety inspection certificates and the safety inspection station permit to
632 the division.

633 (b) The division shall issue a receipt for all unused safety inspection certificates.

634 Section 12. **Effective date.**

635 This bill takes effect on ~~H→ [October 1, 2017]~~ January 1, 2018 ←H .

Legislative Review Note
Office of Legislative Research and General Counsel