

UTAH STATE IMPLEMENTATION PLAN

SECTION X

VEHICLE INSPECTION AND MAINTENANCE PROGRAM

PART A

GENERAL REQUIREMENTS AND APPLICABILITY

Adopted by the Utah Air Quality Board
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1. General Requirements

Federal I/M Program requirements: Utah was previously required by Section 182 and Section 187 of the Clean Air Act to implement and maintain an Inspection and Maintenance (I/M) program in Davis, Salt Lake, Utah, and Weber counties that met the minimum requirements of 40 code of federal regulation (CFR) Part 51 Subpart S and that was at least as effective as the EPA's Basic Performance Standard as specified in 40 CFR 51.352. The Basic Performance Standard requirement is no longer applicable as the relevant nonattainment areas in Davis, Salt Lake, Utah, and Weber counties have been redesignated to attainment / maintenance for the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS) and the 1-hour ozone NAAQS. Parts A, B, C, D, and E of Section X, together with the referenced appendices, continue to demonstrate compliance with the 40 CFR Part 51 provisions for Inspection and Maintenance Program Requirements for Davis, Salt Lake, Utah, and Weber counties and produce mobile source emission reductions that are sufficient to demonstrate continued maintenance of the applicable CO and 1-hour ozone NAAQS. In addition, the Cache, Davis, Salt Lake, Utah, and Weber counties' I/M programs are also utilized as a control measure to attain and maintain EPA's particulate NAAQS (PM_{2.5} and PM₁₀).

On-Board Diagnostics (OBD) Checks: By January 1, 2002, OBD checks and OBD-related repairs are required as a routine component of Utah I/M programs on model year 1996 and newer light-duty vehicles and light-duty trucks equipped with certified on-board diagnostic systems. The federal performance standard requires repair of malfunctions or system deterioration identified by or affecting OBD systems.

Utah I/M program history and general authority: The legal authority for Utah's I/M programs, Utah Code Annotated Section 41-6-163.6¹, was enacted during the First Special Session of the Utah legislature in 1983. I/M programs were initially implemented by Davis and Salt Lake counties in 1984, by Utah County in 1986, and by Weber County in 1990.

In 1990, the legislature enacted Section 41-6-163.7² that requires that counties with I/M programs use computerized I/M testing equipment, adopt standardized emission standards, and provide for reciprocity. Those requirements were fully implemented by Davis, Salt Lake, and Utah counties on September 1, 1991, and by Weber County on January 1, 1992.

¹ Renumbered and recodified in 2005 at Utah Code Annotated 41-6a-1642

² Renumbered and recodified in 2005 at Utah Code Annotated 41-6a-1643

Section 41-6-163.6 was again amended by the legislature in 1992 to include vehicles owned and operated by the federal government, federal employees, and students and employees of colleges and universities. The 1992 revision of 41-6-163.6 also established more stringent restrictions for vehicles that qualify for a farm truck exemption.

Section 41-6-163.6 requires that, if identified as necessary to attain or maintain any NAAQS, a county must create an I/M program that follows the criteria outlined in 41-6-163.6. Once a county enacts regulations or ordinances, amendments to Section 19-2-104 in 1992 authorized the Utah Air Quality Board to formally establish those requirements for county I/M programs after obtaining agreement from the affected counties. Section 41-6-163.6 was also amended to allow the counties to subject individual motor vehicles to inspection and maintenance at times other than the annual inspection.

Section 41-6-163.6 was amended in 1994 to authorize implementation of I/M programs stricter than minimum federal requirements in counties where it is necessary to attain or maintain ambient air quality standards. Section 41-6-163.6 requires preference be given to a decentralized program to the extent that a decentralized program will attain and maintain ambient air quality standards and meet federal requirements. It also requires affected counties and the Air Quality Board to give preference to the most cost effective means to achieve and maintain the maximum benefit with regard to air quality standards and to meet federal air quality requirements related to motor vehicles. The legislature indicated preference for a reasonable phase-out period for replacement of air pollution test equipment made obsolete by an I/M program in accordance with applicable federal requirements and if such a phase-out does not otherwise interfere with attainment of ambient air quality standards.

House Concurrent Resolution No. 9 of the 1994 General Session of the legislature (H.C.R. 9) was a concurrent resolution of the legislature and the governor expressing opposition to the EPA position regarding the implementation of enhanced vehicle inspection and urging the EPA to recognize the benefits of other vehicle inspection program options and to work with the state to develop workable plans for attaining ambient air quality standards and protecting public health.

In 1995, the legislature amended Section 41-6-163.7 to rescind the requirement for I/M program standardization and reciprocity between counties. While advantageous, standardization and reciprocity between I/M counties is no longer required, and each I/M county is free to develop an I/M program that best meets the respective county's needs.

In 2002, the Legislature amended Section 41-6-163.7 to allow for inspection every other year for cars that are six years old or newer on January 1 each year. This provision is applicable to the extent allowed under the current state implementation plan for each area.

In 2005, the Legislature renumbered Section 41-6-163.6 and re-codified it as Section 41-6a-1642. The Legislature also amended Section 41-6a-1642 to allow counties with an

I/M program to require college students and employees who park a motor vehicle on college or university campus that is not registered in a county subject to emission inspection to provide proof of compliance with an emission inspection.

Section 41 6a-1642 was amended in 2008 to provide an exemption for vintage vehicles, which are defined in Section 41-21-1. Section 41 6a-1642 was again amended in 2009 to provide an exemption for custom vehicles, which are defined in Section 41-6a-1507.

In 2010, the legislature enacted Section 41-1a-1223 that allows counties with an I/M program to impose a local emissions compliance fee of up to three dollars. This same bill amended Section 41-6a-1642 to require I/M counties that impose the fee to use revenues generated from the fee to establish and enforce an emission inspection and maintenance program.

Section 41-6a-1642 was amended in 2011 to require I/M counties' regulations and ordinances to be compliant with the analyzer design and certification requirements contained in the SIP.

In 2012, the Legislature amended Section 41-6a-1642 to allow a motor vehicle that is less than two years old as of January 1 of any given year to be exempt from being required to obtain an emission inspection. This provision is applicable to the extent allowed under the current SIP for each area. This bill went into effect on October 1, 2012. In addition, the legislature also amended Section 41-1a-205 to allow a safety and emissions inspection issued for a motor vehicle during the previous 11 months may be used to satisfy the safety and emissions inspection requirements³. The effective date of this bill is January 1, 2013. The legislature also amended Section 41-1a-1223 to allow the counties to collect a \$2.25 fee for those vehicles that are registered for a six-month period under Utah Code Annotated 41-1a-215.5. The effective date of this bill is July 1, 2013.

2. Applicability

General Applicability: Utah Code Annotated 41-6a-1642 gives authority to each county to implement and manage an I/M program to attain and maintain any national ambient air quality standard (NAAQS). Davis, Salt Lake, Utah, and Weber counties were required under Section 182 and 187 of the Clean Air Act to implement an I/M program to attain and maintain the ozone and carbon monoxide NAAQS. All of Utah's ozone and carbon monoxide maintenance areas are located in Davis, Salt Lake, Utah, and Weber counties. In addition, a motor vehicle I/M program is a control measure for attaining the particulate matter NAAQS in Cache, Davis, Salt Lake, Utah, and Weber counties. Utah's SIP for I/M is applicable county-wide in Cache, Davis, Salt Lake, Utah, and Weber counties.

³ Utah Code 41-6a-1642(7) states that "the emissions inspection shall be required within the same time limit applicable to a safety inspection under Section 41-1a-205."

3. General Summary

Below is a general summary of Utah's I/M programs. Part B, C, D, E and F of this section of the SIP provide a more specific summary of I/M programs for Cache, Davis, Salt Lake, Utah, and Weber counties. These parts also incorporate the individual county I/M ordinances/regulations and policies that provide for the enforceability of the respective I/M programs.

Network Type: All Utah I/M programs are comprised of a decentralized, test-and-repair network.

I/M program funding requirements: Counties with I/M programs allocate funding as needed to comply with the relevant requirements specified in Utah's SIP; the Utah statutes; county ordinances, regulations and policies; and the federal I/M program regulation. Program budgets include funding for resources necessary to adequately manage the programs conduct covert and overt audits, including repairs; assist and educate inspectors, station owners, and the public; manage, analyze, and report data; ensure compliance with the program by inspectors, stations, and vehicle owners; and evaluate and upgrade the programs.

Funding mechanisms: Utah's I/M programs are funded through several mechanisms including, but not limited to, a fee which is collected at the time of registration by the Utah Tax Commission Division of Motor Vehicles or the county Assessor's Office. Those monies are remitted to the county in which the vehicle is registered. The collection of fees for various permitting activities and the selling inspection certificates to inspection stations are the other mechanisms. A fee schedule can be found in an appendix to each county I/M ordinance or regulation.

Government fleet: Section 41-6a-1642(1)(b) of the Utah Code requires that all vehicles owned or operated in the I/M counties by federal, state, or local government entities comply with the I/M programs.

Vehicles owned by students and federal employees: Section 41-6a-1642(5) provides a provision that counties may require universities and colleges located in Utah's I/M areas to require proof of compliance with the I/M program for vehicles which are permitted to park on campus regardless of where the vehicle is registered. Vehicles operated by federal employees and operated on a federal installation located within an I/M program area are also subject to the I/M program regardless of where they are registered. Proof of compliance consists of a current vehicle registration in an I/M program area, an I/M certificate of compliance or waiver, or evidence of exempt vehicle status.

Rental vehicles: All vehicles available for rent or use in an I/M county are subject to the county I/M program. To the extent practicable, all vehicles principally operated in the county are subject to the I/M program.

Farm truck exemption: Eligibility for the farm truck exemption from the I/M programs is specified in Section 41-6a-1642(4) and must be verified in writing by county I/M program staff.

Out-of-state exemption: Vehicles registered in an I/M county but operated out-of-state are eligible for an exemption. The owner must complete Utah State Tax Commission form TC-810 in order to be registered without inspection documentation. The owner must explain why the vehicle is unavailable for inspection in Utah. Common situations include Utah citizens that are military personnel stationed outside of the state, students attending institutions of higher education elsewhere, and people serving religious assignments outside the area. If the temporary address of the owner is located within another I/M program area listed on the back of the form, the owner must submit proof of compliance with that I/M program at the time of, and as a condition precedent to, registration or renewal of registration. The vehicle owner must identify his or her anticipated date of return to the state and is required to have the vehicle inspected within ten days after the vehicle is back in Utah.

Motorist Compliance Enforcement Mechanism: The I/M programs are registration-enforced on a county-wide basis. A certificate of emissions inspection or a waiver or other evidence that the vehicle is exempt from the I/M program requirements must be presented at the time of, and as a condition precedent to, registration or renewal of registration of a motor vehicles as specified in Section 41-6a-1642(1)(a). Owners of vehicles operated without valid license plates or with expired license plates are subject to ticketing by peace officers at any time. Proof of compliance consists of a current vehicle registration in an I/M program area or an I/M certificate of compliance or waiver, or evidence of exempt vehicle status.

Valid registration required: A certificate of emissions inspection or a waiver or other evidence that the vehicle is exempt from the I/M program requirements must be presented at the time of, and as a condition precedent to, registration or renewal of registration of a motor vehicles as specified in Section 41-6a-1642 and 41-1a-203(1)(c). The I/M inspection is required within two months prior to the month the registration renewal is due as specified in Section 41-6a-1642(7) and 41-1a-205(2)(a). Owners of vehicles operated without valid license plates or with expired license plates are subject to ticketing by peace officers at any time. Registration status is also checked on a random basis at roadblocks and in parking lots at various locations around the state. Per Section 41-1a-402, Utah license plates indicate the expiration date of the registration. Per Section 41-1a-1303, it is a Class C misdemeanor for a person to drive or move, or for an owner knowingly to permit to be driven or moved, upon any highway any vehicle of a type that is required to be registered in the state that is not registered in the state. Section 41-1a-1315 specifies that it is a third degree felony to falsify evidence of title and registration.

Change of ownership: Vehicle owners are not able to avoid the I/M inspection program by changing ownership of the vehicle. Upon change of vehicle ownership the vehicle must be re-registered by the new owner. The new owner must present an emissions

certificate, waiver, or proof of exemption from the I/M program as a condition precedent to registration⁴. The new annual registration and I/M inspection dates for the vehicle will be the date of registration.

Utah Tax Commission, and County Assessors roles: The Utah Tax Commission Motor Vehicle Division and county assessor deny applications for vehicle registration or renewal of registration without submittal of a valid certificate of compliance, waiver, or verified evidence of exemption. Altered or hand-written documents are not accepted. All certificate data is collected by county I/M program auditors and subjected to scrutiny for evidence of any improprieties.

Database quality assurance: The vehicle registration database is maintained and quality assured by the Utah Division of Motor Vehicle (DMV). Each county I/M inspection database is maintained and quality assured by the county I/M program staff. The county I/M program has access to the DMV database and utilizes it for quality assurance purposes. All databases are subject to regular auditing, cross-referencing, and analysis. The databases are also evaluated using data obtained during roadblocks and parking lot surveys. Evidence of program effectiveness may trigger additional joint enforcement activities.

Oversight provisions: The oversight program includes verification of exempt vehicle status through inspection, data accuracy through automatic and redundant data entry for most data elements, an audit trail for program documentation to ensure control and tracking of enforcement documents, identification and verification of exemption-triggering changes in registration data, and regular audits of I/M inspection records, I/M program databases, and the DMV database.

Enforcement staff quality assurance: County I/M program auditors and DMV clerks involved in vehicle registration are subject to regular performance audits by their supervisors. All enforcement personnel (direct and indirect) involved in the motorist enforcement program are subject to disciplinary action, additional training, and termination for deviation from procedures. Specific provisions are outlined in the DMV procedures manual which is available upon request. The county I/M audit policy documents are provided in their respective part of this section.

Quality Control: The I/M counties maintain records regarding inspections, equipment maintenance, and the required quality assurance activities. The I/M counties analyze I/M program data and submit annual reports to the U.S. Environmental Protection Agency and UDAQ upon request.

Analyzer data collection: Each county's I/M analyzer data collection system meets the requirements specified under 40 CFR 51.365.

⁴ See Utah Code Section 41-6a-1642 (7) and 41-1a-205(2)(b) and (c)
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Data analysis and reporting- Annual: The I/M counties analyze and submit to EPA and UDAQ an annual report for January through December of the previous year, which includes all the data elements listed in 40 CFR Subpart S 51.366 by July of each year. If a report is required earlier than annually, the counties will accommodate the request.

General enforcement provisions: The county I/M programs are responsible for enforcement action against incompetent or dishonest stations and inspectors. Each county I/M ordinance or regulation includes a penalty schedule.

General public information: The I/M counties have comprehensive public education and protection programs, including providing strategies to educate the public on Utah's air quality problems; ways that people can reduce emissions; the requirements of state and federal law; the role of motor vehicles in the air quality problem; the need for and benefits of a vehicle emissions inspection program; ways to operate and maintain a vehicle in a low-emission condition; how to find a qualified repair technician; and the requirements of the I/M program. Information is provided via county websites and direct response to inquiries for information, reports, classes, pamphlets, fairs, school presentations, workshops, news releases, posters, signs, and public meetings. Utah Department of Environmental Quality also provides information on its website about ways to operate and maintain a vehicle in a low-emission condition.

County I/M technical centers: Each I/M county operates an I/M technical center staffed with trained auditors and capable of performing emissions tests. A major function of the I/M technical centers is to serve as a referee station to resolve conflicts between permitted I/M inspectors, stations, and motorists. Auditors actively protect consumers against fraud and abuse by inspectors, mechanics, and others involved in the I/M program. Complaints are received and investigated fully. Auditors advise motorists regarding emissions warranty provisions and assist the owners in obtaining warranty covered repairs for eligible vehicles. The I/M technical centers also provide motorists with information regarding the I/M program, general air pollution issues, and emissions-related vehicle repairs.

Vehicle inspection report: A vehicle inspection report (VIR) is printed and provided to the motorist after each vehicle inspection. The VIR includes a public awareness statement about vehicle emissions and lists additional ways that the public can reduce air pollution. The test results are detailed on the VIR. Information about vehicle emissions warranties and the benefits of emissions-related repairs are printed for vehicles that failed the test. If the vehicle fails a retest, information about wavier requirements, application procedures and the address and telephone number of the applicable I/M technical center are printed on the VIR.

Reciprocity between County I/M programs: Utah I/M programs are conducting the same test procedures and thereby agreed to recognize the validity of a certificate granted by any Utah I/M program.