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UTAH STATE IMPLEMENTATION PLAN

SECTION X

VEHICLE INSPECTION AND MAINTENANCE PROGRAM

PART A

GENERAL REQUIREMENTS AND APPLICABILITY

Adopted by the Utah Air Quality Board
February 7, 2024

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Table of Contents

1. General Requirements	1
2. Applicability	4
3. General Summary	4

1
2
3
4
5
6
7

UTAH STATE IMPLEMENTATION PLAN
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1. General Requirements

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Federal I/M Program requirements: Utah was previously required by Section 182 and Section 187 of the Clean Air Act (CAA) 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 was at least as effective as the Environmental Protection Agency's (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 The Basic Performance Standard requirement is no longer applicable as the relevant nonattainment areas in Davis, Salt Lake, Utah, and Weber counties have been redesignated to attainment / maintenance for the carbon monoxide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).

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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.

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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, Utah County in 1986, and Weber County in 1990.

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In 1990, the Legislature enacted Section 41-6-163.7² that requires 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 Weber County on

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

1 January 1, 1992.

2
3 Section 41-6-163.6 was again amended by the Legislature in 1992 to include vehicles
4 owned and operated by the federal government, federal employees, and students and
5 employees of colleges and universities. The 1992 revision of 41-6-163.6 also established
6 more stringent restrictions for vehicles that qualify for a farm truck exemption.
7

8 Section 41-6-163.6 requires that, if identified as necessary to attain or maintain any
9 NAAQS, a county must create an I/M program that follows the criteria outlined in
10 Section 41-6-163.6. Once a county enacts regulations or ordinances, amendments to
11 Section 19-2-104 in 1992 authorized the Utah Air Quality Board to formally establish
12 those requirements for county I/M programs after obtaining agreement from the affected
13 counties. Section 41-6-163.6 was also amended to allow the counties to subject
14 individual motor vehicles to inspection and maintenance at times other than the annual
15 inspection.
16

17 Section 41-6-163.6 was amended in 1994 to authorize implementation of I/M programs
18 stricter than minimum federal requirements in counties where it is necessary to attain or
19 maintain ambient air quality standards. Section 41-6-163.6 requires preference be given
20 to a decentralized program to the extent that a decentralized program will attain and
21 maintain ambient air quality standards and meet federal requirements. It also requires
22 affected counties and the Air Quality Board to give preference to the most cost-effective
23 means to achieve and maintain the maximum benefit for air quality standards and to meet
24 federal air quality requirements related to motor vehicles. The Legislature indicated
25 preference for a reasonable phase-out period for replacement of air pollution test
26 equipment made obsolete by an I/M program in accordance with applicable federal
27 requirements and if such a phase-out does not otherwise interfere with attainment of
28 ambient air quality standards.
29

30 House Concurrent Resolution No. 9 of the 1994 General Session of the Legislature
31 (H.C.R. 9) was a concurrent resolution of the Legislature and the Governor expressing
32 opposition to the EPA's position regarding the implementation of enhanced vehicle
33 inspection. Additionally, H.C.R. 9 urged the EPA to recognize the benefits of other
34 vehicle inspection program options and to work with the state to develop workable plans
35 for attaining ambient air quality standards and protecting public health.
36

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

42 In 2002, the Legislature amended Section 41-6-163.7 to allow for inspection every other
43 year for cars that are six years old or newer on January 1 each year. This provision is
44 applicable to the extent allowed under the current state implementation plan for each
45 area.
46

1 In 2005, the Legislature renumbered Section 41-6-163.6 and re-codified it as Section 41-
2 6a-1642. The Legislature also amended Section 41-6a-1642 to allow counties with an
3 I/M program to require college students and employees who park a motor vehicle on
4 college or university campus that is not registered in a county subject to emission
5 inspection, to provide proof of compliance with an emission inspection.
6

7 Section 41 6a-1642 was amended in 2008 to provide an exemption for vintage vehicles,
8 which are defined in Section 41-21-1. Section 41 6a-1642 was again amended in 2009 to
9 provide an exemption for custom vehicles, which are defined in Section 41-6a-1507.
10

11 In 2010, the Legislature enacted Section 41-1a-1223 that allows counties with an I/M
12 program to impose a local emissions compliance fee of up to three dollars. This same bill
13 amended Section 41-6a-1642 to require I/M counties that impose the fee to use revenues
14 generated from the fee to establish and enforce an emission inspection and maintenance
15 program.
16

17 Section 41-6a-1642 was amended in 2011 to require I/M counties' regulations and
18 ordinances to be compliant with the analyzer design and certification requirements
19 contained in the SIP.
20

21 In 2012, the Legislature amended Section 41-6a-1642 to allow a motor vehicle that is less
22 than two years old as of January 1, of any given year, to be exempt from being required
23 to obtain an emission inspection. This provision is applicable to the extent allowed under
24 the current SIP for each area. This bill went into effect on October 1, 2012. In addition,
25 the Legislature also amended Section 41-1a-205 to allow a safety and emissions
26 inspection issued for a motor vehicle during the previous 11 months may be used to
27 satisfy the safety and emissions inspection requirements³. The effective date of this bill is
28 January 1, 2013. The Legislature also amended Section 41-1a-1223 to allow the counties
29 to collect a \$2.25 fee for those vehicles that are registered for a six-month period under
30 Utah Code Annotated 41-1a-215.5. The effective date of this bill is July 1, 2013.
31

32 Section 41-6a-1642 was amended in 2013 to include the date that notice is required and
33 the date the enactment, change, or repeal will take effect if a county legislative body
34 enacts, changes, or repeals the local emissions compliance fee. Section 41-6a-1642
35 provides that for a county required to implement a new vehicle emissions inspection and
36 maintenance program, but for which no current federally approved state implementation
37 plan exists, a vehicle shall be tested at a frequency determined by the county legislative
38 body, in consultation with the Air Quality Board, that is necessary to comply with federal
39 law or attain or maintain any national ambient air quality standard and establishes
40 procedures and notice requirements for a county legislative body to establish or change
41 the frequency of a vehicle emissions inspection and maintenance program.
42

43 In 2017, the Legislature amended Section 41-6a-1642 to allow a county that imposes a

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."

1 local emissions compliance fee to use revenue generated from the fee to promote
2 programs to maintain a national ambient air quality standard. At that time, the Legislature
3 also amended 41-6a-1642 to state that vehicles may not be denied registration based
4 solely on the presence of a defeat device covered in the Volkswagen partial consent
5 decrees or an EPA-approved vehicle modification.
6

7 In 2020, the Legislature amended Section 41-1a-1223 to exempt electric motor vehicles
8 from local emissions compliance fees. Section 41-6a-1642 was amended in 2022 to allow
9 a county to investigate and determine if a vehicle owner has provided a false or an
10 improper address to register a vehicle to avoid an emissions inspection and subsequently
11 allows a county to impose a civil penalty. The Legislature also amended Utah Code in
12 2023 to add a definition for restored modified vehicle. This amendment also requires an
13 emissions inspection as a prerequisite to registration of a restored-modified vehicle and
14 prohibits a county emissions program from refusing to perform an emissions test based
15 solely on the status of a vehicle as a restored-modified vehicle.
16

17 *Notification of Programmatic Changes:* The legislative body of a county identified in
18 Utah Code 41-6a-1642 (1) shall consult with the Director of the Utah Division of Air
19 Quality prior to their public comment process for any amendments to their I/M
20 regulations or ordinances. Consultation should include a written notice describing the
21 proposed changes to the I/M program.
22

23 **2. Applicability**

24
25 *General Applicability:* Utah Code Annotated 41-6a-1642 gives authority to each county
26 to implement and manage an I/M program to attain and maintain any NAAQS. Davis,
27 Salt Lake, Utah, and Weber counties were required under Section 182 and 187 of the
28 CAA to implement an I/M program to attain and maintain the ozone and carbon
29 monoxide NAAQS. All of Utah's ozone and carbon monoxide maintenance areas are
30 located in Davis, Salt Lake, Utah, and Weber counties. In addition, a motor vehicle I/M
31 program is a control measure for attaining the particulate matter NAAQS in Cache,
32 Davis, Salt Lake, Utah, and Weber counties. Utah's SIP for I/M is applicable county-
33 wide in Cache, Davis, Salt Lake, Utah, and Weber counties.
34

35 **3. General Summary**

36 Below is a general summary of Utah's I/M programs. Part B, C, D, E and F of this
37 section of the SIP provide a more specific summary of I/M programs for Cache, Davis,
38 Salt Lake, Utah, and Weber counties. These parts also incorporate the individual county
39 I/M ordinances/regulations and policies that provide for the enforceability of the
40 respective I/M programs.
41

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

1
2 *I/M program funding requirements:* Counties with I/M programs allocate funding as
3 needed to comply with the relevant requirements specified in Utah's SIP, the Utah
4 statutes, county ordinances, regulations and policies, and the federal I/M program
5 regulation. Program budgets include funding for resources necessary to adequately
6 manage the programs and those who conduct covert and overt audits, including:

- 7 • necessary repairs;
- 8 • assistance and education for inspectors, station owners, and the public;
- 9 • management for the analysis and reporting of data;
- 10 • ensuring program compliance by inspectors, stations, and vehicle owners; and
- 11 • evaluation and upgrades to the programs.

12
13 *Funding mechanisms:* Utah's I/M programs are funded through several mechanisms
14 including, but not limited to, a fee which is collected at the time of registration by the
15 Utah Tax Commission Division of Motor Vehicles or the county Assessor's Office. Those
16 monies are remitted to the county where the vehicle is registered. The collection of fees
17 for various permitting activities and the selling inspection certificates to inspection
18 stations are the other mechanisms. A fee schedule can be found in an appendix to each
19 county I/M ordinance or regulation.

20
21 *Government fleet:* Section 41-6a-1642(1)(b) of the Utah Code requires that all vehicles
22 owned or operated in the I/M counties by federal, state, or local government entities
23 comply with the I/M programs.

24
25 *Vehicles owned by students and federal employees:* Section 41-6a-1642(5) provides a
26 provision that counties may require universities and colleges located in Utah's I/M areas
27 to require proof of compliance with the I/M program for vehicles which are permitted to
28 park on campus regardless of where the vehicle is registered. Vehicles operated by
29 federal employees and operated on a federal installation located within an I/M program
30 area are also subject to the I/M program regardless of where they are registered. Proof of
31 compliance consists of a current vehicle registration in an I/M program area, an I/M
32 certificate of compliance or waiver, or evidence of exempt vehicle status.

33
34 *Rental vehicles:* All vehicles available for rent or use in an I/M county are subject to the
35 county I/M program. To the extent practicable, all vehicles principally operated in the
36 county are subject to the I/M program.

37
38 *Farm truck exemption:* Eligibility for the farm truck exemption from the I/M programs is
39 specified in Section 41-6a-1642(4) and must be verified in writing by county I/M
40 program staff.

41
42 *Out-of-state exemption:* Vehicles registered in an I/M county but operated out-of-state
43 are eligible for an exemption. The owner must [~~complete Utah State Tax Commission~~
44 ~~form TC-810~~] receive a deferment from the county prior to a registration being

1 completed. [~~in order to be registered without inspection documentation~~]. The owner must
2 explain why the vehicle is unavailable for inspection in Utah. Common situations
3 include Utah citizens that are military personnel stationed outside of the state, students
4 attending institutions of higher education elsewhere, and people serving religious
5 assignments outside the area. If the temporary address of the owner is located within
6 another I/M program area listed on the back of the form, the owner must submit proof of
7 compliance with that I/M program at the time of, and as a condition precedent to,
8 registration or renewal of registration. The vehicle owner must identify their anticipated
9 date of return to the state and is required to have the vehicle inspected within ten days
10 after the vehicle is back in Utah.

11
12 *Motorist Compliance Enforcement Mechanism:* The I/M programs are registration-
13 enforced on a county-wide basis. A certificate of emissions inspection or a waiver or
14 other evidence that the vehicle is exempt from the I/M program requirements must be
15 presented at the time of, and as a condition precedent to, registration or renewal of
16 registration of a motor vehicle as specified in Section 41-6a-1642(1)(a). Owners of
17 vehicles operated without valid license plates or with expired license plates are subject to
18 ticketing by peace officers at any time. Proof of compliance consists of a current vehicle
19 registration in an I/M program area or an I/M certificate of compliance or waiver, or
20 evidence of exempt vehicle status.

21
22 *Valid registration required:* A certificate of emissions inspection, a waiver, or other
23 evidence that the vehicle is exempt from the I/M program requirements must be
24 presented at the time of, and as a condition precedent to, registration or renewal of
25 registration of a motor vehicle as specified in Section 41-6a-1642 and 41-1a-203([1]
26 2)([e]b). The I/M inspection is required within two months prior to the month the
27 registration renewal is due as specified in Section 41-6a-1642([7]9)[and 41-1a-
28 205(2)(a)]. Owners of vehicles operated without valid license plates or with expired
29 license plates are subject to ticketing by peace officers at any time. Registration status is
30 also checked on a random basis at roadblocks and in parking lots at various locations
31 around the state. Per Section 41-1a-402, Utah license plates indicate the expiration date
32 of the registration. Per Section 41-1a-1303.5, it is a Class C misdemeanor for a person to
33 drive or move, or for an owner knowingly to permit to be driven or moved, upon any
34 highway any vehicle of a type that is required to be registered in the state that is not
35 registered in the state. Section 41-1a-1315 specifies that it is a third-degree felony to
36 falsify evidence of title and registration.

37
38 *Change of ownership:* Vehicle owners are not able to avoid the I/M inspection program
39 by changing ownership of the vehicle. Upon change of vehicle ownership, the vehicle
40 must be re-registered by the new owner. The new owner must present an emissions
41 certificate, waiver, or proof of exemption from the I/M program as a condition precedent
42 to registration⁴. The new annual registration and I/M inspection dates for the vehicle will
43 be the date of registration.

4 See Utah Code Section 41-6a-1642 (7) and 41-1a-205(2)(b) and (c)
Section X, Part A, page 6

1
2 *Utah Tax Commission, and County Assessors roles:* The Utah Tax Commission Motor
3 Vehicle Division and county assessor deny applications for vehicle registration or
4 renewal of registration without submittal of a valid certificate of compliance, waiver, or
5 verified evidence of exemption. Altered or hand-written documents are not accepted. All
6 certificate data is collected by county I/M program auditors and subjected to scrutiny for
7 evidence of any improprieties.

8
9 *Database quality assurance:* The vehicle registration database is maintained, and quality
10 assured by the Utah Division of Motor Vehicle (DMV). Each county I/M inspection
11 database is maintained, and quality assured by the county I/M program staff. The county
12 I/M program has access to the DMV database and utilizes it for quality assurance
13 purposes. All databases are subject to regular auditing, cross-referencing, and analysis.
14 The databases are also evaluated using data obtained during roadblocks and parking lot
15 surveys. Evidence of program effectiveness may trigger additional joint enforcement
16 activities.

17
18 *Oversight provisions:* The oversight program includes verification of exempt vehicle
19 status through inspection, data accuracy through automatic and redundant data entry for
20 most data elements, an audit trail for program documentation to ensure control and
21 tracking of enforcement documents, identification, and verification of exemption-
22 triggering changes in registration data, and regular audits of I/M inspection records, I/M
23 program databases, and the DMV database.

24
25 *Enforcement staff quality assurance:* County I/M program auditors and DMV clerks
26 involved in vehicle registration are subject to regular performance audits by their
27 supervisors. All enforcement personnel, direct and indirect, involved in the motorist
28 enforcement program are subject to disciplinary action, additional training, and
29 termination for deviation from procedures. Specific provisions are outlined in the DMV
30 procedures manual which is available upon request. The county I/M audit policy
31 documents are provided in their respective part of this section.

32
33 *Quality Control:* The I/M counties maintain records regarding inspections, equipment
34 maintenance, and the required quality assurance activities. The I/M counties analyze I/M
35 program data and submit annual reports to the EPA and UDAQ upon request.

36
37 *Analyzer data collection:* Each county's I/M analyzer data collection system meets the
38 requirements specified under 40 CFR 51.365.

39
40 *Data analysis and reporting- Annual:* The I/M counties analyze and submit to EPA and
41 UDAQ an annual report for January through December of the previous year, which
42 includes all the data elements listed in 40 CFR Subpart S 51.366 by July of each year. If
43 a report is required earlier than annually, the counties will accommodate the request.
44

1 *General enforcement provisions:* The county I/M programs are responsible for
2 enforcement action against incompetent or dishonest stations and inspectors. Each county
3 I/M ordinance or regulation includes a penalty schedule.
4

5 *General public information:* The I/M counties have comprehensive public education and
6 protection programs, including providing the following strategies for:
7

- 8 • public education on Utah’s air quality problems;
 - 9 • ways that people can reduce emissions;
 - 10 • the requirements of state and federal law;
 - 11 • the role of motor vehicles in the air quality problems;
 - 12 • the need for and benefits of a vehicle emissions inspection program;
 - 13 • ways to operate and maintain a vehicle in a low-emission conditions;
 - 14 • how to find a qualified repair technician; and
 - 15 • the requirements of the I/M program.
- 16

17 Information is provided via county websites and direct response to inquiries for
18 information, reports, classes, pamphlets, fairs, school presentations, workshops, news
19 releases, posters, signs, and public meetings. Utah Department of Environmental Quality
20 also provides information on its website about ways to operate and maintain a vehicle in
21 a low-emission condition.
22

23 *County I/M technical centers:* Each I/M county operates an I/M technical center staffed
24 with trained auditors and capable of performing emissions tests. A major function of the
25 I/M technical centers is to serve as a referee station to resolve conflicts between permitted
26 I/M inspectors, stations, and motorists. Auditors actively protect consumers against fraud
27 and abuse by inspectors, mechanics, and others involved in the I/M program. Complaints
28 received are investigated fully. Auditors advise motorists regarding emissions warranty
29 provisions and assist the owners in obtaining warranty covered repairs for eligible
30 vehicles. The I/M technical centers also provide motorists with information regarding the
31 I/M program, general air pollution issues, and emissions-related vehicle repairs.
32

33 *Vehicle inspection report:* A Vehicle Inspection Report (VIR) will be issued to the
34 motorist after each vehicle inspection. The VIR includes a public awareness statement
35 about vehicle emissions and lists additional ways that the public can reduce air pollution.
36 The test results are detailed on the VIR. Information about vehicle emissions warranties
37 and the benefits of emissions-related repairs are printed for vehicles that failed the test. If
38 the vehicle fails a retest, information about wavier requirements, application procedures,
39 and the address and telephone number of the applicable I/M technical center are printed
40 on the VIR.
41

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

