

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 163
SENATE BILL 1324

AN ACT

AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 292, SECTION 19; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 64, SECTION 1; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 253, SECTION 1; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 253, SECTION 2; RELATING TO VEHICLE EMISSIONS TESTING; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-542, Arizona Revised Statutes, as amended by
3 Laws 2007, chapter 292, section 19, is amended to read:

4 49-542. Emissions inspection program; powers and duties of
5 director; administration; periodic inspection;
6 minimum standards and rules; exceptions; definition

7 A. The director shall administer a comprehensive annual or biennial
8 emissions inspection program which shall require the inspection of vehicles
9 in this state pursuant to this article and applicable administrative
10 rules. Such inspection is required in area A and area B, for those vehicles
11 owned by a person who is subject to section 15-1444 or 15-1627 and for those
12 vehicles registered outside of area A or area B but used to commute to the
13 driver's principal place of employment located within area A or area B.
14 Inspection in other counties of the state shall commence upon application by
15 a county board of supervisors for participation in such inspection program,
16 subject to approval by the director. In all counties with a population of
17 three hundred fifty thousand or fewer persons according to the most recent
18 United States decennial census, except for the portion of counties that
19 contain any portion of area A, the director shall as conditions dictate
20 provide for testing to determine the effect of vehicle related pollution on
21 ambient air quality in all communities with a metropolitan area population of
22 twenty thousand persons or more according to the most recent United States
23 decennial census. If such testing detects the violation of state ambient air
24 quality standards by vehicle related pollution, the director shall forward a
25 full report of such violation to the president of the senate, the speaker of
26 the house of representatives and the governor.

27 B. The state's annual or biennial emissions inspection program shall
28 provide for vehicle inspections at official emissions inspection stations or
29 at fleet emissions inspection stations. Each inspection station in area A
30 shall employ at least one mechanic who is available during the station's
31 hours of operation to provide technical advice and assistance for persons who
32 fail the emissions test. The director may enter into agreements with the
33 department of transportation or with county assessors for the use of official
34 emissions inspection stations for the purpose of conducting vehicle
35 registrations. An official or fleet emissions inspection station permit
36 shall not be sold, assigned, transferred, conveyed or removed to another
37 location except on such terms and conditions as the director may prescribe.

38 C. Vehicles required to be inspected and registered in this state,
39 except those provided for in section 49-546, shall be inspected, for the
40 purpose of complying with the registration or reregistration requirement
41 pursuant to subsection D of this section, in accordance with the provisions
42 of this article no more than ninety days prior to each reregistration
43 expiration date. A vehicle may be submitted voluntarily for inspection more
44 than ninety days before the reregistration expiration date on payment of the
45 prescribed inspection fee. Such voluntary inspection shall not be considered

1 as compliance with the registration or reregistration requirement pursuant to
2 subsection D of this section.

3 D. A vehicle shall not be registered or reregistered until such
4 vehicle has passed the emissions inspection, the tampering inspection
5 prescribed in subsection G of this section and the liquid fuel leak
6 inspection prescribed in subsection Z of this section or has been issued a
7 certificate of waiver. A certificate of waiver shall only be issued one time
8 to a vehicle after January 1, 1997. If any vehicle to be registered or
9 reregistered is being sold by a dealer licensed to sell motor vehicles
10 pursuant to title 28, the cost of any inspection and any repairs necessary to
11 pass the inspection shall be borne by the dealer. A dealer who is licensed
12 to sell motor vehicles pursuant to title 28 and whose place of business is
13 located in area A or area B shall not deliver any vehicle to the retail
14 purchaser until the vehicle passes any inspection required by this article or
15 the vehicle is exempt under subsection J of this section.

16 E. On the registration or reregistration of a vehicle which has
17 complied with the minimum emissions standards pursuant to this section or is
18 otherwise exempt under this section, the registering officer shall issue an
19 air quality compliance sticker to the registered owner which shall be placed
20 on the vehicle as prescribed by rule adopted by the department of
21 transportation or issue a modified year validating tab as prescribed by rule
22 adopted by the department of transportation. Those persons who reside
23 outside of area A or area B but who elect to test their vehicle or are
24 required to test their vehicle pursuant to this section and who comply with
25 the minimum emissions standards pursuant to this section or are otherwise
26 exempt under this section shall remit a compliance form, as prescribed by the
27 department of transportation, and proof of compliance issued at an official
28 emissions inspection station to the department of transportation along with
29 the appropriate fees. The department of transportation shall then issue the
30 person an air quality compliance sticker which shall be placed on the vehicle
31 as prescribed by rule adopted by the department of transportation. The
32 registering officer or the department of transportation shall collect an air
33 quality compliance fee of twenty-five cents. The registering officer or the
34 department of transportation shall deposit, pursuant to sections 35-146 and
35 35-147, the air quality compliance fee in the state highway fund established
36 by section 28-6991. The department of transportation shall deposit, pursuant
37 to sections 35-146 and 35-147, any emissions inspection fee in the emissions
38 inspection fund. The provisions of this subsection do not apply to those
39 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale
40 of vehicles between motor vehicle dealers or vehicles leased to a person
41 residing outside of area A or area B by a leasing company whose place of
42 business is in area A or area B.

43 F. The director shall adopt minimum emissions standards pursuant to
44 section 49-447 with which the various classes of vehicles shall be required
45 to comply as follows:

1 1. For the purpose of determining compliance with minimum emissions
2 standards in area B:

3 (a) A motor vehicle manufactured in or before the 1980 model year,
4 other than a diesel powered vehicle, shall be required to take and pass the
5 curb idle test condition. A diesel powered vehicle is subject to only a
6 loaded test condition. The conditioning mode shall, at the option of the
7 vehicle owner or owner's agent, be administered only after the vehicle has
8 failed the curb idle test condition. Upon completion of such conditioning
9 mode, a vehicle that has failed the curb idle test condition may be retested
10 in the curb idle test condition. If the vehicle passes such retest, it shall
11 be deemed in compliance with minimum emissions standards unless the vehicle
12 fails the tampering inspection pursuant to subsection G of this section or
13 the liquid fuel leak inspection pursuant to subsection Z of this section.

14 (b) A motor vehicle manufactured in or after the 1981 model year,
15 other than a diesel powered vehicle, shall be required to take and pass the
16 curb idle test condition and the loaded test condition or an onboard
17 diagnostic check as may be required pursuant to title II of the clean air
18 act.

19 2. For purposes of determining compliance with minimum emissions
20 standards and functional tests in area A:

21 (a) Motor vehicles manufactured in or after model year 1981 with a
22 gross vehicle weight rating of eighty-five hundred pounds or less, other than
23 diesel powered vehicles, shall be required to take and pass a transient
24 loaded emissions test or an onboard diagnostic check as may be required
25 pursuant to title II of the clean air act.

26 (b) Motor vehicles other than those prescribed by subdivision (a) of
27 this paragraph and other than diesel powered vehicles shall be required to
28 take and pass a steady state loaded test and a curb idle emissions test.

29 (c) A diesel powered motor vehicle applying for registration or
30 reregistration in area A shall be required to take and pass an annual
31 emissions test conducted at an official emissions inspection station or a
32 fleet emissions inspection station as follows:

33 (i) A loaded, transient or any other form of test as provided for in
34 rules adopted by the director for vehicles with a gross vehicle weight rating
35 of eight thousand five hundred pounds or less.

36 (ii) A test that conforms with the society for automotive engineers
37 standard J1667 for vehicles with a gross vehicle weight rating of more than
38 eight thousand five hundred pounds.

39 (d) Motor vehicles by specific class or model year shall be required
40 to take and pass any of the following tests:

41 (i) An evaporative system purge test.

42 (ii) An evaporative system integrity test.

43 (e) An onboard diagnostic check as may be required pursuant to title
44 II of the clean air act.

1 3. A motorcycle in area A or any constant four wheel drive vehicle
2 shall be required to take and pass a curb idle emissions test or an onboard
3 diagnostic check as required pursuant to title II of the clean air act.

4 4. Fleet operators in area B must comply with this section, except
5 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
6 who has been issued a permit under section 49-546 shall be tested as follows:

7 (a) A motor vehicle manufactured in or before the 1980 model year
8 shall take and pass only the curb idle test condition, except that a diesel
9 powered vehicle is subject to only a loaded test condition.

10 (b) A motor vehicle manufactured in or after the 1981 model year shall
11 take and pass the curb idle test condition and a twenty-five hundred
12 revolutions per minute unloaded test condition.

13 5. Vehicles owned or operated by the United States, this state or a
14 political subdivision of this state shall comply with this subsection without
15 regard to whether those vehicles are required to be registered in this state,
16 except that alternative fuel vehicles of a school district that is located in
17 area A shall be required to take and pass the curb idle test condition and
18 the loaded test condition.

19 6. Fleet operators in area A shall comply with this section, except
20 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
21 who has been issued a permit pursuant to section 49-546 for purposes of
22 determining compliance with minimum emission standards in area A shall be
23 tested as follows:

24 (a) A motor vehicle manufactured in or before the 1980 model year
25 shall take and pass the curb idle test condition, except that a diesel
26 powered vehicle is subject to only a loaded test condition.

27 (b) A motor vehicle manufactured in or after the 1981 model year shall
28 take and pass the curb idle test condition and a two thousand five hundred
29 revolutions per minute unloaded test condition.

30 7. Beginning on January 1, 2004 and except for any registered owner or
31 lessee of a fleet of less than twenty-five vehicles, a diesel powered motor
32 vehicle with a gross vehicle weight of more than twenty-six thousand pounds
33 and for which gross weight fees are paid pursuant to title 28, chapter 15,
34 article 2 in area A shall not be allowed to operate in area A unless it was
35 manufactured in or after the 1988 model year or is powered by an engine that
36 is certified to meet or surpass emissions standards contained in 40 Code of
37 Federal Regulations section 86.088-11. This paragraph does not apply to
38 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

39 8. Beginning on January 1, 2006 for any registered owner or lessee of
40 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle
41 with a gross vehicle weight of more than twenty-six thousand pounds and for
42 which gross weight fees are paid pursuant to title 28, chapter 15, article 2
43 in area A shall not be allowed to operate in area A unless it was
44 manufactured in or after the 1988 model year or is powered by an engine that
45 is certified to meet or surpass emissions standards contained in 40 Code of

1 Federal Regulations section 86.088-11. This paragraph does not apply to
2 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

3 G. In addition to an emissions inspection, a vehicle is subject to a
4 tampering inspection on at least a biennial basis if the vehicle was
5 manufactured after the 1974 model year and the vehicle is not subject to a
6 transient loaded emissions test or an onboard diagnostic check as required
7 pursuant to title II of the clean air act. The director shall adopt vehicle
8 configuration guidelines for the tampering inspection which shall be based on
9 the original configuration of the vehicle when manufactured. The tampering
10 inspection shall consist of the following:

11 1. A visual check to determine the presence of properly installed
12 catalytic converters.

13 2. An examination to determine the presence of an operational air
14 pump.

15 3. In area A, if the vehicle was manufactured after the 1974 model
16 year and is not subject to a transient loaded emissions test or an onboard
17 diagnostic check as required pursuant to title II of the clean air act, a
18 visual inspection for the presence or malfunction of the positive crankcase
19 ventilation system and the evaporative control system.

20 H. Vehicles required to be inspected shall undergo a functional test
21 of the gas cap to determine if the cap holds pressure within limits
22 prescribed by the director, except for any vehicle that is subject to an
23 evaporative system integrity test.

24 I. Motor vehicles failing the initial or subsequent test are not
25 subject to a penalty fee for late registration renewal if the original
26 testing was accomplished before the expiration date and if the registration
27 renewal is received by the motor vehicle division or the county assessor
28 within thirty days of the original test.

29 J. The director may adopt rules for purposes of implementation,
30 administration, regulation and enforcement of the provisions of this article
31 including:

32 1. The submission of records relating to the emissions inspection of
33 vehicles inspected by another jurisdiction in accordance with another
34 inspection law and the acceptance of such inspection for compliance with the
35 provisions of this article.

36 2. The exemption from inspection of:

37 (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, a motor vehicle
38 manufactured in or before the 1966 model year. IF THE UNITED STATES
39 ENVIRONMENTAL PROTECTION AGENCY ISSUES A VEHICLE EMISSIONS TESTING EXEMPTION
40 FOR MOTOR VEHICLES MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR FOR PURPOSES
41 OF THE STATE IMPLEMENTATION OR MAINTENANCE PLAN FOR AIR QUALITY, A MOTOR
42 VEHICLE MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR IS EXEMPT FROM
43 INSPECTION.

44 (b) New vehicles originally registered at the time of initial retail
45 sale and titling in this state pursuant to section 28-2153 or 28-2154.

- 1 (c) Vehicles registered pursuant to title 28, chapter 7, article 7
2 or 8.
- 3 (d) New vehicles before the sixth registration year after initial
4 purchase or lease.
- 5 (e) Vehicles which will not be available within the state during the
6 ninety days prior to registration.
- 7 (f) Golf carts.
- 8 (g) Electrically-powered vehicles.
- 9 (h) Vehicles with an engine displacement of less than ninety cubic
10 centimeters.
- 11 (i) The sale of vehicles between motor vehicle dealers.
- 12 (j) Vehicles leased to a person residing outside of area A or area B
13 by a leasing company whose place of business is in area A or area B.
- 14 (k) Collectible vehicles.
- 15 (l) Motorcycles in area B.
- 16 3. Compiling and maintaining records of emissions test results after
17 servicing.
- 18 4. A procedure which shall allow the vehicle service and repair
19 industry to compare the calibration accuracy of its emissions testing
20 equipment with the department's calibration standards.
- 21 5. Training requirements for automotive repair personnel using
22 emissions measuring equipment whose calibration accuracy has been compared
23 with the department's calibration standards.
- 24 6. Any other rule which may be required to accomplish the provisions
25 of this article.
- 26 K. The director shall, after consultation with automobile
27 manufacturers and the vehicle service and repair industry, establish by rule
28 a definition of "low emissions tune-up" for motor vehicles subject to
29 inspection under this article. The definition shall specify repair
30 procedures which, when implemented, will reduce vehicle emissions.
- 31 L. The director shall adopt rules which specify that the estimated
32 retail cost of all recommended maintenance and repairs shall not exceed the
33 amounts prescribed in this subsection, except that if a vehicle fails a
34 tampering inspection there is no limit on the cost of recommended maintenance
35 and repairs. The director shall issue a certificate of waiver for a vehicle
36 which has failed reinspection, if the director has determined that all
37 recommended maintenance and repairs have been performed. If, after
38 reinspection, the director has determined that the vehicle is in compliance
39 with minimum emissions standards or that all recommended maintenance and
40 repairs for compliance with minimum emissions standards have been performed,
41 but that tampering discovered at a tampering inspection has not been
42 repaired, the director may issue a certificate of waiver if the owner of the
43 vehicle provides to the director a written statement from an automobile parts
44 or repair business that an emissions control device which is necessary to
45 repair the tampering is not available and cannot be obtained from any usual
46 source of supply before the vehicle's current registration expires. Rules

1 adopted by the director for the purpose of establishing the estimated retail
2 cost of all recommended maintenance and repairs pursuant to this subsection
3 shall specify that:

4 1. In area A the cost shall not exceed:

5 (a) Five hundred dollars for a diesel powered vehicle with a gross
6 weight in excess of twenty-six thousand pounds.

7 (b) Five hundred dollars for a diesel powered vehicle with tandem
8 axles.

9 (c) For a vehicle other than a diesel powered vehicle with a gross
10 weight in excess of twenty-six thousand pounds and other than a diesel
11 powered vehicle with tandem axles:

12 (i) Two hundred dollars for such a vehicle manufactured in or before
13 the 1974 model year.

14 (ii) Three hundred dollars for such a vehicle manufactured in the 1975
15 through 1979 model years.

16 (iii) Four hundred fifty dollars for such a vehicle manufactured in or
17 after the 1980 model year.

18 2. In area B the cost shall not exceed:

19 (a) Three hundred dollars for a diesel powered vehicle with a gross
20 weight in excess of twenty-six thousand pounds.

21 (b) Three hundred dollars for a diesel powered vehicle with tandem
22 axles.

23 3. For a vehicle other than a diesel powered vehicle with a gross
24 weight in excess of twenty-six thousand pounds and other than a diesel
25 powered vehicle with tandem axles:

26 (a) Fifty dollars for such a vehicle manufactured in or before the
27 1974 model year.

28 (b) Two hundred dollars for such a vehicle manufactured in the 1975
29 through 1979 model years.

30 (c) Three hundred dollars for such a vehicle manufactured in or after
31 the 1980 model year.

32 M. Each person whose vehicle has failed an emissions inspection shall
33 be provided a list of those general recommended tune-up procedures for
34 vehicles which are designed to reduce vehicle emissions levels. The list
35 shall include the following notice: "This test is the result of federal
36 law. You may wish to contact your representative in the United States
37 Congress."

38 N. Notwithstanding any other provisions of this article, the director
39 may adopt rules allowing exemptions from the requirement that all vehicles
40 must meet the minimum standards for registration or reregistration.

41 O. The director of environmental quality shall establish, in
42 cooperation with the assistant director for the motor vehicle division of the
43 department of transportation:

44 1. An adequate method for identifying bona fide residents residing
45 outside of area A or area B to ensure that such residents are exempt from

1 compliance with the inspection program established by this article and rules
2 adopted under this article.

3 2. A written notice that shall accompany the vehicle registration
4 application forms that are sent to vehicle owners pursuant to section 28-2151
5 and that shall accompany or be included as part of the vehicle emissions test
6 results that are provided to vehicle owners at the time of the vehicle
7 emissions test. This written notice shall describe at least the following:

8 (a) The restriction of the waiver program to one time per vehicle and
9 a brief description of the implications of this limit.

10 (b) The availability and a brief description of the vehicle repair and
11 retrofit program established pursuant to section 49-474.03.

12 (c) Notice that many vehicles carry extended warranties for vehicle
13 emissions systems, and those warranties are described in the vehicle's
14 owner's manual or other literature.

15 (d) A description of the catalytic converter replacement program
16 established pursuant to section 49-474.03.

17 P. Notwithstanding any other law, if area A or area B is reclassified
18 as an attainment area, emissions testing conducted pursuant to this article
19 shall continue for vehicles registered inside that reclassified area,
20 vehicles owned by a person who is subject to section 15-1444 or 15-1627 and
21 vehicles registered outside of that reclassified area but used to commute to
22 the driver's principal place of employment located within that reclassified
23 area.

24 Q. A fleet operator who is issued a permit pursuant to section 49-546
25 may electronically transmit emissions inspection data to the department of
26 transportation pursuant to rules adopted by the director of the department of
27 transportation in consultation with the director of environmental quality.

28 R. The director shall prohibit a certificate of waiver pursuant to
29 subsection L of this section for any vehicle which has failed inspection in
30 area A due to the catalytic converter system.

31 S. The director shall establish provisions for rapid testing of
32 certain vehicles and to allow fleet operators, singly or in combination, to
33 contract directly for vehicle emissions testing.

34 T. Each vehicle emissions control station in area A shall have a sign
35 posted to be visible to persons who are having their vehicles tested. This
36 sign shall state that enhanced testing procedures are a direct result of
37 federal law.

38 U. The initial adoption of rules pursuant to this section shall be
39 deemed emergency rules pursuant to section 41-1026.

40 V. The director of environmental quality and the director of the
41 department of transportation shall implement a system to exchange information
42 relating to the waiver program, including information relating to vehicle
43 emissions test results and vehicle registration information.

44 W. Any person who sells a vehicle that has been issued a certificate
45 of waiver pursuant to this section after January 1, 1997 and who knows that a
46 certificate of waiver has been issued after January 1, 1997 for that vehicle

1 shall disclose to the buyer before completion of the sale that a certificate
2 of waiver has been issued for that vehicle.

3 X. Vehicles that fail the emissions test at emission levels higher
4 than twice the standard established for that vehicle class by the department
5 pursuant to section 49-447 are not eligible for a certificate of waiver
6 pursuant to this section unless the vehicle is repaired sufficiently to
7 achieve an emissions level below twice the standard for that class of
8 vehicle.

9 Y. If an insurer notifies the department of transportation of the
10 cancellation or nonrenewal of collectible vehicle or classic automobile
11 insurance coverage for a collectible vehicle, the department of
12 transportation shall cancel the registration of the vehicle and the vehicle's
13 exemption from emissions testing pursuant to this section unless evidence of
14 coverage is presented to the department of transportation within sixty days.

15 Z. In addition to an emissions inspection, a vehicle is subject to a
16 liquid fuel leak inspection on at least a biennial basis if the vehicle was
17 manufactured after the 1974 model year and is not a diesel vehicle. The
18 director shall adopt rules prescribing procedures and standards for the
19 liquid fuel leak inspection.

20 AA. For the purposes of this section, "collectible vehicle" means a
21 vehicle that complies with both of the following:

22 1. Either:

23 (a) Bears a model year date of original manufacture that is at least
24 fifteen years old.

25 (b) Is of unique or rare design, of limited production and an object
26 of curiosity.

27 2. Meets both of the following criteria:

28 (a) Is maintained primarily for use in car club activities,
29 exhibitions, parades or other functions of public interest or for a private
30 collection and is used only infrequently for other purposes.

31 (b) Has a collectible vehicle or classic automobile insurance coverage
32 that restricts the collectible vehicle mileage or use, or both, and requires
33 the owner to have another vehicle for personal use.

34 Sec. 2. Section 49-542, Arizona Revised Statutes, as amended by Laws
35 2008, chapter 64, section 1, is amended to read:

36 49-542. Emissions inspection program; powers and duties of
37 director; administration; periodic inspection;
38 minimum standards and rules; exceptions; definition

39 A. The director shall administer a comprehensive annual or biennial
40 emissions inspection program which shall require the inspection of vehicles
41 in this state pursuant to this article and applicable administrative rules.
42 Such inspection is required in area A and area B, for those vehicles owned by
43 a person who is subject to section 15-1444 or 15-1627 and for those vehicles
44 registered outside of area A or area B but used to commute to the driver's
45 principal place of employment located within area A or area B. Inspection in
46 other counties of the state shall commence upon application by a county board

1 of supervisors for participation in such inspection program, subject to
2 approval by the director. In all counties with a population of three hundred
3 fifty thousand or fewer persons according to the most recent United States
4 decennial census, except for the portion of counties that contain any portion
5 of area A, the director shall as conditions dictate provide for testing to
6 determine the effect of vehicle related pollution on ambient air quality in
7 all communities with a metropolitan area population of twenty thousand
8 persons or more according to the most recent United States decennial census.
9 If such testing detects the violation of state ambient air quality standards
10 by vehicle related pollution, the director shall forward a full report of
11 such violation to the president of the senate, the speaker of the house of
12 representatives and the governor.

13 B. The state's annual or biennial emissions inspection program shall
14 provide for vehicle inspections at official emissions inspection stations or
15 at fleet emissions inspection stations. Each inspection station in area A
16 shall employ at least one mechanic who is available during the station's
17 hours of operation to provide technical advice and assistance for persons who
18 fail the emissions test. The director may enter into agreements with the
19 department of transportation or with county assessors for the use of official
20 emissions inspection stations for the purpose of conducting vehicle
21 registrations. An official or fleet emissions inspection station permit
22 shall not be sold, assigned, transferred, conveyed or removed to another
23 location except on such terms and conditions as the director may prescribe.

24 C. Vehicles required to be inspected and registered in this state,
25 except those provided for in section 49-546, shall be inspected, for the
26 purpose of complying with the registration or reregistration requirement
27 pursuant to subsection D of this section, in accordance with the provisions
28 of this article no more than ninety days prior to each reregistration
29 expiration date. A vehicle may be submitted voluntarily for inspection more
30 than ninety days before the reregistration expiration date on payment of the
31 prescribed inspection fee. Such voluntary inspection shall not be considered
32 as compliance with the registration or reregistration requirement pursuant to
33 subsection D of this section.

34 D. A vehicle shall not be registered or reregistered until such
35 vehicle has passed the emissions inspection, the tampering inspection
36 prescribed in subsection G of this section and the liquid fuel leak
37 inspection prescribed in subsection Z of this section or has been issued a
38 certificate of waiver. A certificate of waiver shall only be issued one time
39 to a vehicle after January 1, 1997. If any vehicle to be registered or
40 reregistered is being sold by a dealer licensed to sell motor vehicles
41 pursuant to title 28, the cost of any inspection and any repairs necessary to
42 pass the inspection shall be borne by the dealer. A dealer who is licensed
43 to sell motor vehicles pursuant to title 28 and whose place of business is
44 located in area A or area B shall not deliver any vehicle to the retail
45 purchaser until the vehicle passes any inspection required by this article or
46 the vehicle is exempt under subsection J of this section.

1 E. On the registration or reregistration of a vehicle which has
2 complied with the minimum emissions standards pursuant to this section or is
3 otherwise exempt under this section, the registering officer shall issue an
4 air quality compliance sticker to the registered owner which shall be placed
5 on the vehicle as prescribed by rule adopted by the department of
6 transportation or issue a modified year validating tab as prescribed by rule
7 adopted by the department of transportation. Those persons who reside
8 outside of area A or area B but who elect to test their vehicle or are
9 required to test their vehicle pursuant to this section and who comply with
10 the minimum emissions standards pursuant to this section or are otherwise
11 exempt under this section shall remit a compliance form, as prescribed by the
12 department of transportation, and proof of compliance issued at an official
13 emissions inspection station to the department of transportation along with
14 the appropriate fees. The department of transportation shall then issue the
15 person an air quality compliance sticker which shall be placed on the vehicle
16 as prescribed by rule adopted by the department of transportation. The
17 registering officer or the department of transportation shall collect an air
18 quality compliance fee of twenty-five cents. The registering officer or the
19 department of transportation shall deposit, pursuant to sections 35-146 and
20 35-147, the air quality compliance fee in the state highway fund established
21 by section 28-6991. The department of transportation shall deposit, pursuant
22 to sections 35-146 and 35-147, any emissions inspection fee in the emissions
23 inspection fund. The provisions of this subsection do not apply to those
24 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale
25 of vehicles between motor vehicle dealers or vehicles leased to a person
26 residing outside of area A or area B by a leasing company whose place of
27 business is in area A or area B.

28 F. The director shall adopt minimum emissions standards pursuant to
29 section 49-447 with which the various classes of vehicles shall be required
30 to comply as follows:

31 1. For the purpose of determining compliance with minimum emissions
32 standards in area B:

33 (a) A motor vehicle manufactured in or before the 1980 model year,
34 other than a diesel powered vehicle, shall be required to take and pass the
35 curb idle test condition. A diesel powered vehicle is subject to only a
36 loaded test condition. The conditioning mode shall, at the option of the
37 vehicle owner or owner's agent, be administered only after the vehicle has
38 failed the curb idle test condition. Upon completion of such conditioning
39 mode, a vehicle that has failed the curb idle test condition may be retested
40 in the curb idle test condition. If the vehicle passes such retest, it shall
41 be deemed in compliance with minimum emissions standards unless the vehicle
42 fails the tampering inspection pursuant to subsection G of this section or
43 the liquid fuel leak inspection pursuant to subsection Z of this section.

44 (b) A motor vehicle manufactured in or after the 1981 model year,
45 other than a diesel powered vehicle, shall be required to take and pass the
46 curb idle test condition and the loaded test condition or an onboard

1 diagnostic check as may be required pursuant to title II of the clean air
2 act.

3 2. For purposes of determining compliance with minimum emissions
4 standards and functional tests in area A:

5 (a) Motor vehicles manufactured in or after model year 1981 with a
6 gross vehicle weight rating of eighty-five hundred pounds or less, other than
7 diesel powered vehicles, shall be required to take and pass a transient
8 loaded emissions test or an onboard diagnostic check as may be required
9 pursuant to title II of the clean air act.

10 (b) Motor vehicles other than those prescribed by subdivision (a) of
11 this paragraph and other than diesel powered vehicles shall be required to
12 take and pass a steady state loaded test and a curb idle emissions test.

13 (c) A diesel powered motor vehicle applying for registration or
14 reregistration in area A shall be required to take and pass an annual
15 emissions test conducted at an official emissions inspection station or a
16 fleet emissions inspection station as follows:

17 (i) A loaded, transient or any other form of test as provided for in
18 rules adopted by the director for vehicles with a gross vehicle weight rating
19 of eight thousand five hundred pounds or less.

20 (ii) A test that conforms with the society for automotive engineers
21 standard J1667 for vehicles with a gross vehicle weight rating of more than
22 eight thousand five hundred pounds.

23 (d) Motor vehicles by specific class or model year shall be required
24 to take and pass any of the following tests:

25 (i) An evaporative system purge test.

26 (ii) An evaporative system integrity test.

27 (e) An onboard diagnostic check may be required pursuant to title II
28 of the clean air act.

29 3. Any constant four wheel drive vehicle shall be required to take
30 and pass a curb idle emissions test or an onboard diagnostic check as
31 required pursuant to title II of the clean air act.

32 4. Fleet operators in area B must comply with this section, except
33 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
34 who has been issued a permit under section 49-546 shall be tested as follows:

35 (a) A motor vehicle manufactured in or before the 1980 model year
36 shall take and pass only the curb idle test condition, except that a diesel
37 powered vehicle is subject to only a loaded test condition.

38 (b) A motor vehicle manufactured in or after the 1981 model year shall
39 take and pass the curb idle test condition and a twenty-five hundred
40 revolutions per minute unloaded test condition.

41 5. Vehicles owned or operated by the United States, this state or a
42 political subdivision of this state shall comply with this subsection without
43 regard to whether those vehicles are required to be registered in this state,
44 except that alternative fuel vehicles of a school district that is located in
45 area A shall be required to take and pass the curb idle test condition and
46 the loaded test condition.

1 6. Fleet operators in area A shall comply with this section, except
2 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
3 who has been issued a permit pursuant to section 49-546 for purposes of
4 determining compliance with minimum emission standards in area A shall be
5 tested as follows:

6 (a) A motor vehicle manufactured in or before the 1980 model year
7 shall take and pass the curb idle test condition, except that a diesel
8 powered vehicle is subject to only a loaded test condition.

9 (b) A motor vehicle manufactured in or after the 1981 model year shall
10 take and pass the curb idle test condition and a two thousand five hundred
11 revolutions per minute unloaded test condition.

12 7. Beginning on January 1, 2004 and except for any registered owner or
13 lessee of a fleet of less than twenty-five vehicles, a diesel powered motor
14 vehicle with a gross vehicle weight of more than twenty-six thousand pounds
15 and for which gross weight fees are paid pursuant to title 28, chapter 15,
16 article 2 in area A shall not be allowed to operate in area A unless it was
17 manufactured in or after the 1988 model year or is powered by an engine that
18 is certified to meet or surpass emissions standards contained in 40 Code of
19 Federal Regulations section 86.088-11. This paragraph does not apply to
20 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

21 8. Beginning on January 1, 2006 for any registered owner or lessee of
22 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle
23 with a gross vehicle weight of more than twenty-six thousand pounds and for
24 which gross weight fees are paid pursuant to title 28, chapter 15, article 2
25 in area A shall not be allowed to operate in area A unless it was
26 manufactured in or after the 1988 model year or is powered by an engine that
27 is certified to meet or surpass emissions standards contained in 40 Code of
28 Federal Regulations section 86.088-11. This paragraph does not apply to
29 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

30 G. In addition to an emissions inspection, a vehicle is subject to a
31 tampering inspection on at least a biennial basis if the vehicle was
32 manufactured after the 1974 model year and the vehicle is not subject to a
33 transient loaded emissions test or an onboard diagnostic check as required
34 pursuant to title II of the clean air act. The director shall adopt vehicle
35 configuration guidelines for the tampering inspection which shall be based on
36 the original configuration of the vehicle when manufactured. The tampering
37 inspection shall consist of the following:

38 1. A visual check to determine the presence of properly installed
39 catalytic converters.

40 2. An examination to determine the presence of an operational air
41 pump.

42 3. In area A, if the vehicle was manufactured after the 1974 model
43 year and is not subject to a transient loaded emissions test or an onboard
44 diagnostic check as required pursuant to title II of the clean air act, a
45 visual inspection for the presence or malfunction of the positive crankcase
46 ventilation system and the evaporative control system.

1 H. Vehicles required to be inspected shall undergo a functional test
2 of the gas cap to determine if the cap holds pressure within limits
3 prescribed by the director, except for any vehicle that is subject to an
4 evaporative system integrity test.

5 I. Motor vehicles failing the initial or subsequent test are not
6 subject to a penalty fee for late registration renewal if the original
7 testing was accomplished before the expiration date and if the registration
8 renewal is received by the motor vehicle division or the county assessor
9 within thirty days of the original test.

10 J. The director may adopt rules for purposes of implementation,
11 administration, regulation and enforcement of the provisions of this article
12 including:

13 1. The submission of records relating to the emissions inspection of
14 vehicles inspected by another jurisdiction in accordance with another
15 inspection law and the acceptance of such inspection for compliance with the
16 provisions of this article.

17 2. The exemption from inspection of:

18 (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, a motor vehicle
19 manufactured in or before the 1966 model year. IF THE UNITED STATES
20 ENVIRONMENTAL PROTECTION AGENCY ISSUES A VEHICLE EMISSIONS TESTING EXEMPTION
21 FOR MOTOR VEHICLES MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR FOR PURPOSES
22 OF THE STATE IMPLEMENTATION OR MAINTENANCE PLAN FOR AIR QUALITY, A MOTOR
23 VEHICLE MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR IS EXEMPT FROM
24 INSPECTION.

25 (b) New vehicles originally registered at the time of initial retail
26 sale and titling in this state pursuant to section 28-2153 or 28-2154.

27 (c) Vehicles registered pursuant to title 28, chapter 7, article 7
28 or 8.

29 (d) New vehicles before the sixth registration year after initial
30 purchase or lease.

31 (e) Vehicles which will not be available within the state during the
32 ninety days prior to registration.

33 (f) Golf carts.

34 (g) Electrically-powered vehicles.

35 (h) Vehicles with an engine displacement of less than ninety cubic
36 centimeters.

37 (i) The sale of vehicles between motor vehicle dealers.

38 (j) Vehicles leased to a person residing outside of area A or area B
39 by a leasing company whose place of business is in area A or area B.

40 (k) Collectible vehicles.

41 (l) Motorcycles.

42 3. Compiling and maintaining records of emissions test results after
43 servicing.

44 4. A procedure which shall allow the vehicle service and repair
45 industry to compare the calibration accuracy of its emissions testing
46 equipment with the department's calibration standards.

1 5. Training requirements for automotive repair personnel using
2 emissions measuring equipment whose calibration accuracy has been compared
3 with the department's calibration standards.

4 6. Any other rule which may be required to accomplish the provisions
5 of this article.

6 K. The director, after consultation with automobile manufacturers and
7 the vehicle service and repair industry, shall establish by rule a definition
8 of "low emissions tune-up" for motor vehicles subject to inspection under
9 this article. The definition shall specify repair procedures which, when
10 implemented, will reduce vehicle emissions.

11 L. The director shall adopt rules which specify that the estimated
12 retail cost of all recommended maintenance and repairs shall not exceed the
13 amounts prescribed in this subsection, except that if a vehicle fails a
14 tampering inspection there is no limit on the cost of recommended maintenance
15 and repairs. The director shall issue a certificate of waiver for a vehicle
16 which has failed reinspection, if the director has determined that all
17 recommended maintenance and repairs have been performed. If, after
18 reinspection, the director has determined that the vehicle is in compliance
19 with minimum emissions standards or that all recommended maintenance and
20 repairs for compliance with minimum emissions standards have been performed,
21 but that tampering discovered at a tampering inspection has not been
22 repaired, the director may issue a certificate of waiver if the owner of the
23 vehicle provides to the director a written statement from an automobile parts
24 or repair business that an emissions control device which is necessary to
25 repair the tampering is not available and cannot be obtained from any usual
26 source of supply before the vehicle's current registration expires. Rules
27 adopted by the director for the purpose of establishing the estimated retail
28 cost of all recommended maintenance and repairs pursuant to this subsection
29 shall specify that:

30 1. In area A the cost shall not exceed:

31 (a) Five hundred dollars for a diesel powered vehicle with a gross
32 weight in excess of twenty-six thousand pounds.

33 (b) Five hundred dollars for a diesel powered vehicle with tandem
34 axles.

35 (c) For a vehicle other than a diesel powered vehicle with a gross
36 weight in excess of twenty-six thousand pounds and other than a diesel
37 powered vehicle with tandem axles:

38 (i) Two hundred dollars for such a vehicle manufactured in or before
39 the 1974 model year.

40 (ii) Three hundred dollars for such a vehicle manufactured in the 1975
41 through 1979 model years.

42 (iii) Four hundred fifty dollars for such a vehicle manufactured in or
43 after the 1980 model year.

44 2. In area B the cost shall not exceed:

45 (a) Three hundred dollars for a diesel powered vehicle with a gross
46 weight in excess of twenty-six thousand pounds.

1 (b) Three hundred dollars for a diesel powered vehicle with tandem
2 axles.

3 3. For a vehicle other than a diesel powered vehicle with a gross
4 weight in excess of twenty-six thousand pounds and other than a diesel
5 powered vehicle with tandem axles:

6 (a) Fifty dollars for such a vehicle manufactured in or before the
7 1974 model year.

8 (b) Two hundred dollars for such a vehicle manufactured in the 1975
9 through 1979 model years.

10 (c) Three hundred dollars for such a vehicle manufactured in or after
11 the 1980 model year.

12 M. Each person whose vehicle has failed an emissions inspection shall
13 be provided a list of those general recommended tune-up procedures for
14 vehicles which are designed to reduce vehicle emissions levels. The list
15 shall include the following notice: "This test is the result of federal
16 law. You may wish to contact your representative in the United States
17 Congress."

18 N. Notwithstanding any other provisions of this article, the director
19 may adopt rules allowing exemptions from the requirement that all vehicles
20 must meet the minimum standards for registration or reregistration.

21 O. The director of environmental quality shall establish, in
22 cooperation with the assistant director for the motor vehicle division of the
23 department of transportation:

24 1. An adequate method for identifying bona fide residents residing
25 outside of area A or area B to ensure that such residents are exempt from
26 compliance with the inspection program established by this article and rules
27 adopted under this article.

28 2. A written notice that shall accompany the vehicle registration
29 application forms that are sent to vehicle owners pursuant to section 28-2151
30 and that shall accompany or be included as part of the vehicle emissions test
31 results that are provided to vehicle owners at the time of the vehicle
32 emissions test. This written notice shall describe at least the following:

33 (a) The restriction of the waiver program to one time per vehicle and
34 a brief description of the implications of this limit.

35 (b) The availability and a brief description of the vehicle repair and
36 retrofit program established pursuant to section 49-474.03.

37 (c) Notice that many vehicles carry extended warranties for vehicle
38 emissions systems, and those warranties are described in the vehicle's
39 owner's manual or other literature.

40 (d) A description of the catalytic converter replacement program
41 established pursuant to section 49-474.03.

42 P. Notwithstanding any other law, if area A or area B is reclassified
43 as an attainment area, emissions testing conducted pursuant to this article
44 shall continue for vehicles registered inside that reclassified area,
45 vehicles owned by a person who is subject to section 15-1444 or 15-1627 and
46 vehicles registered outside of that reclassified area but used to commute to

1 the driver's principal place of employment located within that reclassified
2 area.

3 Q. A fleet operator who is issued a permit pursuant to section 49-546
4 may electronically transmit emissions inspection data to the department of
5 transportation pursuant to rules adopted by the director of the department of
6 transportation in consultation with the director of environmental quality.

7 R. The director shall prohibit a certificate of waiver pursuant to
8 subsection L of this section for any vehicle which has failed inspection in
9 area A due to the catalytic converter system.

10 S. The director shall establish provisions for rapid testing of
11 certain vehicles and to allow fleet operators, singly or in combination, to
12 contract directly for vehicle emissions testing.

13 T. Each vehicle emissions control station in area A shall have a sign
14 posted to be visible to persons who are having their vehicles tested. This
15 sign shall state that enhanced testing procedures are a direct result of
16 federal law.

17 U. The initial adoption of rules pursuant to this section shall be
18 deemed emergency rules pursuant to section 41-1026.

19 V. The director of environmental quality and the director of the
20 department of transportation shall implement a system to exchange information
21 relating to the waiver program, including information relating to vehicle
22 emissions test results and vehicle registration information.

23 W. Any person who sells a vehicle that has been issued a certificate
24 of waiver pursuant to this section after January 1, 1997 and who knows that a
25 certificate of waiver has been issued after January 1, 1997 for that vehicle
26 shall disclose to the buyer before completion of the sale that a certificate
27 of waiver has been issued for that vehicle.

28 X. Vehicles that fail the emissions test at emission levels higher
29 than twice the standard established for that vehicle class by the department
30 pursuant to section 49-447 are not eligible for a certificate of waiver
31 pursuant to this section unless the vehicle is repaired sufficiently to
32 achieve an emissions level below twice the standard for that class of
33 vehicle.

34 Y. If an insurer notifies the department of transportation of the
35 cancellation or nonrenewal of collectible vehicle or classic automobile
36 insurance coverage for a collectible vehicle, the department of
37 transportation shall cancel the registration of the vehicle and the vehicle's
38 exemption from emissions testing pursuant to this section unless evidence of
39 coverage is presented to the department of transportation within sixty days.

40 Z. In addition to an emissions inspection, a vehicle is subject to a
41 liquid fuel leak inspection on at least a biennial basis if the vehicle was
42 manufactured after the 1974 model year and is not a diesel vehicle. The
43 director shall adopt rules prescribing procedures and standards for the
44 liquid fuel leak inspection.

45 AA. For the purposes of this section, "collectible vehicle" means a
46 vehicle that complies with both of the following:

1 1. Either:

2 (a) Bears a model year date of original manufacture that is at least
3 fifteen years old.

4 (b) Is of unique or rare design, of limited production and an object
5 of curiosity.

6 2. Meets both of the following criteria:

7 (a) Is maintained primarily for use in car club activities,
8 exhibitions, parades or other functions of public interest or for a private
9 collection and is used only infrequently for other purposes.

10 (b) Has a collectible vehicle or classic automobile insurance coverage
11 that restricts the collectible vehicle mileage or use, or both, and requires
12 the owner to have another vehicle for personal use.

13 Sec. 3. Section 49-542, Arizona Revised Statutes, as amended by Laws
14 2010, chapter 253, section 1, is amended to read:

15 49-542. Emissions inspection program; powers and duties of
16 director; administration; periodic inspection;
17 minimum standards and rules; exceptions; definition

18 A. The director shall administer a comprehensive annual or biennial
19 emissions inspection program which shall require the inspection of vehicles
20 in this state pursuant to this article and applicable administrative rules.
21 Such inspection is required in area A and area B, for those vehicles owned by
22 a person who is subject to section 15-1444 or 15-1627 and for those vehicles
23 registered outside of area A or area B but used to commute to the driver's
24 principal place of employment located within area A or area B. Inspection in
25 other counties of the state shall commence on application by a county board
26 of supervisors for participation in such inspection program, subject to
27 approval by the director. In all counties with a population of three hundred
28 fifty thousand or fewer persons according to the most recent United States
29 decennial census, except for the portion of counties that contain any portion
30 of area A, the director shall as conditions dictate provide for testing to
31 determine the effect of vehicle related pollution on ambient air quality in
32 all communities with a metropolitan area population of twenty thousand
33 persons or more according to the most recent United States decennial census.
34 If such testing detects the violation of state ambient air quality standards
35 by vehicle related pollution, the director shall forward a full report of
36 such violation to the president of the senate, the speaker of the house of
37 representatives and the governor.

38 B. The state's annual or biennial emissions inspection program shall
39 provide for vehicle inspections at official emissions inspection stations or
40 at fleet emissions inspection stations. Each inspection station in area A
41 shall employ at least one mechanic who is available during the station's
42 hours of operation to provide technical advice and assistance for persons who
43 fail the emissions test. The director may enter into agreements with the
44 department of transportation or with county assessors for the use of official
45 emissions inspection stations for the purpose of conducting vehicle
46 registrations. An official or fleet emissions inspection station permit

1 shall not be sold, assigned, transferred, conveyed or removed to another
2 location except on such terms and conditions as the director may prescribe.

3 C. Vehicles required to be inspected and registered in this state,
4 except those provided for in section 49-546, shall be inspected, for the
5 purpose of complying with the registration or reregistration requirement
6 pursuant to subsection D of this section, in accordance with the provisions
7 of this article no more than ninety days prior to each reregistration
8 expiration date. A vehicle may be submitted voluntarily for inspection more
9 than ninety days before the reregistration expiration date on payment of the
10 prescribed inspection fee. Such voluntary inspection shall not be considered
11 as compliance with the registration or reregistration requirement pursuant to
12 subsection D of this section.

13 D. A vehicle shall not be registered or reregistered until such
14 vehicle has passed the emissions inspection, the tampering inspection
15 prescribed in subsection G of this section and the liquid fuel leak
16 inspection prescribed in subsection Z of this section or has been issued a
17 certificate of waiver. A certificate of waiver shall only be issued one time
18 to a vehicle after January 1, 1997. If any vehicle to be registered or
19 reregistered is being sold by a dealer licensed to sell motor vehicles
20 pursuant to title 28, the cost of any inspection and any repairs necessary to
21 pass the inspection shall be borne by the dealer. A dealer who is licensed
22 to sell motor vehicles pursuant to title 28 and whose place of business is
23 located in area A or area B shall not deliver any vehicle to the retail
24 purchaser until the vehicle passes any inspection required by this article or
25 the vehicle is exempt under subsection J of this section.

26 E. On the registration or reregistration of a vehicle which has
27 complied with the minimum emissions standards pursuant to this section or is
28 otherwise exempt under this section, the registering officer shall issue an
29 air quality compliance sticker to the registered owner which shall be placed
30 on the vehicle as prescribed by rule adopted by the department of
31 transportation or issue a modified year validating tab as prescribed by rule
32 adopted by the department of transportation. Those persons who reside
33 outside of area A or area B but who elect to test their vehicle or are
34 required to test their vehicle pursuant to this section and who comply with
35 the minimum emissions standards pursuant to this section or are otherwise
36 exempt under this section shall remit a compliance form, as prescribed by the
37 department of transportation, and proof of compliance issued at an official
38 emissions inspection station to the department of transportation along with
39 the appropriate fees. The department of transportation shall then issue the
40 person an air quality compliance sticker which shall be placed on the vehicle
41 as prescribed by rule adopted by the department of transportation. The
42 registering officer or the department of transportation shall collect an air
43 quality compliance fee of twenty-five cents. The registering officer or the
44 department of transportation shall deposit, pursuant to sections 35-146 and
45 35-147, the air quality compliance fee in the state highway fund established
46 by section 28-6991. The department of transportation shall deposit, pursuant

1 to sections 35-146 and 35-147, any emissions inspection fee in the emissions
2 inspection fund. The provisions of this subsection do not apply to those
3 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale
4 of vehicles between motor vehicle dealers or vehicles leased to a person
5 residing outside of area A or area B by a leasing company whose place of
6 business is in area A or area B.

7 F. The director shall adopt minimum emissions standards pursuant to
8 section 49-447 with which the various classes of vehicles shall be required
9 to comply as follows:

10 1. For the purpose of determining compliance with minimum emissions
11 standards in area B:

12 (a) A motor vehicle manufactured in or before the 1980 model year,
13 other than a diesel powered vehicle, shall be required to take and pass the
14 curb idle test condition. A diesel powered vehicle is subject to only a
15 loaded test condition. The conditioning mode, at the option of the vehicle
16 owner or owner's agent, shall be administered only after the vehicle has
17 failed the curb idle test condition. On completion of such conditioning
18 mode, a vehicle that has failed the curb idle test condition may be retested
19 in the curb idle test condition. If the vehicle passes such retest, it shall
20 be deemed in compliance with minimum emissions standards unless the vehicle
21 fails the tampering inspection pursuant to subsection G of this section or
22 the liquid fuel leak inspection pursuant to subsection Z of this section.

23 (b) A motor vehicle manufactured in or after the 1981 model year,
24 other than a diesel powered vehicle, shall be required to take and pass the
25 curb idle test condition and the loaded test condition or an onboard
26 diagnostic check as may be required pursuant to title II of the clean air
27 act. For any vehicle that receives an onboard diagnostic check that results
28 in a finding that the vehicle is not ready for testing or that results in a
29 test failure, the vehicle qualifies for a special ninety day resident
30 registration pursuant to section 28-2154, subsection D. The director shall
31 provide the vehicle owner with a written description of the process to obtain
32 a special ninety day resident registration along with a report that
33 identifies up to ten not ready for testing or test failure codes and, when
34 available, a general description of the codes.

35 2. For purposes of determining compliance with minimum emissions
36 standards and functional tests in area A:

37 (a) Motor vehicles manufactured in or after model year 1981 with a
38 gross vehicle weight rating of eighty-five hundred pounds or less, other than
39 diesel powered vehicles, shall be required to take and pass a transient
40 loaded emissions test or an onboard diagnostic check as may be required
41 pursuant to title II of the clean air act. For any vehicle that receives an
42 onboard diagnostic check that results in a finding that the vehicle is not
43 ready for testing or that results in a diagnostic trouble code, the vehicle
44 qualifies for a special ninety day resident registration pursuant to section
45 28-2154, subsection D. The director shall provide the vehicle owner with a
46 written description of the process to obtain a special ninety day resident

1 registration along with a report that identifies up to ten not ready for
2 testing or test failure codes and, when available, a general description of
3 the codes.

4 (b) Motor vehicles other than those prescribed by subdivision (a) of
5 this paragraph and other than diesel powered vehicles shall be required to
6 take and pass a steady state loaded test and a curb idle emissions test.

7 (c) A diesel powered motor vehicle applying for registration or
8 reregistration in area A shall be required to take and pass an annual
9 emissions test conducted at an official emissions inspection station or a
10 fleet emissions inspection station as follows:

11 (i) A loaded, transient or any other form of test as provided for in
12 rules adopted by the director for vehicles with a gross vehicle weight rating
13 of eight thousand five hundred pounds or less.

14 (ii) A test that conforms with the society for automotive engineers
15 standard J1667 for vehicles with a gross vehicle weight rating of more than
16 eight thousand five hundred pounds.

17 (d) Motor vehicles by specific class or model year shall be required
18 to take and pass any of the following tests:

19 (i) An evaporative system purge test.

20 (ii) An evaporative system integrity test.

21 (e) An onboard diagnostic check may be required pursuant to title II
22 of the clean air act.

23 3. A motorcycle in area A or any constant four wheel drive vehicle
24 shall be required to take and pass a curb idle emissions test or an onboard
25 diagnostic check as required pursuant to title II of the clean air act.

26 4. Fleet operators in area B must comply with this section, except
27 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
28 who has been issued a permit under section 49-546 shall be tested as follows:

29 (a) A motor vehicle manufactured in or before the 1980 model year
30 shall take and pass only the curb idle test condition, except that a diesel
31 powered vehicle is subject to only a loaded test condition.

32 (b) A motor vehicle manufactured in or after the 1981 model year shall
33 take and pass the curb idle test condition and a twenty-five hundred
34 revolutions per minute unloaded test condition.

35 5. Vehicles owned or operated by the United States, this state or a
36 political subdivision of this state shall comply with this subsection without
37 regard to whether those vehicles are required to be registered in this state,
38 except that alternative fuel vehicles of a school district that is located in
39 area A shall be required to take and pass the curb idle test condition and
40 the loaded test condition.

41 6. Fleet operators in area A shall comply with this section, except
42 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
43 who has been issued a permit pursuant to section 49-546 for purposes of
44 determining compliance with minimum emission standards in area A shall be
45 tested as follows:

1 (a) A motor vehicle manufactured in or before the 1980 model year
2 shall take and pass the curb idle test condition, except that a diesel
3 powered vehicle is subject to only a loaded test condition.

4 (b) A motor vehicle manufactured in or after the 1981 model year shall
5 take and pass the curb idle test condition and a two thousand five hundred
6 revolutions per minute unloaded test condition.

7 7. Beginning on January 1, 2004 and except for any registered owner or
8 lessee of a fleet of less than twenty-five vehicles, a diesel powered motor
9 vehicle with a gross vehicle weight of more than twenty-six thousand pounds
10 and for which gross weight fees are paid pursuant to title 28, chapter 15,
11 article 2 in area A shall not be allowed to operate in area A unless it was
12 manufactured in or after the 1988 model year or is powered by an engine that
13 is certified to meet or surpass emissions standards contained in 40 Code of
14 Federal Regulations section 86.088-11. This paragraph does not apply to
15 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

16 8. Beginning on January 1, 2006 for any registered owner or lessee of
17 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle
18 with a gross vehicle weight of more than twenty-six thousand pounds and for
19 which gross weight fees are paid pursuant to title 28, chapter 15, article 2
20 in area A shall not be allowed to operate in area A unless it was
21 manufactured in or after the 1988 model year or is powered by an engine that
22 is certified to meet or surpass emissions standards contained in 40 Code of
23 Federal Regulations section 86.088-11. This paragraph does not apply to
24 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

25 G. In addition to an emissions inspection, a vehicle is subject to a
26 tampering inspection on at least a biennial basis if the vehicle was
27 manufactured after the 1974 model year and the vehicle is not subject to a
28 transient loaded emissions test or an onboard diagnostic check as required
29 pursuant to title II of the clean air act. The director shall adopt vehicle
30 configuration guidelines for the tampering inspection which shall be based on
31 the original configuration of the vehicle when manufactured. The tampering
32 inspection shall consist of the following:

33 1. A visual check to determine the presence of properly installed
34 catalytic converters.

35 2. An examination to determine the presence of an operational air
36 pump.

37 3. In area A, if the vehicle was manufactured after the 1974 model
38 year and is not subject to a transient loaded emissions test or an onboard
39 diagnostic check as required pursuant to title II of the clean air act, a
40 visual inspection for the presence or malfunction of the positive crankcase
41 ventilation system and the evaporative control system.

42 H. Vehicles required to be inspected shall undergo a functional test
43 of the gas cap to determine if the cap holds pressure within limits
44 prescribed by the director, except for any vehicle that is subject to an
45 evaporative system integrity test.

1 I. Motor vehicles failing the initial or subsequent test are not
2 subject to a penalty fee for late registration renewal if the original
3 testing was accomplished before the expiration date and if the registration
4 renewal is received by the motor vehicle division or the county assessor
5 within thirty days of the original test.

6 J. The director may adopt rules for purposes of implementation,
7 administration, regulation and enforcement of the provisions of this article
8 including:

9 1. The submission of records relating to the emissions inspection of
10 vehicles inspected by another jurisdiction in accordance with another
11 inspection law and the acceptance of such inspection for compliance with the
12 provisions of this article.

13 2. The exemption from inspection of:

14 (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, a motor vehicle
15 manufactured in or before the 1966 model year. IF THE UNITED STATES
16 ENVIRONMENTAL PROTECTION AGENCY ISSUES A VEHICLE EMISSIONS TESTING EXEMPTION
17 FOR MOTOR VEHICLES MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR FOR PURPOSES
18 OF THE STATE IMPLEMENTATION OR MAINTENANCE PLAN FOR AIR QUALITY, A MOTOR
19 VEHICLE MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR IS EXEMPT FROM
20 INSPECTION.

21 (b) New vehicles originally registered at the time of initial retail
22 sale and titling in this state pursuant to section 28-2153 or 28-2154.

23 (c) Vehicles registered pursuant to title 28, chapter 7, article 7
24 or 8.

25 (d) New vehicles before the sixth registration year after initial
26 purchase or lease.

27 (e) Vehicles which will not be available within the state during the
28 ninety days prior to registration.

29 (f) Golf carts.

30 (g) Electrically-powered vehicles.

31 (h) Vehicles with an engine displacement of less than ninety cubic
32 centimeters.

33 (i) The sale of vehicles between motor vehicle dealers.

34 (j) Vehicles leased to a person residing outside of area A or area B
35 by a leasing company whose place of business is in area A or area B.

36 (k) Collectible vehicles.

37 (l) Motorcycles in area B.

38 3. Compiling and maintaining records of emissions test results after
39 servicing.

40 4. A procedure which shall allow the vehicle service and repair
41 industry to compare the calibration accuracy of its emissions testing
42 equipment with the department's calibration standards.

43 5. Training requirements for automotive repair personnel using
44 emissions measuring equipment whose calibration accuracy has been compared
45 with the department's calibration standards.

1 6. Any other rule which may be required to accomplish the provisions
2 of this article.

3 K. The director, after consultation with automobile manufacturers and
4 the vehicle service and repair industry, shall establish by rule a definition
5 of "low emissions tune-up" for motor vehicles subject to inspection under
6 this article. The definition shall specify repair procedures which, when
7 implemented, will reduce vehicle emissions.

8 L. The director shall adopt rules which specify that the estimated
9 retail cost of all recommended maintenance and repairs shall not exceed the
10 amounts prescribed in this subsection, except that if a vehicle fails a
11 tampering inspection there is no limit on the cost of recommended maintenance
12 and repairs. The director shall issue a certificate of waiver for a vehicle
13 which has failed reinspection, if the director has determined that all
14 recommended maintenance and repairs have been performed. If, after
15 reinspection, the director has determined that the vehicle is in compliance
16 with minimum emissions standards or that all recommended maintenance and
17 repairs for compliance with minimum emissions standards have been performed,
18 but that tampering discovered at a tampering inspection has not been
19 repaired, the director may issue a certificate of waiver if the owner of the
20 vehicle provides to the director a written statement from an automobile parts
21 or repair business that an emissions control device which is necessary to
22 repair the tampering is not available and cannot be obtained from any usual
23 source of supply before the vehicle's current registration expires. Rules
24 adopted by the director for the purpose of establishing the estimated retail
25 cost of all recommended maintenance and repairs pursuant to this subsection
26 shall specify that:

27 1. In area A the cost shall not exceed:

28 (a) Five hundred dollars for a diesel powered vehicle with a gross
29 weight in excess of twenty-six thousand pounds.

30 (b) Five hundred dollars for a diesel powered vehicle with tandem
31 axles.

32 (c) For a vehicle other than a diesel powered vehicle with a gross
33 weight in excess of twenty-six thousand pounds and other than a diesel
34 powered vehicle with tandem axles:

35 (i) Two hundred dollars for such a vehicle manufactured in or before
36 the 1974 model year.

37 (ii) Three hundred dollars for such a vehicle manufactured in the 1975
38 through 1979 model years.

39 (iii) Four hundred fifty dollars for such a vehicle manufactured in or
40 after the 1980 model year.

41 2. In area B the cost shall not exceed:

42 (a) Three hundred dollars for a diesel powered vehicle with a gross
43 weight in excess of twenty-six thousand pounds.

44 (b) Three hundred dollars for a diesel powered vehicle with tandem
45 axles.

1 3. For a vehicle other than a diesel powered vehicle with a gross
2 weight in excess of twenty-six thousand pounds and other than a diesel
3 powered vehicle with tandem axles:

4 (a) Fifty dollars for such a vehicle manufactured in or before the
5 1974 model year.

6 (b) Two hundred dollars for such a vehicle manufactured in the 1975
7 through 1979 model years.

8 (c) Three hundred dollars for such a vehicle manufactured in or after
9 the 1980 model year.

10 M. Each person whose vehicle has failed an emissions inspection shall
11 be provided a list of those general recommended tune-up procedures for
12 vehicles which are designed to reduce vehicle emissions levels. The list
13 shall include the following notice: "This test is the result of federal law.
14 You may wish to contact your representative in the United States Congress."

15 N. Notwithstanding any other provisions of this article, the director
16 may adopt rules allowing exemptions from the requirement that all vehicles
17 must meet the minimum standards for registration or reregistration.

18 O. The director of environmental quality shall establish, in
19 cooperation with the assistant director for the motor vehicle division of the
20 department of transportation:

21 1. An adequate method for identifying bona fide residents residing
22 outside of area A or area B to ensure that such residents are exempt from
23 compliance with the inspection program established by this article and rules
24 adopted under this article.

25 2. A written notice that shall accompany the vehicle registration
26 application forms that are sent to vehicle owners pursuant to section 28-2151
27 and that shall accompany or be included as part of the vehicle emissions test
28 results that are provided to vehicle owners at the time of the vehicle
29 emissions test. This written notice shall describe at least the following:

30 (a) The restriction of the waiver program to one time per vehicle and
31 a brief description of the implications of this limit.

32 (b) The availability and a brief description of the vehicle repair and
33 retrofit program established pursuant to section 49-474.03.

34 (c) Notice that many vehicles carry extended warranties for vehicle
35 emissions systems, and those warranties are described in the vehicle's
36 owner's manual or other literature.

37 (d) A description of the catalytic converter replacement program
38 established pursuant to section 49-474.03.

39 P. Notwithstanding any other law, if area A or area B is reclassified
40 as an attainment area, emissions testing conducted pursuant to this article
41 shall continue for vehicles registered inside that reclassified area,
42 vehicles owned by a person who is subject to section 15-1444 or 15-1627 and
43 vehicles registered outside of that reclassified area but used to commute to
44 the driver's principal place of employment located within that reclassified
45 area.

1 Q. A fleet operator who is issued a permit pursuant to section 49-546
2 may electronically transmit emissions inspection data to the department of
3 transportation pursuant to rules adopted by the director of the department of
4 transportation in consultation with the director of environmental quality.

5 R. The director shall prohibit a certificate of waiver pursuant to
6 subsection L of this section for any vehicle which has failed inspection in
7 area A due to the catalytic converter system.

8 S. The director shall establish provisions for rapid testing of
9 certain vehicles and to allow fleet operators, singly or in combination, to
10 contract directly for vehicle emissions testing.

11 T. Each vehicle emissions control station in area A shall have a sign
12 posted to be visible to persons who are having their vehicles tested. This
13 sign shall state that enhanced testing procedures are a direct result of
14 federal law.

15 U. The initial adoption of rules pursuant to this section shall be
16 deemed emergency rules pursuant to section 41-1026.

17 V. The director of environmental quality and the director of the
18 department of transportation shall implement a system to exchange information
19 relating to the waiver program, including information relating to vehicle
20 emissions test results and vehicle registration information.

21 W. Any person who sells a vehicle that has been issued a certificate
22 of waiver pursuant to this section after January 1, 1997 and who knows that a
23 certificate of waiver has been issued after January 1, 1997 for that vehicle
24 shall disclose to the buyer before completion of the sale that a certificate
25 of waiver has been issued for that vehicle.

26 X. Vehicles that fail the emissions test at emission levels higher
27 than twice the standard established for that vehicle class by the department
28 pursuant to section 49-447 are not eligible for a certificate of waiver
29 pursuant to this section unless the vehicle is repaired sufficiently to
30 achieve an emissions level below twice the standard for that class of
31 vehicle.

32 Y. If an insurer notifies the department of transportation of the
33 cancellation or nonrenewal of collectible vehicle or classic automobile
34 insurance coverage for a collectible vehicle, the department of
35 transportation shall cancel the registration of the vehicle and the vehicle's
36 exemption from emissions testing pursuant to this section unless evidence of
37 coverage is presented to the department of transportation within sixty days.

38 Z. In addition to an emissions inspection, a vehicle is subject to a
39 liquid fuel leak inspection on at least a biennial basis if the vehicle was
40 manufactured after the 1974 model year and is not a diesel vehicle. The
41 director shall adopt rules prescribing procedures and standards for the
42 liquid fuel leak inspection.

43 AA. For the purposes of this section, "collectible vehicle" means a
44 vehicle that complies with both of the following:

- 45 1. Either:

1 (a) Bears a model year date of original manufacture that is at least
2 fifteen years old.

3 (b) Is of unique or rare design, of limited production and an object
4 of curiosity.

5 2. Meets both of the following criteria:

6 (a) Is maintained primarily for use in car club activities,
7 exhibitions, parades or other functions of public interest or for a private
8 collection and is used only infrequently for other purposes.

9 (b) Has a collectible vehicle or classic automobile insurance coverage
10 that restricts the collectible vehicle mileage or use, or both, and requires
11 the owner to have another vehicle for personal use.

12 Sec. 4. Section 49-542, Arizona Revised Statutes, as amended by Laws
13 2010, chapter 253, section 2, is amended to read:

14 49-542. Emissions inspection program; powers and duties of
15 director; administration; periodic inspection;
16 minimum standards and rules; exceptions; definition

17 A. The director shall administer a comprehensive annual or biennial
18 emissions inspection program which shall require the inspection of vehicles
19 in this state pursuant to this article and applicable administrative rules.
20 Such inspection is required in area A and area B, for those vehicles owned by
21 a person who is subject to section 15-1444 or 15-1627 and for those vehicles
22 registered outside of area A or area B but used to commute to the driver's
23 principal place of employment located within area A or area B. Inspection in
24 other counties of the state shall commence on application by a county board
25 of supervisors for participation in such inspection program, subject to
26 approval by the director. In all counties with a population of three hundred
27 fifty thousand or fewer persons according to the most recent United States
28 decennial census, except for the portion of counties that contain any portion
29 of area A, the director shall as conditions dictate provide for testing to
30 determine the effect of vehicle related pollution on ambient air quality in
31 all communities with a metropolitan area population of twenty thousand
32 persons or more according to the most recent United States decennial census.
33 If such testing detects the violation of state ambient air quality standards
34 by vehicle related pollution, the director shall forward a full report of
35 such violation to the president of the senate, the speaker of the house of
36 representatives and the governor.

37 B. The state's annual or biennial emissions inspection program shall
38 provide for vehicle inspections at official emissions inspection stations or
39 at fleet emissions inspection stations. Each inspection station in area A
40 shall employ at least one mechanic who is available during the station's
41 hours of operation to provide technical advice and assistance for persons who
42 fail the emissions test. The director may enter into agreements with the
43 department of transportation or with county assessors for the use of official
44 emissions inspection stations for the purpose of conducting vehicle
45 registrations. An official or fleet emissions inspection station permit

1 shall not be sold, assigned, transferred, conveyed or removed to another
2 location except on such terms and conditions as the director may prescribe.

3 C. Vehicles required to be inspected and registered in this state,
4 except those provided for in section 49-546, shall be inspected, for the
5 purpose of complying with the registration or reregistration requirement
6 pursuant to subsection D of this section, in accordance with the provisions
7 of this article no more than ninety days prior to each reregistration
8 expiration date. A vehicle may be submitted voluntarily for inspection more
9 than ninety days before the reregistration expiration date on payment of the
10 prescribed inspection fee. Such voluntary inspection shall not be considered
11 as compliance with the registration or reregistration requirement pursuant to
12 subsection D of this section.

13 D. A vehicle shall not be registered or reregistered until such
14 vehicle has passed the emissions inspection, the tampering inspection
15 prescribed in subsection G of this section and the liquid fuel leak
16 inspection prescribed in subsection Z of this section or has been issued a
17 certificate of waiver. A certificate of waiver shall only be issued one time
18 to a vehicle after January 1, 1997. If any vehicle to be registered or
19 reregistered is being sold by a dealer licensed to sell motor vehicles
20 pursuant to title 28, the cost of any inspection and any repairs necessary to
21 pass the inspection shall be borne by the dealer. A dealer who is licensed
22 to sell motor vehicles pursuant to title 28 and whose place of business is
23 located in area A or area B shall not deliver any vehicle to the retail
24 purchaser until the vehicle passes any inspection required by this article or
25 the vehicle is exempt under subsection J of this section.

26 E. On the registration or reregistration of a vehicle which has
27 complied with the minimum emissions standards pursuant to this section or is
28 otherwise exempt under this section, the registering officer shall issue an
29 air quality compliance sticker to the registered owner which shall be placed
30 on the vehicle as prescribed by rule adopted by the department of
31 transportation or issue a modified year validating tab as prescribed by rule
32 adopted by the department of transportation. Those persons who reside
33 outside of area A or area B but who elect to test their vehicle or are
34 required to test their vehicle pursuant to this section and who comply with
35 the minimum emissions standards pursuant to this section or are otherwise
36 exempt under this section shall remit a compliance form, as prescribed by the
37 department of transportation, and proof of compliance issued at an official
38 emissions inspection station to the department of transportation along with
39 the appropriate fees. The department of transportation shall then issue the
40 person an air quality compliance sticker which shall be placed on the vehicle
41 as prescribed by rule adopted by the department of transportation. The
42 registering officer or the department of transportation shall collect an air
43 quality compliance fee of twenty-five cents. The registering officer or the
44 department of transportation shall deposit, pursuant to sections 35-146 and
45 35-147, the air quality compliance fee in the state highway fund established
46 by section 28-6991. The department of transportation shall deposit, pursuant

1 to sections 35-146 and 35-147, any emissions inspection fee in the emissions
2 inspection fund. The provisions of this subsection do not apply to those
3 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale
4 of vehicles between motor vehicle dealers or vehicles leased to a person
5 residing outside of area A or area B by a leasing company whose place of
6 business is in area A or area B.

7 F. The director shall adopt minimum emissions standards pursuant to
8 section 49-447 with which the various classes of vehicles shall be required
9 to comply as follows:

10 1. For the purpose of determining compliance with minimum emissions
11 standards in area B:

12 (a) A motor vehicle manufactured in or before the 1980 model year,
13 other than a diesel powered vehicle, shall be required to take and pass the
14 curb idle test condition. A diesel powered vehicle is subject to only a
15 loaded test condition. The conditioning mode, at the option of the vehicle
16 owner or owner's agent, shall be administered only after the vehicle has
17 failed the curb idle test condition. On completion of such conditioning
18 mode, a vehicle that has failed the curb idle test condition may be retested
19 in the curb idle test condition. If the vehicle passes such retest, it shall
20 be deemed in compliance with minimum emissions standards unless the vehicle
21 fails the tampering inspection pursuant to subsection G of this section or
22 the liquid fuel leak inspection pursuant to subsection Z of this section.

23 (b) A motor vehicle manufactured in or after the 1981 model year,
24 other than a diesel powered vehicle, shall be required to take and pass the
25 curb idle test condition and the loaded test condition or an onboard
26 diagnostic check as may be required pursuant to title II of the clean air
27 act. For any vehicle that receives an onboard diagnostic check that results
28 in a finding that the vehicle is not ready for testing or that results in a
29 test failure, the vehicle qualifies for a special ninety day resident
30 registration pursuant to section 28-2154, subsection D. The director shall
31 provide the vehicle owner with a written description of the process to obtain
32 a special ninety day resident registration along with a report that
33 identifies up to ten not ready for testing or test failure codes and, when
34 available, a general description of the codes.

35 2. For purposes of determining compliance with minimum emissions
36 standards and functional tests in area A:

37 (a) Motor vehicles manufactured in or after model year 1981 with a
38 gross vehicle weight rating of eighty-five hundred pounds or less, other than
39 diesel powered vehicles, shall be required to take and pass a transient
40 loaded emissions test or an onboard diagnostic check as may be required
41 pursuant to title II of the clean air act. For any vehicle that receives an
42 onboard diagnostic check that results in a finding that the vehicle is not
43 ready for testing or that results in a diagnostic trouble code, the vehicle
44 qualifies for a special ninety day resident registration pursuant to section
45 28-2154, subsection D. The director shall provide the vehicle owner with a
46 written description of the process to obtain a special ninety day resident

1 registration along with a report that identifies up to ten not ready for
2 testing or test failure codes and, when available, a general description of
3 the codes.

4 (b) Motor vehicles other than those prescribed by subdivision (a) of
5 this paragraph and other than diesel powered vehicles shall be required to
6 take and pass a steady state loaded test and a curb idle emissions test.

7 (c) A diesel powered motor vehicle applying for registration or
8 reregistration in area A shall be required to take and pass an annual
9 emissions test conducted at an official emissions inspection station or a
10 fleet emissions inspection station as follows:

11 (i) A loaded, transient or any other form of test as provided for in
12 rules adopted by the director for vehicles with a gross vehicle weight rating
13 of eight thousand five hundred pounds or less.

14 (ii) A test that conforms with the society for automotive engineers
15 standard J1667 for vehicles with a gross vehicle weight rating of more than
16 eight thousand five hundred pounds.

17 (d) Motor vehicles by specific class or model year shall be required
18 to take and pass any of the following tests:

19 (i) An evaporative system purge test.

20 (ii) An evaporative system integrity test.

21 (e) An onboard diagnostic check may be required pursuant to title II
22 of the clean air act.

23 3. Any constant four wheel drive vehicle shall be required to take and
24 pass a curb idle emissions test or an onboard diagnostic check as required
25 pursuant to title II of the clean air act.

26 4. Fleet operators in area B must comply with this section, except
27 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
28 who has been issued a permit under section 49-546 shall be tested as follows:

29 (a) A motor vehicle manufactured in or before the 1980 model year
30 shall take and pass only the curb idle test condition, except that a diesel
31 powered vehicle is subject to only a loaded test condition.

32 (b) A motor vehicle manufactured in or after the 1981 model year shall
33 take and pass the curb idle test condition and a twenty-five hundred
34 revolutions per minute unloaded test condition.

35 5. Vehicles owned or operated by the United States, this state or a
36 political subdivision of this state shall comply with this subsection without
37 regard to whether those vehicles are required to be registered in this state,
38 except that alternative fuel vehicles of a school district that is located in
39 area A shall be required to take and pass the curb idle test condition and
40 the loaded test condition.

41 6. Fleet operators in area A shall comply with this section, except
42 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
43 who has been issued a permit pursuant to section 49-546 for purposes of
44 determining compliance with minimum emission standards in area A shall be
45 tested as follows:

1 (a) A motor vehicle manufactured in or before the 1980 model year
2 shall take and pass the curb idle test condition, except that a diesel
3 powered vehicle is subject to only a loaded test condition.

4 (b) A motor vehicle manufactured in or after the 1981 model year shall
5 take and pass the curb idle test condition and a two thousand five hundred
6 revolutions per minute unloaded test condition.

7 7. Beginning on January 1, 2004 and except for any registered owner or
8 lessee of a fleet of less than twenty-five vehicles, a diesel powered motor
9 vehicle with a gross vehicle weight of more than twenty-six thousand pounds
10 and for which gross weight fees are paid pursuant to title 28, chapter 15,
11 article 2 in area A shall not be allowed to operate in area A unless it was
12 manufactured in or after the 1988 model year or is powered by an engine that
13 is certified to meet or surpass emissions standards contained in 40 Code of
14 Federal Regulations section 86.088-11. This paragraph does not apply to
15 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

16 8. Beginning on January 1, 2006 for any registered owner or lessee of
17 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle
18 with a gross vehicle weight of more than twenty-six thousand pounds and for
19 which gross weight fees are paid pursuant to title 28, chapter 15, article 2
20 in area A shall not be allowed to operate in area A unless it was
21 manufactured in or after the 1988 model year or is powered by an engine that
22 is certified to meet or surpass emissions standards contained in 40 Code of
23 Federal Regulations section 86.088-11. This paragraph does not apply to
24 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

25 G. In addition to an emissions inspection, a vehicle is subject to a
26 tampering inspection on at least a biennial basis if the vehicle was
27 manufactured after the 1974 model year and the vehicle is not subject to a
28 transient loaded emissions test or an onboard diagnostic check as required
29 pursuant to title II of the clean air act. The director shall adopt vehicle
30 configuration guidelines for the tampering inspection which shall be based on
31 the original configuration of the vehicle when manufactured. The tampering
32 inspection shall consist of the following:

33 1. A visual check to determine the presence of properly installed
34 catalytic converters.

35 2. An examination to determine the presence of an operational air
36 pump.

37 3. In area A, if the vehicle was manufactured after the 1974 model
38 year and is not subject to a transient loaded emissions test or an onboard
39 diagnostic check as required pursuant to title II of the clean air act, a
40 visual inspection for the presence or malfunction of the positive crankcase
41 ventilation system and the evaporative control system.

42 H. Vehicles required to be inspected shall undergo a functional test
43 of the gas cap to determine if the cap holds pressure within limits
44 prescribed by the director, except for any vehicle that is subject to an
45 evaporative system integrity test.

1 I. Motor vehicles failing the initial or subsequent test are not
2 subject to a penalty fee for late registration renewal if the original
3 testing was accomplished before the expiration date and if the registration
4 renewal is received by the motor vehicle division or the county assessor
5 within thirty days of the original test.

6 J. The director may adopt rules for purposes of implementation,
7 administration, regulation and enforcement of the provisions of this article
8 including:

9 1. The submission of records relating to the emissions inspection of
10 vehicles inspected by another jurisdiction in accordance with another
11 inspection law and the acceptance of such inspection for compliance with the
12 provisions of this article.

13 2. The exemption from inspection of:

14 (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, a motor vehicle
15 manufactured in or before the 1966 model year. IF THE UNITED STATES
16 ENVIRONMENTAL PROTECTION AGENCY ISSUES A VEHICLE EMISSIONS TESTING EXEMPTION
17 FOR MOTOR VEHICLES MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR FOR PURPOSES
18 OF THE STATE IMPLEMENTATION OR MAINTENANCE PLAN FOR AIR QUALITY, A MOTOR
19 VEHICLE MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR IS EXEMPT FROM
20 INSPECTION.

21 (b) New vehicles originally registered at the time of initial retail
22 sale and titling in this state pursuant to section 28-2153 or 28-2154.

23 (c) Vehicles registered pursuant to title 28, chapter 7, article 7
24 or 8.

25 (d) New vehicles before the sixth registration year after initial
26 purchase or lease.

27 (e) Vehicles which will not be available within the state during the
28 ninety days prior to registration.

29 (f) Golf carts.

30 (g) Electrically-powered vehicles.

31 (h) Vehicles with an engine displacement of less than ninety cubic
32 centimeters.

33 (i) The sale of vehicles between motor vehicle dealers.

34 (j) Vehicles leased to a person residing outside of area A or area B
35 by a leasing company whose place of business is in area A or area B.

36 (k) Collectible vehicles.

37 (l) Motorcycles.

38 3. Compiling and maintaining records of emissions test results after
39 servicing.

40 4. A procedure which shall allow the vehicle service and repair
41 industry to compare the calibration accuracy of its emissions testing
42 equipment with the department's calibration standards.

43 5. Training requirements for automotive repair personnel using
44 emissions measuring equipment whose calibration accuracy has been compared
45 with the department's calibration standards.

1 6. Any other rule which may be required to accomplish the provisions
2 of this article.

3 K. The director, after consultation with automobile manufacturers and
4 the vehicle service and repair industry, shall establish by rule a definition
5 of "low emissions tune-up" for motor vehicles subject to inspection under
6 this article. The definition shall specify repair procedures which, when
7 implemented, will reduce vehicle emissions.

8 L. The director shall adopt rules which specify that the estimated
9 retail cost of all recommended maintenance and repairs shall not exceed the
10 amounts prescribed in this subsection, except that if a vehicle fails a
11 tampering inspection there is no limit on the cost of recommended maintenance
12 and repairs. The director shall issue a certificate of waiver for a vehicle
13 which has failed reinspection, if the director has determined that all
14 recommended maintenance and repairs have been performed. If, after
15 reinspection, the director has determined that the vehicle is in compliance
16 with minimum emissions standards or that all recommended maintenance and
17 repairs for compliance with minimum emissions standards have been performed,
18 but that tampering discovered at a tampering inspection has not been
19 repaired, the director may issue a certificate of waiver if the owner of the
20 vehicle provides to the director a written statement from an automobile parts
21 or repair business that an emissions control device which is necessary to
22 repair the tampering is not available and cannot be obtained from any usual
23 source of supply before the vehicle's current registration expires. Rules
24 adopted by the director for the purpose of establishing the estimated retail
25 cost of all recommended maintenance and repairs pursuant to this subsection
26 shall specify that:

27 1. In area A the cost shall not exceed:

28 (a) Five hundred dollars for a diesel powered vehicle with a gross
29 weight in excess of twenty-six thousand pounds.

30 (b) Five hundred dollars for a diesel powered vehicle with tandem
31 axles.

32 (c) For a vehicle other than a diesel powered vehicle with a gross
33 weight in excess of twenty-six thousand pounds and other than a diesel
34 powered vehicle with tandem axles:

35 (i) Two hundred dollars for such a vehicle manufactured in or before
36 the 1974 model year.

37 (ii) Three hundred dollars for such a vehicle manufactured in the 1975
38 through 1979 model years.

39 (iii) Four hundred fifty dollars for such a vehicle manufactured in or
40 after the 1980 model year.

41 2. In area B the cost shall not exceed:

42 (a) Three hundred dollars for a diesel powered vehicle with a gross
43 weight in excess of twenty-six thousand pounds.

44 (b) Three hundred dollars for a diesel powered vehicle with tandem
45 axles.

1 3. For a vehicle other than a diesel powered vehicle with a gross
2 weight in excess of twenty-six thousand pounds and other than a diesel
3 powered vehicle with tandem axles:

4 (a) Fifty dollars for such a vehicle manufactured in or before the
5 1974 model year.

6 (b) Two hundred dollars for such a vehicle manufactured in the 1975
7 through 1979 model years.

8 (c) Three hundred dollars for such a vehicle manufactured in or after
9 the 1980 model year.

10 M. Each person whose vehicle has failed an emissions inspection shall
11 be provided a list of those general recommended tune-up procedures for
12 vehicles which are designed to reduce vehicle emissions levels. The list
13 shall include the following notice: "This test is the result of federal law.
14 You may wish to contact your representative in the United States Congress."

15 N. Notwithstanding any other provisions of this article, the director
16 may adopt rules allowing exemptions from the requirement that all vehicles
17 must meet the minimum standards for registration or reregistration.

18 O. The director of environmental quality shall establish, in
19 cooperation with the assistant director for the motor vehicle division of the
20 department of transportation:

21 1. An adequate method for identifying bona fide residents residing
22 outside of area A or area B to ensure that such residents are exempt from
23 compliance with the inspection program established by this article and rules
24 adopted under this article.

25 2. A written notice that shall accompany the vehicle registration
26 application forms that are sent to vehicle owners pursuant to section 28-2151
27 and that shall accompany or be included as part of the vehicle emissions test
28 results that are provided to vehicle owners at the time of the vehicle
29 emissions test. This written notice shall describe at least the following:

30 (a) The restriction of the waiver program to one time per vehicle and
31 a brief description of the implications of this limit.

32 (b) The availability and a brief description of the vehicle repair and
33 retrofit program established pursuant to section 49-474.03.

34 (c) Notice that many vehicles carry extended warranties for vehicle
35 emissions systems, and those warranties are described in the vehicle's
36 owner's manual or other literature.

37 (d) A description of the catalytic converter replacement program
38 established pursuant to section 49-474.03.

39 P. Notwithstanding any other law, if area A or area B is reclassified
40 as an attainment area, emissions testing conducted pursuant to this article
41 shall continue for vehicles registered inside that reclassified area,
42 vehicles owned by a person who is subject to section 15-1444 or 15-1627 and
43 vehicles registered outside of that reclassified area but used to commute to
44 the driver's principal place of employment located within that reclassified
45 area.

1 Q. A fleet operator who is issued a permit pursuant to section 49-546
2 may electronically transmit emissions inspection data to the department of
3 transportation pursuant to rules adopted by the director of the department of
4 transportation in consultation with the director of environmental quality.

5 R. The director shall prohibit a certificate of waiver pursuant to
6 subsection L of this section for any vehicle which has failed inspection in
7 area A due to the catalytic converter system.

8 S. The director shall establish provisions for rapid testing of
9 certain vehicles and to allow fleet operators, singly or in combination, to
10 contract directly for vehicle emissions testing.

11 T. Each vehicle emissions control station in area A shall have a sign
12 posted to be visible to persons who are having their vehicles tested. This
13 sign shall state that enhanced testing procedures are a direct result of
14 federal law.

15 U. The initial adoption of rules pursuant to this section shall be
16 deemed emergency rules pursuant to section 41-1026.

17 V. The director of environmental quality and the director of the
18 department of transportation shall implement a system to exchange information
19 relating to the waiver program, including information relating to vehicle
20 emissions test results and vehicle registration information.

21 W. Any person who sells a vehicle that has been issued a certificate
22 of waiver pursuant to this section after January 1, 1997 and who knows that a
23 certificate of waiver has been issued after January 1, 1997 for that vehicle
24 shall disclose to the buyer before completion of the sale that a certificate
25 of waiver has been issued for that vehicle.

26 X. Vehicles that fail the emissions test at emission levels higher
27 than twice the standard established for that vehicle class by the department
28 pursuant to section 49-447 are not eligible for a certificate of waiver
29 pursuant to this section unless the vehicle is repaired sufficiently to
30 achieve an emissions level below twice the standard for that class of
31 vehicle.

32 Y. If an insurer notifies the department of transportation of the
33 cancellation or nonrenewal of collectible vehicle or classic automobile
34 insurance coverage for a collectible vehicle, the department of
35 transportation shall cancel the registration of the vehicle and the vehicle's
36 exemption from emissions testing pursuant to this section unless evidence of
37 coverage is presented to the department of transportation within sixty days.

38 Z. In addition to an emissions inspection, a vehicle is subject to a
39 liquid fuel leak inspection on at least a biennial basis if the vehicle was
40 manufactured after the 1974 model year and is not a diesel vehicle. The
41 director shall adopt rules prescribing procedures and standards for the
42 liquid fuel leak inspection.

43 AA. For the purposes of this section, "collectible vehicle" means a
44 vehicle that complies with both of the following:

- 45 1. Either:

- 1 (a) Bears a model year date of original manufacture that is at least
2 fifteen years old.
- 3 (b) Is of unique or rare design, of limited production and an object
4 of curiosity.
- 5 2. Meets both of the following criteria:
- 6 (a) Is maintained primarily for use in car club activities,
7 exhibitions, parades or other functions of public interest or for a private
8 collection and is used only infrequently for other purposes.
- 9 (b) Has a collectible vehicle or classic automobile insurance coverage
10 that restricts the collectible vehicle mileage or use, or both, and requires
11 the owner to have another vehicle for personal use.
- 12 Sec. 5. Conditional enactment; notice
- 13 A. Section 49-542, Arizona Revised Statutes, as amended by Laws 2008,
14 chapter 64, section 1 and this act, does not become effective unless the
15 condition prescribed in Laws 2008, chapter 64, section 2, as amended by Laws
16 2010, chapter 42, section 1, is met.
- 17 B. Section 49-542, Arizona Revised Statutes, as amended by Laws 2010,
18 chapter 253, section 1 and this act, does not become effective unless the
19 condition prescribed in Laws 2010, chapter 253, section 3, subsection A is
20 met.
- 21 C. Section 49-542, Arizona Revised Statutes, as amended by Laws 2010,
22 chapter 253, section 2 and this act, does not become effective unless the
23 conditions prescribed in Laws 2010, chapter 253, section 3, subsection B are
24 met.
- 25 D. The director of the department of environmental quality shall
26 promptly notify in writing the director of the Arizona legislative council of
27 the date on which any of the conditions prescribed in this section are met or
28 if the conditions are not met.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.