

REFERENCE TITLE: vehicle emissions testing; older vehicles

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2600

Introduced by
Representatives Orr: Fann, Livingston, Pratt, Wheeler

AN ACT

AMENDING SECTION 49-542, ARIZONA REVISED STATUTES; RELATING TO ANNUAL EMISSIONS INSPECTION OF MOTOR VEHICLES.

(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, is amended to
3 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~~ THAT shall require the inspection of
9 vehicles 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~~ THAT 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~~ THAT shall be
20 placed 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~~ THAT shall be placed on the
31 vehicle as prescribed by rule adopted by the department of transportation.
32 The registering officer or the department of transportation shall collect an
33 air quality compliance fee of twenty-five cents. The registering officer or
34 the department of transportation shall deposit, pursuant to sections 35-146
35 and 35-147, the air quality compliance fee in the state highway fund
36 established by section 28-6991. The department of transportation shall
37 deposit, pursuant to sections 35-146 and 35-147, any emissions inspection fee
38 in the emissions inspection fund. ~~The provisions of~~ This subsection ~~do~~ DOES
39 not apply to those vehicles registered pursuant to title 28, chapter 7,
40 article 7 or 8, the sale of vehicles between motor vehicle dealers or
41 vehicles leased to a person residing outside of area A or area B by a leasing
42 company whose place of 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 **THE** 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 may be required pursuant to title II
44 of the clean air act.

1 3. Any constant four wheel drive vehicle shall be required to take and
2 pass a curb idle emissions test or an onboard diagnostic check as required
3 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 THE 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 **THE** 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 **THAT IS FORTY YEARS BEFORE THE**
39 **YEAR IN WHICH THE INSPECTION IS DUE**. If the United States environmental
40 protection agency issues a vehicle emissions testing exemption for motor
41 vehicles manufactured in or before the 1974 model year for **THE** purposes of
42 the state implementation or maintenance plan for air quality, a motor vehicle
43 manufactured in or before the 1974 model year is exempt from 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~~ THAT will not be available within the state during
6 the 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.
- 16 3. Compiling and maintaining records of emissions test results after
17 servicing.
- 18 4. A procedure ~~which~~ THAT 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~~ THAT may be required to accomplish ~~the~~
25 ~~provisions of~~ this article.
- 26 K. The director, after consultation with automobile manufacturers and
27 the vehicle service and repair industry, shall establish by rule a definition
28 of "low emissions tune-up" for motor vehicles subject to inspection under
29 this article. The definition shall specify repair procedures ~~which~~ THAT,
30 when implemented, will reduce vehicle emissions.
- 31 L. The director shall adopt rules ~~which~~ THAT specify that the
32 estimated retail cost of all recommended maintenance and repairs shall not
33 exceed the amounts prescribed in this subsection, except that if a vehicle
34 fails a tampering inspection there is no limit on the cost of recommended
35 maintenance and repairs. The director shall issue a certificate of waiver
36 for a vehicle ~~which~~ THAT has failed reinspection, if the director has
37 determined that all recommended maintenance and repairs have been performed.
38 If, after reinspection, the director has determined that the vehicle is in
39 compliance with minimum emissions standards or that all recommended
40 maintenance and repairs for compliance with minimum emissions standards have
41 been performed, but that tampering discovered at a tampering inspection has
42 not been repaired, the director may issue a certificate of waiver if the
43 owner of the vehicle provides to the director a written statement from an
44 automobile parts or repair business that an emissions control device ~~which~~
45 THAT is necessary to repair the tampering is not available and cannot be

1 obtained from any usual source of supply before the vehicle's current
2 registration expires. Rules adopted by the director for the purpose of
3 establishing the estimated retail cost of all recommended maintenance and
4 repairs pursuant to this subsection shall specify that:

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

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

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

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

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

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

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

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

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

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

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

27 (a) Fifty dollars for such a vehicle manufactured in or before the
28 1974 model year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 W. Any person who sells a vehicle that has been issued a certificate
2 of waiver pursuant to this section after January 1, 1997 and who knows that a
3 certificate of waiver has been issued after January 1, 1997 for that vehicle
4 shall disclose to the buyer before completion of the sale that a certificate
5 of waiver has been issued for that vehicle.

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

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

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

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

25 1. Either:

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

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

30 2. Meets both of the following criteria:

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

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