

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1531

AN ACT

REPEALING SECTION 41-3009.03, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3019.03; AMENDING SECTION 49-541, ARIZONA REVISED STATUTES; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2004, CHAPTER 73, SECTION 1; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 76, SECTION 1; AMENDING SECTION 49-543, ARIZONA REVISED STATUTES; RELATING TO VEHICLE EMISSIONS INSPECTIONS; 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. Repeal
3 Section 41-3009.03, Arizona Revised Statutes, is repealed.
4 Sec. 2. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
5 amended by adding section 41-3019.03, to read:
6 41-3019.03. Vehicle emissions inspection program: termination
7 January 1, 2017
8 A. THE VEHICLE EMISSIONS INSPECTION PROGRAM TERMINATES ON JANUARY 1,
9 2017.
10 B. TITLE 49, CHAPTER 3, ARTICLE 5 IS REPEALED ON JULY 1, 2017.
11 Sec. 3. Section 49-541, Arizona Revised Statutes, is amended to read:
12 49-541. Definitions
13 In this article, unless the context otherwise requires:
14 1. "Area A" means the area delineated as follows:
15 (a) In Maricopa county:
16 Township 8 north, range 2 east and range 3 east
17 Township 7 north, range 2 west through range 5 east
18 Township 6 north, range 5 west through range 6 east
19 Township 5 north, range 5 west through range 7 east
20 Township 4 north, range 5 west through range 8 east
21 Township 3 north, range 5 west through range 8 east
22 Township 2 north, range 5 west through range 8 east
23 Township 1 north, range 5 west through range 7 east
24 Township 1 south, range 5 west through range 7 east
25 Township 2 south, range 5 west through range 7 east
26 Township 3 south, range 5 west through range 1 east
27 Township 4 south, range 5 west through range 1 east
28 (b) In Pinal county:
29 Township 1 north, range 8 east and range 9 east
30 Township 1 south, range 8 east and range 9 east
31 Township 2 south, range 8 east and range 9 east
32 Township 3 south, range 7 east through range 9 east
33 (c) In Yavapai county:
34 Township 7 north, range 1 east and range 1 west through range 2 west
35 Township 6 north, range 1 east and range 1 west
36 2. "Area B" means the area delineated in Pima county as township 11
37 and 12 south, range 12 through 14 east; township 13 through 15 south, range
38 11 through 16 east; township 16 south, range 12 through 16 east, excluding
39 any portion of the Coronado national forest and the Saguaro national park.
40 3. "Certificate of inspection" means a serially numbered device or
41 symbol, as may be prescribed by the director, indicating that a vehicle has
42 been inspected pursuant to the provisions of section 49-546 and has passed
43 inspection.

1 4. "Certificate of waiver" means a ~~serially~~ UNIQUELY numbered device
2 or symbol, as may be prescribed by the director, indicating that the
3 requirement of passing reinspection has been waived for a vehicle pursuant to
4 the provisions of this article.

5 5. "Conditioning mode" means either a fast idle test condition or a
6 loaded test condition.

7 6. "Curb idle test condition" means an exhaust emissions test
8 conducted with the engine of a vehicle running at the manufacturer's
9 specified idle speed plus or minus one hundred revolutions per minute but
10 without pressure exerted on the accelerator.

11 7. "Emissions inspection station permit" means a certificate issued by
12 the director authorizing the holder to perform vehicular inspections pursuant
13 to this article.

14 8. "Fast idle test condition" means an exhaust emissions test
15 conducted with the engine of the vehicle running under an accelerated
16 condition to an extent prescribed by the director.

17 9. "Fleet emissions inspection station" means any inspection facility
18 operated under a permit issued to a qualified fleet owner or lessee as
19 determined by the director.

20 10. "Golf cart" means a motor vehicle which has not less than three
21 wheels in contact with the ground, has an unladen weight of less than
22 thirteen hundred pounds, is designed to be and is operated at not more than
23 fifteen miles an hour and is designed to carry golf equipment and persons.

24 11. "Gross weight" has the same meaning prescribed in section 28-5431.

25 12. "Independent contractor" means any person, business, firm,
26 partnership or corporation with which the director may enter into an
27 agreement providing for the construction, equipment, maintenance, personnel,
28 management and operation of official emissions inspection stations pursuant
29 to section 49-545.

30 13. "Loaded test condition" means an exhaust emissions test conducted
31 at cruise or transient conditions as prescribed by the director.

32 14. "Official emissions inspection station" means an inspection
33 facility, other than a fleet emissions inspection station, whether placed in
34 a permanent structure or in a mobile unit for conveyance among various
35 locations within this state, for the purpose of conducting emissions
36 inspections of all vehicles required to be inspected pursuant to this
37 article.

38 15. "Tampering" means removing, defeating or altering an emissions
39 control device which was installed at the time a vehicle was manufactured.

40 16. "Vehicle" means any automobile, truck, truck tractor, motor bus or
41 self-propelled or motor-driven vehicle registered or to be registered in this
42 state and used upon the public highways of this state for the purpose of
43 transporting persons or property, except implements of husbandry, road
44 rollers or road machinery temporarily operated upon the highway.

45 17. "Vehicle emissions control area" means area A or area B.

1 Sec. 4. Section 49-542, Arizona Revised Statutes, as amended by Laws
2 2004, chapter 73, section 1, is amended to read:

3 49-542. Emissions inspection program; powers and duties of
4 director; administration; periodic inspection;
5 minimum standards and rules; exceptions

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

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

37 C. Vehicles required to be inspected and registered in this state,
38 except those provided for in section 49-546, shall be inspected, for the
39 purpose of complying with the registration or reregistration requirement
40 pursuant to subsection D of this section, in accordance with the provisions
41 of this article no more than ninety days prior to each reregistration
42 expiration date. A vehicle may be submitted voluntarily for inspection more
43 than ninety days before the reregistration expiration date on payment of the
44 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 and the tampering inspection
5 prescribed in subsection G of this section or has been issued a certificate
6 of waiver. A certificate of waiver shall only be issued one time to a
7 vehicle after January 1, 1997. If any vehicle to be registered or
8 reregistered is being sold by a dealer licensed to sell motor vehicles
9 pursuant to title 28, the cost of any inspection and any repairs necessary to
10 pass the inspection shall be borne by the dealer. A dealer who is licensed
11 to sell motor vehicles pursuant to title 28 and whose place of business is
12 located in area A or area B shall not deliver any vehicle to the retail
13 purchaser until the vehicle passes any inspection required by this article or
14 the vehicle is exempt under subsection J of this section.

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

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

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

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

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

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

28 (c) ~~Notwithstanding the requirement of subsection C of this section~~
29 ~~that the first emissions inspection after the purchase of a new vehicle be~~
30 ~~for the second registration year for that vehicle,~~ A diesel powered motor
31 vehicle applying for registration or reregistration in area A ~~more than~~
32 ~~thirty three months after the date of initial registration~~ shall be required
33 to take and pass an annual emissions test conducted at an official emissions
34 inspection station or a fleet emissions inspection station as follows:

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

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

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

43 (i) An evaporative system purge test.

44 (ii) An evaporative system integrity test.

1 (e) An ~~on-board~~ ONBOARD diagnostic check as may be required pursuant
2 to title II of the clean air act ~~may be conducted for advisory purposes~~.

3 3. A motorcycle or constant four wheel drive vehicle shall be required
4 to take and pass a curb idle emissions test OR AN ONBOARD DIAGNOSTIC CHECK AS
5 REQUIRED PURSUANT TO TITLE II OF THE CLEAN AIR ACT.

6 4. Fleet operators in area B ~~which have~~ MUST COMPLY WITH THIS SECTION,
7 EXCEPT THAT USED VEHICLES SOLD BY A MOTOR VEHICLE DEALER WHO IS A FLEET
8 OPERATOR AND WHO HAS been issued a permit under section 49-546 ~~are required~~
9 ~~to test their vehicles~~ SHALL BE TESTED as follows:

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

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

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

22 6. Fleet operators in area A shall comply with this section, except
23 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
24 who has been issued a permit pursuant to section 49-546 for purposes of
25 determining compliance with minimum emission standards in area A shall ~~test~~
26 ~~their vehicles~~ BE TESTED as follows:

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

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

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

42 8. Beginning on January 1, 2006 for any registered owner or lessee of
43 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle
44 with a gross vehicle weight of more than twenty-six thousand pounds and for
45 which gross weight fees are paid pursuant to title 28, chapter 15, article 2

1 in area A shall not be allowed to operate in area A unless it was
2 manufactured in or after the 1988 model year or is powered by an engine that
3 is certified to meet or surpass emissions standards contained in 40 Code of
4 Federal Regulations section 86.088-11. This paragraph does not apply to
5 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

6 G. In addition to an emissions inspection, a vehicle is subject to a
7 tampering inspection on at least a biennial basis if the vehicle was
8 manufactured after the 1974 model year and the vehicle is not subject to a
9 transient loaded emissions test **OR AN ONBOARD DIAGNOSTIC CHECK AS REQUIRED**
10 **PURSUANT TO TITLE II OF THE CLEAN AIR ACT**. The director shall adopt vehicle
11 configuration guidelines for the tampering inspection which shall be based on
12 the original configuration of the vehicle when manufactured. The tampering
13 inspection shall consist of the following:

14 1. A visual check to determine the presence of properly installed
15 catalytic converters.

16 2. An examination to determine the presence of an operational air
17 pump.

18 3. In area A, if the vehicle was manufactured after the 1974 model
19 year and is not subject to a transient loaded emissions test **OR AN ONBOARD**
20 **DIAGNOSTIC CHECK AS REQUIRED PURSUANT TO TITLE II OF THE CLEAN AIR ACT**, a
21 visual inspection for the presence or malfunction of the positive crankcase
22 ventilation system and the evaporative control system.

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

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

32 J. The director may adopt rules for purposes of implementation,
33 administration, regulation and enforcement of the provisions of this article
34 including:

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

39 2. The exemption from inspection of:

40 (a) A motor vehicle manufactured in or before the 1966 model year.

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

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

1 ~~(d) During each calendar year vehicles of that model year and vehicles~~
2 ~~from the prior four model years.~~

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

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

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

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

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

29 L. The director shall adopt rules which specify that the estimated
30 retail cost of all recommended maintenance and repairs shall not exceed the
31 amounts prescribed in this subsection, except that if a vehicle fails a
32 tampering inspection there is no limit on the cost of recommended maintenance
33 and repairs. The director shall issue a certificate of waiver for a vehicle
34 which has failed reinspection, if the director has determined that all
35 recommended maintenance and repairs have been performed. If, after
36 reinspection, the director has determined that the vehicle is in compliance
37 with minimum emissions standards or that all recommended maintenance and
38 repairs for compliance with minimum emissions standards have been performed,
39 but that tampering discovered at a tampering inspection has not been
40 repaired, the director may issue a certificate of waiver if the owner of the
41 vehicle provides to the director a written statement from an automobile parts
42 or repair business that an emissions control device which is necessary to
43 repair the tampering is not available and cannot be obtained from any usual
44 source of supply before the vehicle's current registration expires. Rules
45 adopted by the director for the purpose of establishing the estimated retail

1 cost of all recommended maintenance and repairs pursuant to this subsection
2 shall specify that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 W. Any person who sells a vehicle that has been issued a certificate
43 of waiver pursuant to this section after January 1, 1997 and who knows that a
44 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 Sec. 5. Section 49-542, Arizona Revised Statutes, as amended by Laws
10 2005, chapter 76, section 1, is amended to read:

11 49-542. Emissions inspection program; powers and duties of
12 director; administration; periodic inspection;
13 minimum standards and rules; exceptions; definition

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

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

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

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

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

1 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale
2 of vehicles between motor vehicle dealers or vehicles leased to a person
3 residing outside of area A or area B by a leasing company whose place of
4 business is in area A or area B.

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

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

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

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

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

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

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

35 (c) ~~Notwithstanding the requirement of subsection C of this section~~
36 ~~that the first emissions inspection after the purchase of a new vehicle be~~
37 ~~for the second registration year for that vehicle,~~ A diesel powered motor
38 vehicle applying for registration or reregistration in area A ~~more than~~
39 ~~thirty-three months after the date of initial registration~~ shall be required
40 to take and pass an annual emissions test conducted at an official emissions
41 inspection station or a fleet emissions inspection station as follows:

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

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

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

6 (i) An evaporative system purge test.

7 (ii) An evaporative system integrity test.

8 (e) An onboard diagnostic check as may be required pursuant to title
9 II of the clean air act ~~may be conducted for advisory purposes.~~

10 3. A motorcycle in area A or any constant four wheel drive vehicle
11 shall be required to take and pass a curb idle emissions test **OR AN ONBOARD**
12 **DIAGNOSTIC CHECK AS REQUIRED PURSUANT TO TITLE II OF THE CLEAN AIR ACT.**

13 4. Fleet operators in area B ~~which have~~ **MUST COMPLY WITH THIS SECTION,**
14 **EXCEPT THAT USED VEHICLES SOLD BY A MOTOR VEHICLE DEALER WHO IS A FLEET**
15 **OPERATOR AND WHO HAS** been issued a permit under section 49-546 ~~are required~~
16 ~~to test their vehicles~~ **SHALL BE TESTED** as follows:

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

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

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

29 6. Fleet operators in area A shall comply with this section, except
30 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
31 who has been issued a permit pursuant to section 49-546 for purposes of
32 determining compliance with minimum emission standards in area A shall ~~test~~
33 ~~their vehicles~~ **BE TESTED** as follows:

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

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

40 7. Beginning on January 1, 2004 and except for any registered owner or
41 lessee of a fleet of less than twenty-five vehicles, a diesel powered motor
42 vehicle with a gross vehicle weight of more than twenty-six thousand pounds
43 and for which gross weight fees are paid pursuant to title 28, chapter 15,
44 article 2 in area A shall not be allowed to operate in area A unless it was
45 manufactured in or after the 1988 model year or is powered by an engine that

1 is certified to meet or surpass emissions standards contained in 40 Code of
2 Federal Regulations section 86.088-11. This paragraph does not apply to
3 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

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

13 G. In addition to an emissions inspection, a vehicle is subject to a
14 tampering inspection on at least a biennial basis if the vehicle was
15 manufactured after the 1974 model year and the vehicle is not subject to a
16 transient loaded emissions test [OR AN ONBOARD DIAGNOSTIC CHECK AS REQUIRED](#)
17 [PURSUANT TO TITLE II OF THE CLEAN AIR ACT](#). The director shall adopt vehicle
18 configuration guidelines for the tampering inspection which shall be based on
19 the original configuration of the vehicle when manufactured. The tampering
20 inspection shall consist of the following:

21 1. A visual check to determine the presence of properly installed
22 catalytic converters.

23 2. An examination to determine the presence of an operational air
24 pump.

25 3. In area A, if the vehicle was manufactured after the 1974 model
26 year and is not subject to a transient loaded emissions test [OR AN ONBOARD](#)
27 [DIAGNOSTIC CHECK AS REQUIRED PURSUANT TO TITLE II OF THE CLEAN AIR ACT](#), a
28 visual inspection for the presence or malfunction of the positive crankcase
29 ventilation system and the evaporative control system.

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

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

39 J. The director may adopt rules for purposes of implementation,
40 administration, regulation and enforcement of the provisions of this article
41 including:

42 1. The submission of records relating to the emissions inspection of
43 vehicles inspected by another jurisdiction in accordance with another
44 inspection law and the acceptance of such inspection for compliance with the
45 provisions of this article.

- 1 2. The exemption from inspection of:
- 2 (a) A motor vehicle manufactured in or before the 1966 model year.
- 3 (b) New vehicles originally registered at the time of initial retail
- 4 sale and titling in this state pursuant to section 28-2153 or 28-2154.
- 5 (c) Vehicles registered pursuant to title 28, chapter 7, article 7
- 6 or 8.
- 7 ~~(d) During each calendar year vehicles of that model year and vehicles~~
- 8 ~~from the prior four model years.~~
- 9 (d) NEW VEHICLES BEFORE THE SIXTH REGISTRATION YEAR AFTER INITIAL
- 10 PURCHASE OR LEASE.
- 11 (e) Vehicles which will not be available within the state during the
- 12 ninety days prior to registration.
- 13 (f) Golf carts.
- 14 (g) Electrically-powered vehicles.
- 15 (h) Vehicles with an engine displacement of less than ninety cubic
- 16 centimeters.
- 17 (i) The sale of vehicles between motor vehicle dealers.
- 18 (j) Vehicles leased to a person residing outside of area A or area B
- 19 by a leasing company whose place of business is in area A or area B.
- 20 (k) Collectible vehicles.
- 21 (l) Motorcycles in area B.
- 22 3. Compiling and maintaining records of emissions test results after
- 23 servicing.
- 24 4. A procedure which shall allow the vehicle service and repair
- 25 industry to compare the calibration accuracy of its emissions testing
- 26 equipment with the department's calibration standards.
- 27 5. Training requirements for automotive repair personnel using
- 28 emissions measuring equipment whose calibration accuracy has been compared
- 29 with the department's calibration standards.
- 30 6. Any other rule which may be required to accomplish the provisions
- 31 of this article.
- 32 K. The director shall, after consultation with automobile
- 33 manufacturers and the vehicle service and repair industry, establish by rule
- 34 a definition of "low emissions tune-up" for motor vehicles subject to
- 35 inspection under this article. The definition shall specify repair
- 36 procedures which, when implemented, will reduce vehicle emissions.
- 37 L. The director shall adopt rules which specify that the estimated
- 38 retail cost of all recommended maintenance and repairs shall not exceed the
- 39 amounts prescribed in this subsection, except that if a vehicle fails a
- 40 tampering inspection there is no limit on the cost of recommended maintenance
- 41 and repairs. The director shall issue a certificate of waiver for a vehicle
- 42 which has failed reinspection, if the director has determined that all
- 43 recommended maintenance and repairs have been performed. If, after
- 44 reinspection, the director has determined that the vehicle is in compliance
- 45 with minimum emissions standards or that all recommended maintenance and

1 repairs for compliance with minimum emissions standards have been performed,
2 but that tampering discovered at a tampering inspection has not been
3 repaired, the director may issue a certificate of waiver if the owner of the
4 vehicle provides to the director a written statement from an automobile parts
5 or repair business that an emissions control device which is necessary to
6 repair the tampering is not available and cannot be obtained from any usual
7 source of supply before the vehicle's current registration expires. Rules
8 adopted by the director for the purpose of establishing the estimated retail
9 cost of all recommended maintenance and repairs pursuant to this subsection
10 shall specify that:

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

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

14 (b) Five hundred dollars for a diesel powered vehicle with tandem
15 axles.

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

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

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

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

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

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

28 (b) Three hundred dollars for a diesel powered vehicle with tandem
29 axles.

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

33 (a) Fifty dollars for such a vehicle manufactured in or before the
34 1974 model year.

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

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

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

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

4 O. The director of environmental quality shall establish, in
5 cooperation with the assistant director for the motor vehicle division of the
6 department of transportation:

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

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

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

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

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

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

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

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

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

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

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

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

3 V. The director of environmental quality and the director of the
4 department of transportation shall implement a system to exchange information
5 relating to the waiver program, including information relating to vehicle
6 emissions test results and vehicle registration information.

7 W. Any person who sells a vehicle that has been issued a certificate
8 of waiver pursuant to this section after January 1, 1997 and who knows that a
9 certificate of waiver has been issued after January 1, 1997 for that vehicle
10 shall disclose to the buyer before completion of the sale that a certificate
11 of waiver has been issued for that vehicle.

12 X. Vehicles that fail the emissions test at emission levels higher
13 than twice the standard established for that vehicle class by the department
14 pursuant to section 49-447 are not eligible for a certificate of waiver
15 pursuant to this section unless the vehicle is repaired sufficiently to
16 achieve an emissions level below twice the standard for that class of
17 vehicle.

18 Y. If an insurer notifies the department of transportation of the
19 cancellation or nonrenewal of collectible vehicle or classic automobile
20 insurance coverage for a collectible vehicle, the department of
21 transportation shall cancel the registration of the vehicle and the vehicle's
22 exemption from emissions testing pursuant to this section unless evidence of
23 coverage is presented to the department of transportation within sixty days.

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

26 1. Either:

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

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

31 2. Meets both of the following criteria:

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

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

38 Sec. 6. Section 49-543, Arizona Revised Statutes, is amended to read:

39 49-543. Emissions inspection costs; disposition; fleet
40 inspection; certificates

41 A. The director shall fix, regulate and alter in accordance with this
42 section the fees required to be paid for the full costs of the vehicle
43 emissions inspection program pursuant to this article including
44 administration, implementation and enforcement.

1 B. Except as provided in section 49-542.05, the registration renewal
2 notice required for the second through fifth registration year of a new
3 vehicle shall include a notice to the vehicle owner that even though an
4 emissions inspection test is not required pursuant to section 49-542,
5 subsection J, paragraph 2, subdivision (d) the owner may choose to have an
6 emissions inspection because of vehicle emissions performance warranty
7 limitations on emissions components of the vehicle.

8 C. The fees charged for official emissions inspection shall be uniform
9 as applied to each class of vehicle, which shall be defined by the director.
10 Except for fees collected by the director pursuant to section 49-546, the
11 inspection fees required to be paid pursuant to this article may be collected
12 with the registration fee by the registering officer at the time and place of
13 motor vehicle registration pursuant to title 28, chapter 7, article 5 and
14 deposited, pursuant to sections 35-146 and 35-147, in the emissions
15 inspection fund in accordance with the rules adopted by the director or may
16 be collected by the independent contractor at the time of inspection ~~by means~~
17 ~~of an approved check or cash.~~

18 D. Any person, except a person who has been issued a certificate of
19 waiver pursuant to section 49-542, subsection L, whose vehicle has been
20 inspected at an official emissions inspection station, if the vehicle was not
21 found to comply with the minimum standards, shall have the vehicle repaired,
22 including recommended repair or replacement of emissions control devices as a
23 result of tampering, and have the right within sixty consecutive calendar
24 days but not thereafter to return the vehicle for one reinspection without
25 charge. The department may provide for additional reinspections without
26 charge. A vehicle shall not be deemed to pass a reinspection unless the
27 tampering discovered during the tampering inspection is repaired with new or
28 reconditioned emissions control devices.

29 E. The department shall issue certificates of inspection to owners of
30 fleet emissions inspection stations. Each certificate shall be validated by
31 the fleet emissions inspection stations in a manner required by the director
32 at the time that each owner's fleet vehicle has been inspected or has passed
33 inspection. The validated certificate of inspection shall indicate at the
34 time of registration that the owner's fleet vehicle has been inspected and
35 that the vehicle has passed inspection.

36 F. The director shall fix an emissions inspection fee before
37 inspection certificates may be issued to the owner of any fleet emissions
38 inspection station. Such fee shall be uniform for each inspection
39 certificate issued and shall be based on the director's estimated costs to
40 the state of administering and enforcing this article as ~~they apply~~ **IT**
41 **APPLIES** to fleet emissions inspection stations and the vehicles inspected in
42 fleet emissions inspection stations. The director shall deposit, pursuant to
43 sections 35-146 and 35-147, all such monies collected by the director
44 pursuant to this article in the emissions inspection fund.

1 Sec. 7. Purpose

2 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
3 the legislature continues the vehicle emissions inspection program to
4 identify violations and compel compliance with vehicle emissions
5 requirements.

6 Sec. 8. Conditional enactment

7 Section 49-542, Arizona Revised Statutes, as amended by Laws 2005,
8 chapter 76, section 1 and this act, is effective as prescribed in Laws 2005,
9 chapter 76, section 2.