

REFERENCE TITLE: vehicle emissions inspection program

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

HB 2226

Introduced by
Representative Fann

AN ACT

AMENDING SECTIONS 49-541, 49-542 AND 49-542.03, 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 49-541, Arizona Revised Statutes, is amended to
3 read:

4 49-541. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Area A" means the area delineated as follows:

7 (a) In Maricopa county:

- 8 Township 8 north, range 2 east and range 3 east
- 9 Township 7 north, range 2 west through range 5 east
- 10 Township 6 north, range 5 west through range 6 east
- 11 Township 5 north, range 5 west through range 7 east
- 12 Township 4 north, range 5 west through range 8 east
- 13 Township 3 north, range 5 west through range 8 east
- 14 Township 2 north, range 5 west through range 8 east
- 15 Township 1 north, range 5 west through range 7 east
- 16 Township 1 south, range 5 west through range 7 east
- 17 Township 2 south, range 5 west through range 7 east
- 18 Township 3 south, range 5 west through range 1 east
- 19 Township 4 south, range 5 west through range 1 east

20 (b) In Pinal county:

- 21 Township 1 north, range 8 east and range 9 east
- 22 Township 1 south, range 8 east and range 9 east
- 23 Township 2 south, range 8 east and range 9 east
- 24 Township 3 south, range 7 east through range 9 east

25 (c) In Yavapai county:

- 26 Township 7 north, range 1 east and range 1 west through range 2 west
- 27 Township 6 north, range 1 east and range 1 west

28 2. "Area B" means the area delineated in Pima county as township 11
29 and 12 south, range 12 through 14 east; township 13 through 15 south, range
30 11 through 16 east; township 16 south, range 12 through 16 east, excluding
31 any portion of the Coronado national forest and the Saguaro national park.

32 3. "Certificate of inspection" means a serially numbered device or
33 symbol, as may be prescribed by the director, indicating that a vehicle has
34 been inspected pursuant to the provisions of section 49-546 and has passed
35 inspection.

36 4. "Certificate of waiver" means a uniquely numbered device or symbol,
37 as may be prescribed by the director, indicating that the requirement of
38 passing reinspection has been waived for a vehicle pursuant to the provisions
39 of this article.

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

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

1 7. "Emissions inspection station permit" means a certificate issued by
2 the director authorizing the holder to perform vehicular inspections pursuant
3 to this article.

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

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

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

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

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

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

22 14. "Official emissions inspection station" means an inspection
23 facility, other than a fleet emissions inspection station, whether placed in
24 a permanent structure or in a mobile unit for conveyance among various
25 locations within this state, for the purpose of conducting emissions
26 inspections of all vehicles required to be inspected pursuant to this
27 article.

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

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

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

36 Sec. 2. Section 49-542, Arizona Revised Statutes, is amended to read:

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

40 A. The director shall administer a comprehensive annual or biennial
41 emissions inspection program ~~which~~ THAT shall require the inspection of
42 vehicles in this state pursuant to this article and applicable administrative
43 rules. Such inspection is required FOR VEHICLES THAT ARE REGISTERED in area
44 A and area B, for those vehicles owned by a person who is subject to section
45 15-1444 or 15-1627 and for those vehicles registered outside of area A or

1 area B but used to commute to the driver's principal place of employment
 2 located within area A or area B. Inspection in other counties of the state
 3 shall commence ~~upon~~ **ON THE DIRECTOR'S APPROVAL OF AN** application by a county
 4 board of supervisors for participation in such inspection program, ~~subject to~~
 5 ~~approval by the director~~. In all counties with a population of three hundred
 6 fifty thousand or fewer persons ~~according to the most recent United States~~
 7 ~~decennial census~~, except for the portion of counties that contain any portion
 8 of area A, the director shall as conditions dictate provide for testing to
 9 determine the effect of vehicle related pollution on ambient air quality in
 10 all communities with a metropolitan area population of twenty thousand
 11 persons or more ~~according to the most recent United States decennial census~~.
 12 If such testing detects the violation of state ambient air quality standards
 13 by vehicle related pollution, the director shall forward a full report of
 14 such violation to the president of the senate, the speaker of the house of
 15 representatives and the governor.

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

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

38 D. A vehicle shall not be registered ~~or reregistered~~ until such
 39 vehicle has passed the emissions inspection, ~~AND~~ the tampering inspection
 40 prescribed in subsection G of this section ~~and the liquid fuel leak~~
 41 ~~inspection prescribed in subsection Z of this section~~ or has been issued a
 42 certificate of waiver. A certificate of waiver shall only be issued one time
 43 to a vehicle after January 1, 1997. If any vehicle to be registered ~~or~~
 44 ~~reregistered~~ is being sold by a dealer licensed to sell motor vehicles
 45 pursuant to title 28, the cost of any inspection and any repairs necessary to

1 pass the inspection shall be borne by the dealer. A dealer who is licensed
2 to sell motor vehicles pursuant to title 28 and whose place of business is
3 located in area A or area B shall not deliver any vehicle to the retail
4 purchaser until the vehicle passes any inspection required by this article or
5 the vehicle is exempt under subsection J of this section.

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

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

36 1. For the purpose of determining compliance with minimum emissions
37 standards in area B **FOR MOTOR VEHICLES OTHER THAN DIESEL POWERED VEHICLES OR**
38 **CONSTANT FOUR-WHEEL DRIVE VEHICLES:**

39 ~~(a) A motor vehicle manufactured in or before the 1980 model year,~~
40 ~~other than a diesel powered vehicle, shall be required to take and pass the~~
41 ~~curb idle test condition. A diesel powered vehicle is subject to only a~~
42 ~~loaded test condition. The conditioning mode shall, at the option of the~~
43 ~~vehicle owner or owner's agent, be administered only after the vehicle has~~
44 ~~failed the curb idle test condition. Upon completion of such conditioning~~
45 ~~mode, a vehicle that has failed the curb idle test condition may be retested~~

1 ~~in the curb idle test condition. If the vehicle passes such retest, it shall~~
2 ~~be deemed in compliance with minimum emissions standards unless the vehicle~~
3 ~~fails the tampering inspection pursuant to subsection G of this section or~~
4 ~~the liquid fuel leak inspection pursuant to subsection Z of this section.~~

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

10 (a) A MOTOR VEHICLE THAT IS EQUIPPED WITH AN ONBOARD DIAGNOSTIC SYSTEM
11 REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT SHALL BE REQUIRED TO TAKE AND
12 PASS AN ONBOARD DIAGNOSTIC TEST.

13 (b) A MOTOR VEHICLE WITH A MODEL YEAR OF 1981 OR LATER, OTHER THAN A
14 VEHICLE COVERED BY SUBDIVISION (a) OF THIS PARAGRAPH, SHALL BE REQUIRED TO
15 TAKE AND PASS A STEADY STATE LOADED TEST AND CURB IDLE TEST.

16 (c) A MOTOR VEHICLE, OTHER THAN A VEHICLE COVERED BY SUBDIVISION (a)
17 OR (b) OF THIS PARAGRAPH, SHALL BE REQUIRED TO TAKE AND PASS A CURB IDLE
18 TEST.

19 2. For THE purposes of determining compliance with minimum emissions
20 standards and functional tests in area A FOR MOTOR VEHICLES OTHER THAN DIESEL
21 POWERED VEHICLES OR CONSTANT FOUR-WHEEL DRIVE VEHICLES:

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

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

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

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

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

40 (a) A MOTOR VEHICLE THAT IS EQUIPPED WITH AN ONBOARD DIAGNOSTIC SYSTEM
41 REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT SHALL BE REQUIRED TO TAKE AND
42 PASS AN ONBOARD DIAGNOSTIC TEST.

43 (b) A MOTOR VEHICLE WITH A MODEL YEAR OF 1981 OR LATER, OTHER THAN A
44 VEHICLE COVERED BY SUBDIVISION (a) OF THIS PARAGRAPH, SHALL BE REQUIRED TO
45 TAKE AND PASS A TRANSIENT LOADED TEST.

1 (c) A MOTOR VEHICLE, OTHER THAN A VEHICLE COVERED BY SUBDIVISION (a)
2 OR (b) OF THIS PARAGRAPH, SHALL BE REQUIRED TO TAKE AND PASS A STEADY STATE
3 LOADED TEST AND CURB IDLE TEST.

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 may be required pursuant to title II~~
9 ~~of the clean air act.~~

10 3. FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH MINIMUM EMISSIONS
11 STANDARDS IN AREA A OR AREA B FOR DIESEL POWERED MOTOR VEHICLES:

12 (a) A DIESEL POWERED MOTOR VEHICLE THAT IS EQUIPPED WITH AN ONBOARD
13 DIAGNOSTIC SYSTEM REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT SHALL BE
14 REQUIRED TO TAKE AND PASS AN ONBOARD DIAGNOSTIC TEST.

15 (b) A DIESEL POWERED MOTOR VEHICLE, OTHER THAN A VEHICLE COVERED BY
16 SUBDIVISION (a) OF THIS PARAGRAPH, SHALL BE REQUIRED TO TAKE AND PASS AN
17 EMISSIONS TEST AS FOLLOWS:

18 (i) A LOADED, TRANSIENT OR ANY OTHER FORM OF TEST AS PROVIDED FOR IN
19 RULES ADOPTED BY THE DIRECTOR FOR VEHICLES WITH A GROSS VEHICLE WEIGHT RATING
20 OF EIGHT THOUSAND FIVE HUNDRED POUNDS OR LESS.

21 (ii) A TEST THAT CONFORMS WITH THE SOCIETY FOR AUTOMOTIVE ENGINEERS
22 STANDARD J1667 FOR VEHICLES WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN
23 EIGHT THOUSAND FIVE HUNDRED POUNDS.

24 ~~3-~~ 4. Any A constant four-wheel drive vehicle shall be required to
25 take and pass a curb idle emissions test or an onboard diagnostic check TEST
26 as required pursuant to title II of the clean air act.

27 ~~4-~~ 5. Fleet operators in area B must comply with this section, except
28 that used vehicles, OTHER THAN DIESEL POWERED VEHICLES, sold by a motor
29 vehicle dealer who is a fleet operator and who has been issued a permit under
30 section 49-546 shall be tested as follows:

31 (a) A motor vehicle ~~manufactured in or before the 1980~~ WITH A model
32 year OF 1980 OR EARLIER shall take and pass ~~only the A~~ curb idle test
33 ~~condition, except that a diesel powered vehicle is subject to only a loaded~~
34 ~~test condition.~~

35 (b) A motor vehicle ~~manufactured in or after the 1981~~ WITH A model
36 year OF 1981 OR LATER, OTHER THAN A VEHICLE THAT IS EQUIPPED WITH AN ONBOARD
37 DIAGNOSTIC SYSTEM THAT IS REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT,
38 shall take and pass ~~the A~~ curb idle test ~~condition~~ and a twenty-five hundred
39 revolutions per minute unloaded test ~~condition~~.

40 ~~5-~~ 6. Vehicles owned or operated by the United States, this state or
41 a political subdivision of this state shall comply with this subsection
42 without regard to whether those vehicles are required to be registered in
43 this state, except that alternative fuel vehicles of a school district that
44 is located in area A, OTHER THAN VEHICLES EQUIPPED WITH AN ONBOARD DIAGNOSTIC

1 SYSTEM REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT, shall be required to
2 take and pass the curb idle test ~~condition~~ and the loaded test ~~condition~~.

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

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

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

14 7. ~~Beginning on January 1, 2004 and except for any registered owner or~~
15 ~~lessee of a fleet of less than twenty-five vehicles,~~ A diesel powered motor
16 vehicle with a gross vehicle weight of more than twenty-six thousand pounds
17 and for which gross weight fees are paid pursuant to title 28, chapter 15,
18 article 2 in area A shall not be allowed to operate in area A unless it was
19 manufactured in or after the 1988 model year or is powered by an engine that
20 is certified to meet or surpass emissions standards contained in 40 Code of
21 Federal Regulations section 86.088-11 IN EFFECT ON JULY 1, 1995. This
22 paragraph does not apply to vehicles that are registered pursuant to title
23 28, chapter 7, article 7 or 8.

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

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

42 ~~1. A visual check to determine the presence of properly installed~~
43 ~~catalytic converters.~~

44 ~~2. An examination to determine the presence of an operational air~~
45 ~~pump.~~

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

6 H. Vehicles required to be inspected shall undergo a functional test
7 of the gas cap to determine if the cap holds pressure within limits
8 prescribed by the director, ~~except for any vehicle that is subject to an~~
9 ~~evaporative system integrity test.~~ THIS SUBSECTION DOES NOT APPLY TO ANY
10 DIESEL POWERED VEHICLE.

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

16 J. The director may adopt rules for purposes of implementation,
17 administration, regulation and enforcement of the provisions of this article
18 including:

19 1. The submission of records relating to the emissions inspection of
20 vehicles inspected by another jurisdiction in accordance with another
21 inspection law and the acceptance of such inspection for compliance with the
22 provisions of this article.

23 2. The exemption from inspection of:

24 (a) Except as otherwise provided in this subdivision, a motor vehicle
25 manufactured in or before the 1966 model year. If the United States
26 environmental protection agency issues a vehicle emissions testing exemption
27 for motor vehicles manufactured in or before the 1974 model year for purposes
28 of the state implementation or maintenance plan for air quality, a motor
29 vehicle manufactured in or before the 1974 model year is exempt from
30 inspection.

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

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

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

37 (e) Vehicles ~~which will not be available within the state during the~~
38 ~~ninety days prior to~~ THAT ARE OUTSIDE OF THIS STATE AT THE TIME OF
39 registration, EXCEPT THE DIRECTOR BY RULE MAY REQUIRE TESTING OF THOSE
40 VEHICLES WITHIN A REASONABLE PERIOD OF TIME AFTER THOSE VEHICLES RETURN TO
41 THIS STATE.

42 (f) Golf carts.

43 (g) Electrically-powered vehicles.

44 (h) Vehicles with an engine displacement of less than ninety cubic
45 centimeters.

- 1 (i) The sale of vehicles between motor vehicle dealers.
- 2 (j) Vehicles leased to a person residing outside of area A or area B
- 3 by a leasing company whose place of business is in area A or area B.
- 4 (k) Collectible vehicles.
- 5 (l) Motorcycles.
- 6 (m) CRANES AND OVERSIZE VEHICLES THAT REQUIRE PERMITS PURSUANT TO
- 7 SECTION 28-1100, 28-1103 OR 28-1144.
- 8 (n) VEHICLES THAT ARE NOT IN USE AND THAT ARE OWNED BY RESIDENTS OF
- 9 THIS STATE WHILE ON ACTIVE MILITARY DUTY OUTSIDE OF THIS STATE.

10 3. Compiling and maintaining records of emissions test results after

11 servicing.

12 4. A procedure ~~which~~ THAT shall allow the vehicle service and repair

13 industry to compare the calibration accuracy of its emissions testing

14 equipment with the department's calibration standards.

15 5. Training requirements for automotive repair personnel using

16 emissions measuring equipment whose calibration accuracy has been compared

17 with the department's calibration standards.

18 6. Any other rule ~~which~~ THAT may be required to accomplish the

19 provisions of this article.

20 K. The director, after consultation with automobile manufacturers and

21 the vehicle service and repair industry, shall establish by rule a definition

22 of ~~"low-emissions-tune-up"~~ "VEHICLE MAINTENANCE AND REPAIRS" for motor

23 vehicles subject to inspection under this article. The definition shall

24 specify repair procedures ~~which~~ THAT, when implemented, will reduce vehicle

25 emissions.

26 L. The director shall adopt rules ~~which~~ THAT specify that the

27 estimated retail cost of all recommended maintenance and repairs shall not

28 exceed the amounts prescribed in this subsection, except that if a vehicle

29 fails a tampering inspection there is no limit on the cost of recommended

30 maintenance and repairs. The director shall issue a certificate of waiver

31 for a vehicle ~~which has failed reinspection,~~ if the director has determined

32 that all recommended maintenance and repairs have been performed AND THAT THE

33 VEHICLE HAS FAILED ANY REINSPECTION THAT MAY BE REQUIRED BY RULE. If, ~~after~~

34 ~~reinspection,~~ the director has determined that the vehicle is in compliance

35 with minimum emissions standards or that all recommended maintenance and

36 repairs for compliance with minimum emissions standards have been performed,

37 but that tampering discovered at a tampering inspection has not been

38 repaired, the director may issue a certificate of waiver if the owner of the

39 vehicle provides to the director a written statement from an automobile parts

40 or repair business that an emissions control device ~~which~~ THAT is necessary

41 to repair the tampering is not available and cannot be obtained from any

42 usual source of supply before the vehicle's current registration expires.

43 Rules adopted by the director for the purpose of establishing the estimated

44 retail cost of all recommended maintenance and repairs pursuant to this

45 subsection shall specify that:

- 1 1. In area A the cost shall not exceed:
2 (a) Five hundred dollars for a diesel powered vehicle with a gross
3 weight in excess of twenty-six thousand pounds.
4 (b) Five hundred dollars for a diesel powered vehicle with tandem
5 axles.
6 (c) For a vehicle other than a diesel powered vehicle with a gross
7 weight in excess of twenty-six thousand pounds and other than a diesel
8 powered vehicle with tandem axles:
9 (i) Two hundred dollars for such a vehicle manufactured in or before
10 the 1974 model year.
11 (ii) Three hundred dollars for such a vehicle manufactured in the 1975
12 through 1979 model years.
13 (iii) Four hundred fifty dollars for such a vehicle manufactured in or
14 after the 1980 model year.
15 2. In area B the cost shall not exceed:
16 (a) Three hundred dollars for a diesel powered vehicle with a gross
17 weight in excess of twenty-six thousand pounds.
18 (b) Three hundred dollars for a diesel powered vehicle with tandem
19 axles.
20 3. For a vehicle other than a diesel powered vehicle with a gross
21 weight in excess of twenty-six thousand pounds and other than a diesel
22 powered vehicle with tandem axles:
23 (a) Fifty dollars for such a vehicle manufactured in or before the
24 1974 model year.
25 (b) Two hundred dollars for such a vehicle manufactured in the 1975
26 through 1979 model years.
27 (c) Three hundred dollars for such a vehicle manufactured in or after
28 the 1980 model year.
29 M. Each person whose vehicle has failed an emissions inspection shall
30 be provided a list of those general recommended ~~tune-up~~ REPAIR AND
31 MAINTENANCE procedures for vehicles ~~which~~ THAT are designed to reduce vehicle
32 emissions levels. ~~The list shall include the following notice: "This test~~
33 ~~is the result of federal law. You may wish to contact your representative in~~
34 ~~the United States Congress."~~
35 N. Notwithstanding any other provisions of this article, the director
36 may adopt rules allowing exemptions from the requirement that all vehicles
37 must meet the minimum standards for registration ~~or reregistration~~.
38 O. The director of environmental quality shall establish, in
39 cooperation with the assistant director for the motor vehicle division of the
40 department of transportation:
41 1. An adequate method for identifying bona fide residents residing
42 outside of area A or area B to ensure that such residents are exempt from
43 compliance with the inspection program established by this article and rules
44 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 ~~OR AREA B~~ 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~~ INSPECTION station in area A shall
33 have a sign posted to be visible to persons who are having their vehicles
34 tested. This sign shall state that enhanced testing procedures are a direct
35 result of 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 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.~~ Z. For the purposes of this section, "collectible vehicle" means
21 a 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. 3. Section 49-542.03, Arizona Revised Statutes, is amended to
35 read:

36 49-542.03. Motor vehicle dealer; emissions testing; remedies;
37 definition

38 A. In area A OR AREA B, if a motor vehicle dealer sells a motor
39 vehicle that has less than one year remaining before it must undergo a
40 ~~transient loaded~~ AN emissions test or has not taken a ~~transient~~ AN EMISSIONS
41 test pursuant to section 49-542 and ~~which~~ THAT is not covered under a current
42 federal emissions warranty and if the purchaser of the vehicle has the
43 vehicle ~~transient loaded~~ EMISSIONS tested within three days, excluding
44 holidays, of the purchase and if the vehicle fails the test, the dealer shall
45 do one of the following:

- 1 1. Rescind the purchase agreement and reimburse the purchaser for the
2 cost of the test.
- 3 2. Make repairs at the dealer's expense which bring the vehicle into
4 compliance with the ~~transient loaded~~ EMISSIONS test.
- 5 3. Enter into a mutually acceptable alternative agreement with the
6 purchaser.
- 7 B. A motor vehicle dealer who sells a vehicle subject to the
8 provisions of subsection A of this section shall provide the purchaser with a
9 written notice of the purchaser's rights pursuant to this section prior to
10 completing the sale transaction. A motor vehicle dealer subject to the
11 provisions of section 49-546, subsection G,~~—~~ shall also provide a written
12 summary of the requirements of section 49-542 to the purchaser. The notice
13 shall be available in English and in Spanish.
- 14 C. A motor vehicle dealer who meets the requirements of section
15 49-546, subsection G,~~—~~ shall conduct the dealer's business pursuant to this
16 section for those vehicles which are required by law to be registered in
17 area A.
- 18 D. A motor vehicle dealer in area B who sells a vehicle to a resident
19 of area A may comply with emissions testing requirements pursuant to section
20 49-542, subsection F, paragraph ~~6—~~ 5 by complying with this section and the
21 tampering inspection pursuant to section 49-542, subsection G,~~—~~ ~~paragraph 4.~~
- 22 E. In this section, unless the context otherwise requires, "motor
23 vehicle dealer" means a dealer who is a fleet operator and who has been
24 issued a permit under section 49-546.