

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

CHAPTER 89
HOUSE BILL 2226

AN ACT

AMENDING SECTIONS 49-541 AND 49-542, ARIZONA REVISED STATUTES; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTION 49-542.03, ARIZONA REVISED STATUTES; AMENDING SECTION 49-542.03, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; RELATING TO VEHICLE EMISSION INSPECTION; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 49-541, 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
46 area B but used to commute to the driver's principal place of employment

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

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

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

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

1 located in area A or area B shall not deliver any vehicle to the retail
2 purchaser until the vehicle passes any inspection required by this article or
3 the vehicle is exempt under subsection J of this section.

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

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

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

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

1 this section ~~or the liquid fuel leak inspection pursuant to subsection 7 of~~
2 ~~this section.~~

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

8 2. For ~~THE~~ purposes of determining compliance with minimum emissions
9 standards and functional tests in area A:

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

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

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

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

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

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

30 (i) An evaporative system purge test.

31 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

18 7. ~~Beginning on January 1, 2004 and~~ Except for any registered owner or
19 lessee of a fleet of less than twenty-five vehicles, a diesel powered motor
20 vehicle with a gross vehicle weight of more than twenty-six thousand pounds
21 and for which gross weight fees are paid pursuant to title 28, chapter 15,
22 article 2 in area A shall not be allowed to operate in area A unless it was
23 manufactured in or after the 1988 model year or is powered by an engine that
24 is certified to meet or surpass emissions standards contained in 40 Code of
25 Federal Regulations section 86.088-11 ~~IN EFFECT ON JULY 1, 1995~~. This
26 paragraph does not apply to vehicles that are registered pursuant to title
27 28, chapter 7, article 7 or 8.

28 8. ~~Beginning on January 1, 2006~~ For any registered owner or lessee of
29 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle
30 with a gross vehicle weight of more than twenty-six thousand pounds and for
31 which gross weight fees are paid pursuant to title 28, chapter 15, article 2
32 in area A shall not be allowed to operate in area A unless it was
33 manufactured in or after the 1988 model year or is powered by an engine that
34 is certified to meet or surpass emissions standards contained in 40 Code of
35 Federal Regulations section 86.088-11 ~~IN EFFECT ON JULY 1, 1995~~. This
36 paragraph does not apply to vehicles that are registered pursuant to title
37 28, chapter 7, article 7 or 8.

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

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

3 ~~2. An examination to determine the presence of an operational air~~
4 ~~pump.~~

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

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

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

19 J. The director may adopt rules for purposes of implementation,
20 administration, regulation and enforcement of the provisions of this article
21 including:

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

26 2. The exemption from inspection of:

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

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

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

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

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

45 (f) Golf carts.

46 (g) Electrically-powered vehicles.

1 (h) Vehicles with an engine displacement of less than ninety cubic
2 centimeters.

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

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

6 (k) Collectible vehicles.

7 (l) Motorcycles.

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

10 4. A procedure ~~which~~ THAT shall allow the vehicle service and repair
11 industry to compare the calibration accuracy of its emissions testing
12 equipment with the department's calibration standards.

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

16 6. Any other rule ~~which~~ THAT may be required to accomplish the
17 provisions of this article.

18 K. The director, after consultation with automobile manufacturers and
19 the vehicle service and repair industry, shall establish by rule a definition
20 of ~~"low emissions tune-up"~~ "VEHICLE MAINTENANCE AND REPAIRS" for motor
21 vehicles subject to inspection under this article. The definition shall
22 specify repair procedures ~~which~~ THAT, when implemented, will reduce vehicle
23 emissions.

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

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

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

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

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

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

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

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

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

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

15 (b) Three hundred dollars for a diesel powered vehicle with tandem
16 axles.

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

20 (a) Fifty dollars for such a vehicle manufactured in or before the
21 1974 model year.

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

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

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

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

35 O. The director of environmental quality shall establish, in
36 cooperation with the assistant director for the motor vehicle division of the
37 department of transportation:

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

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

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

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

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

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

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

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

21 R. The director shall prohibit a certificate of waiver pursuant to
22 subsection L of this section for any vehicle which has failed inspection in
23 area A OR AREA B due to the catalytic converter system.

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

27 T. Each vehicle emissions ~~control~~ INSPECTION station in area A shall
28 have a sign posted to be visible to persons who are having their vehicles
29 tested. This sign shall state that enhanced testing procedures are a direct
30 result of federal law.

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

33 V. The director of environmental quality and the director of the
34 department of transportation shall implement a system to exchange information
35 relating to the waiver program, including information relating to vehicle
36 emissions test results and vehicle registration information.

37 W. Any person who sells a vehicle that has been issued a certificate
38 of waiver pursuant to this section after January 1, 1997 and who knows that a
39 certificate of waiver has been issued after January 1, 1997 for that vehicle
40 shall disclose to the buyer before completion of the sale that a certificate
41 of waiver has been issued for that vehicle.

42 X. Vehicles that fail the emissions test at emission levels higher
43 than twice the standard established for that vehicle class by the department
44 pursuant to section 49-447 are not eligible for a certificate of waiver
45 pursuant to this section unless the vehicle is repaired sufficiently to

1 achieve an emissions level below twice the standard for that class of
2 vehicle.

3 Y. If an insurer notifies the department of transportation of the
4 cancellation or nonrenewal of collectible vehicle or classic automobile
5 insurance coverage for a collectible vehicle, the department of
6 transportation shall cancel the registration of the vehicle and the vehicle's
7 exemption from emissions testing pursuant to this section unless evidence of
8 coverage is presented to the department of transportation within sixty days.

9 ~~Z. In addition to an emissions inspection, a vehicle is subject to a
10 liquid fuel leak inspection on at least a biennial basis if the vehicle was
11 manufactured after the 1974 model year and is not a diesel vehicle. The
12 director shall adopt rules prescribing procedures and standards for the
13 liquid fuel leak inspection.~~

14 ~~AA.~~ Z. For the purposes of this section, "collectible vehicle" means
15 a vehicle that complies with both of the following:

16 1. Either:

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

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

21 2. Meets both of the following criteria:

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

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

28 Sec. 3. Section 49-542, Arizona Revised Statutes, as amended by
29 section 2 of this act, is amended to read:

30 49-542. Emissions inspection program; powers and duties of
31 director; administration; periodic inspection;
32 minimum standards and rules; exceptions; definition

33 A. The director shall administer a comprehensive annual or biennial
34 emissions inspection program that shall require the inspection of vehicles in
35 this state pursuant to this article and applicable administrative rules.
36 Such inspection is required for vehicles that are registered in area A and
37 area B, for those vehicles owned by a person who is subject to section
38 15-1444 or 15-1627 and for those vehicles registered outside of area A or
39 area B but used to commute to the driver's principal place of employment
40 located within area A or area B. Inspection in other counties of the state
41 shall commence on the director's approval of an application by a county board
42 of supervisors for participation in such inspection program. In all counties
43 with a population of three hundred fifty thousand or fewer persons, except
44 for the portion of counties that contain any portion of area A, the director
45 shall as conditions dictate provide for testing to determine the effect of
46 vehicle related pollution on ambient air quality in all communities with a

1 metropolitan area population of twenty thousand persons or more. If such
2 testing detects the violation of state ambient air quality standards by
3 vehicle related pollution, the director shall forward a full report of such
4 violation to the president of the senate, the speaker of the house of
5 representatives and the governor.

6 B. The state's annual or biennial emissions inspection program shall
7 provide for vehicle inspections at official emissions inspection stations or
8 at fleet emissions inspection stations. Each inspection station in area A
9 shall employ at least one technical assistant who is available during the
10 station's hours of operation to provide assistance for persons who fail the
11 emissions test. An official or fleet emissions inspection station permit
12 shall not be sold, assigned, transferred, conveyed or removed to another
13 location except on such terms and conditions as the director may prescribe.

14 C. Vehicles required to be inspected and registered in this state,
15 except those provided for in section 49-546, shall be inspected, for the
16 purpose of complying with the registration requirement pursuant to subsection
17 D of this section, in accordance with the provisions of this article no more
18 than ninety days prior to each registration expiration date. A vehicle may
19 be submitted voluntarily for inspection more than ninety days before the
20 registration expiration date on payment of the prescribed inspection fee.
21 Such voluntary inspection shall not be considered as compliance with the
22 registration requirement pursuant to subsection D of this section.

23 D. A vehicle shall not be registered until such vehicle has passed the
24 emissions inspection and the tampering inspection prescribed in subsection G
25 of this section or has been issued a certificate of waiver. A certificate of
26 waiver shall only be issued one time to a vehicle after January 1, 1997. If
27 any vehicle to be registered is being sold by a dealer licensed to sell motor
28 vehicles pursuant to title 28, the cost of any inspection and any repairs
29 necessary to pass the inspection shall be borne by the dealer. A dealer who
30 is licensed to sell motor vehicles pursuant to title 28 and whose place of
31 business is located in area A or area B shall not deliver any vehicle to the
32 retail purchaser until the vehicle passes any inspection required by this
33 article or the vehicle is exempt under subsection J of this section.

34 E. On the registration of a vehicle that has complied with the minimum
35 emissions standards pursuant to this section or is otherwise exempt under
36 this section, the registering officer shall issue an air quality compliance
37 sticker to the registered owner that shall be placed on the vehicle as
38 prescribed by rule adopted by the department of transportation or issue a
39 modified year validating tab as prescribed by rule adopted by the department
40 of transportation. Those persons who reside outside of area A or area B but
41 who elect to test their vehicle or are required to test their vehicle
42 pursuant to this section and who comply with the minimum emissions standards
43 pursuant to this section or are otherwise exempt under this section shall
44 remit a compliance form, as prescribed by the department of transportation,
45 and proof of compliance issued at an official emissions inspection station to
46 the department of transportation along with the appropriate fees. The

1 department of transportation shall then issue the person an air quality
2 compliance sticker which shall be placed on the vehicle as prescribed by rule
3 adopted by the department of transportation. The registering officer or the
4 department of transportation shall collect an air quality compliance fee of
5 twenty-five cents. The registering officer or the department of
6 transportation shall deposit, pursuant to sections 35-146 and 35-147, the air
7 quality compliance fee in the state highway fund established by section
8 28-6991. The department of transportation shall deposit, pursuant to
9 sections 35-146 and 35-147, any emissions inspection fee in the emissions
10 inspection fund. The provisions of this subsection do not apply to those
11 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale
12 of vehicles between motor vehicle dealers or vehicles leased to a person
13 residing outside of area A or area B by a leasing company whose place of
14 business is in area A or area B.

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

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

21 ~~(a) A motor vehicle manufactured in or before the 1980 model year,~~
22 ~~other than a diesel powered vehicle, shall be required to take and pass the~~
23 ~~curb idle test. A diesel powered vehicle is subject to only a loaded test.~~
24 ~~The conditioning mode, at the option of the vehicle owner or owner's agent,~~
25 ~~shall be administered only after the vehicle has failed the curb idle test.~~
26 ~~On completion of such conditioning mode, a vehicle that has failed the curb~~
27 ~~idle test may be retested in the curb idle test. If the vehicle passes such~~
28 ~~retest, it shall be deemed in compliance with minimum emissions standards~~
29 ~~unless the vehicle fails the tampering inspection pursuant to subsection G of~~
30 ~~this section.~~

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

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

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

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

44 2. For the purposes of determining compliance with minimum emissions
45 standards and functional tests in area A **FOR MOTOR VEHICLES OTHER THAN DIESEL**
46 **POWERED VEHICLES OR CONSTANT FOUR-WHEEL DRIVE VEHICLES:**

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

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

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

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

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

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

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

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

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

30 (i) An evaporative system purge test.

31 (ii) An evaporative system integrity test.

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

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

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

39 (b) A DIESEL POWERED MOTOR VEHICLE, OTHER THAN A VEHICLE COVERED BY
40 SUBDIVISION (a) OF THIS PARAGRAPH, SHALL BE REQUIRED TO TAKE AND PASS AN
41 EMISSIONS TEST 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 ~~3.~~ 4. Any A constant four-wheel drive vehicle shall be required to
5 take and pass a curb idle emissions test or an onboard diagnostic check TEST
6 as required pursuant to title II of the clean air act.

7 ~~4.~~ 5. Fleet operators in area B must comply with this section, except
8 that used vehicles, OTHER THAN DIESEL POWERED VEHICLES, sold by a motor
9 vehicle dealer who is a fleet operator and who has been issued a permit under
10 section 49-546 shall be tested as follows:

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

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

19 ~~5.~~ 6. Vehicles owned or operated by the United States, this state or
20 a political subdivision of this state shall comply with this subsection
21 without regard to whether those vehicles are required to be registered in
22 this state, except that alternative fuel vehicles of a school district that
23 is located in area A, OTHER THAN VEHICLES EQUIPPED WITH AN ONBOARD DIAGNOSTIC
24 SYSTEM REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT, shall be required to
25 take and pass the curb idle test and the loaded test.

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

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

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

37 7. ~~Except for any registered owner or lessee of a fleet of less than~~
38 ~~twenty-five vehicles,~~ A diesel powered motor vehicle with a gross vehicle
39 weight of more than twenty-six thousand pounds and for which gross weight
40 fees are paid pursuant to title 28, chapter 15, article 2 in area A shall not
41 be allowed to operate in area A unless it was manufactured in or after the
42 1988 model year or is powered by an engine that is certified to meet or
43 surpass emissions standards contained in 40 Code of Federal Regulations
44 section 86.088-11 in effect on July 1, 1995. This paragraph does not apply
45 to vehicles that are registered pursuant to title 28, chapter 7, article 7
46 or 8.

1 ~~8. For any registered owner or lessee of a fleet of less than~~
2 ~~twenty five vehicles, a diesel powered motor vehicle with a gross vehicle~~
3 ~~weight of more than twenty six thousand pounds and for which gross weight~~
4 ~~fees are paid pursuant to title 28, chapter 15, article 2 in area A shall not~~
5 ~~be allowed to operate in area A unless it was manufactured in or after the~~
6 ~~1988 model year or is powered by an engine that is certified to meet or~~
7 ~~surpass emissions standards contained in 40 Code of Federal Regulations~~
8 ~~section 86.088-11 in effect on July 1, 1995. This paragraph does not apply~~
9 ~~to vehicles that are registered pursuant to title 28, chapter 7, article 7~~
10 ~~or 8.~~

11 G. In addition to an emissions inspection, a vehicle is subject to a
12 tampering inspection as prescribed by rules adopted by the director if the
13 vehicle was manufactured after the 1974 model year.

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

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

24 J. The director may adopt rules for purposes of implementation,
25 administration, regulation and enforcement of the provisions of this article
26 including:

27 1. The submission of records relating to the emissions inspection of
28 vehicles inspected by another jurisdiction in accordance with another
29 inspection law and the acceptance of such inspection for compliance with the
30 provisions of this article.

31 2. The exemption from inspection of:

32 (a) Except as otherwise provided in this subdivision, a motor vehicle
33 manufactured in or before the 1966 model year. If the United States
34 environmental protection agency issues a vehicle emissions testing exemption
35 for motor vehicles manufactured in or before the 1974 model year for purposes
36 of the state implementation or maintenance plan for air quality, a motor
37 vehicle manufactured in or before the 1974 model year is exempt from
38 inspection.

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

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

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

45 (e) Vehicles that are outside of this state at the time of
46 registration, except the director by rule may require testing of those

1 vehicles within a reasonable period of time after those vehicles return to
2 this state.

3 (f) Golf carts.

4 (g) Electrically-powered vehicles.

5 (h) Vehicles with an engine displacement of less than ninety cubic
6 centimeters.

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

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

10 (k) Collectible vehicles.

11 (l) Motorcycles.

12 (m) CRANES AND OVERSIZE VEHICLES THAT REQUIRE PERMITS PURSUANT TO
13 SECTION 28-1100, 28-1103 OR 28-1144.

14 (n) VEHICLES THAT ARE NOT IN USE AND THAT ARE OWNED BY RESIDENTS OF
15 THIS STATE WHILE ON ACTIVE MILITARY DUTY OUTSIDE OF THIS STATE.

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

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

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

24 6. Any other rule that may be required to accomplish the provisions of
25 this article.

26 K. The director, after consultation with automobile manufacturers and
27 the vehicle service and repair industry, shall establish by rule a definition
28 of "vehicle maintenance and repairs" for motor vehicles subject to inspection
29 under this article. The definition shall specify repair procedures that,
30 when implemented, will reduce vehicle emissions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 M. Each person whose vehicle has failed an emissions inspection shall
33 be provided a list of those general recommended repair and maintenance
34 procedures for vehicles that are designed to reduce vehicle emissions levels.

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.

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.

45 2. A written notice that shall accompany the vehicle registration
46 application forms that are sent to vehicle owners pursuant to section 28-2151

1 and that shall accompany or be included as part of the vehicle emissions test
2 results that are provided to vehicle owners at the time of the vehicle
3 emissions test. This written notice shall describe at least the following:

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

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

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

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

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

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

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

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

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

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

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

40 W. Any person who sells a vehicle that has been issued a certificate
41 of waiver pursuant to this section after January 1, 1997 and who knows that a
42 certificate of waiver has been issued after January 1, 1997 for that vehicle
43 shall disclose to the buyer before completion of the sale that a certificate
44 of waiver has been issued for that vehicle.

45 X. Vehicles that fail the emissions test at emission levels higher
46 than twice the standard established for that vehicle class by the department

1 pursuant to section 49-447 are not eligible for a certificate of waiver
2 pursuant to this section unless the vehicle is repaired sufficiently to
3 achieve an emissions level below twice the standard for that class of
4 vehicle.

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

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

13 1. Either:

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

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

18 2. Meets both of the following criteria:

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

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

25 Sec. 4. Section 49-542.03, Arizona Revised Statutes, is amended to
26 read:

27 49-542.03. Motor vehicle dealer; emissions testing; remedies;
28 definition

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

37 1. Rescind the purchase agreement and reimburse the purchaser for the
38 cost of the test.

39 2. Make repairs at the dealer's expense which bring the vehicle into
40 compliance with the ~~transient-loaded~~ EMISSIONS test.

41 3. Enter into a mutually acceptable alternative agreement with the
42 purchaser.

43 B. A motor vehicle dealer who sells a vehicle subject to the
44 provisions of subsection A of this section shall provide the purchaser with a
45 written notice of the purchaser's rights pursuant to this section prior to
46 completing the sale transaction. A motor vehicle dealer subject to the

1 provisions of section 49-546, subsection G,~~—~~ shall also provide a written
2 summary of the requirements of section 49-542 to the purchaser. The notice
3 shall be available in English and in Spanish.

4 C. A motor vehicle dealer who meets the requirements of section
5 49-546, subsection G,~~—~~ shall conduct the dealer's business pursuant to this
6 section for those vehicles which are required by law to be registered in
7 area A.

8 D. A motor vehicle dealer in area B who sells a vehicle to a resident
9 of area A may comply with emissions testing requirements pursuant to section
10 49-542, subsection F, paragraph 6 by complying with this section and the
11 tampering inspection pursuant to section 49-542, subsection G,~~—paragraph 4.~~

12 E. In this section, unless the context otherwise requires, "motor
13 vehicle dealer" means a dealer who is a fleet operator and who has been
14 issued a permit under section 49-546.

15 Sec. 5. Section 49-542.03, Arizona Revised Statutes, as amended by
16 section 4 of this act, is amended to read:

17 49-542.03. Motor vehicle dealer; emissions testing; remedies;
18 definition

19 A. In area A or area B, if a motor vehicle dealer sells a motor
20 vehicle that has less than one year remaining before it must undergo an
21 emissions test or has not taken an emissions test pursuant to section 49-542
22 and that is not covered under a current federal emissions warranty and if the
23 purchaser of the vehicle has the vehicle emissions tested within three days,
24 excluding holidays, of the purchase and if the vehicle fails the test, the
25 dealer shall do one of the following:

26 1. Rescind the purchase agreement and reimburse the purchaser for the
27 cost of the test.

28 2. Make repairs at the dealer's expense which bring the vehicle into
29 compliance with the emissions test.

30 3. Enter into a mutually acceptable alternative agreement with the
31 purchaser.

32 B. A motor vehicle dealer who sells a vehicle subject to the
33 provisions of subsection A of this section shall provide the purchaser with a
34 written notice of the purchaser's rights pursuant to this section prior to
35 completing the sale transaction. A motor vehicle dealer subject to the
36 provisions of section 49-546, subsection G shall also provide a written
37 summary of the requirements of section 49-542 to the purchaser. The notice
38 shall be available in English and in Spanish.

39 C. A motor vehicle dealer who meets the requirements of section
40 49-546, subsection G shall conduct the dealer's business pursuant to this
41 section for those vehicles which are required by law to be registered in
42 area A.

43 D. A motor vehicle dealer in area B who sells a vehicle to a resident
44 of area A may comply with emissions testing requirements pursuant to section
45 49-542, subsection F, paragraph ~~6~~ 5 by complying with this section and the
46 tampering inspection pursuant to section 49-542, subsection G.

1 E. In this section, unless the context otherwise requires, "motor
2 vehicle dealer" means a dealer who is a fleet operator and who has been
3 issued a permit under section 49-546.

4 Sec. 6. Conditional enactment

5 A. Section 49-542, Arizona Revised Statutes, as amended by section 3
6 of this act and section 49-542.03, Arizona Revised Statutes, as amended by
7 section 5 of this act, do not become effective unless on or before July 1,
8 2017 the United States environmental protection agency approves the proposed
9 modifications to the vehicle emissions testing program protocols as part of
10 the state implementation plan for air quality.

11 B. The director of the department of environmental quality shall
12 promptly notify in writing the director of the Arizona legislative council of
13 the date on which the condition prescribed in subsection A of this section is
14 met or if the condition is not met.

APPROVED BY THE GOVERNOR APRIL 17, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2014.