

House Engrossed

emissions inspection; collectible vehicles; dealers

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

**CHAPTER 116**  
**HOUSE BILL 2758**

AN ACT

AMENDING SECTION 49-542, ARIZONA REVISED STATUTES; RELATING TO VEHICLE EMISSIONS INSPECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 49-542, Arizona Revised Statutes, is amended to  
3 read:

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

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

26 B. The state's annual or biennial emissions inspection program  
27 shall provide for vehicle inspections at official emissions inspection  
28 stations or at fleet emissions inspection stations or may provide for  
29 remote vehicle inspection. Each official inspection station in area A  
30 shall employ at least one technical assistant who is available during the  
31 station's hours of operation to provide assistance for persons who fail  
32 the emissions test. An official or fleet emissions inspection station  
33 permit shall not be sold, assigned, transferred, conveyed or removed to  
34 another location except on such terms and conditions as the director may  
35 prescribe. The director shall establish a pilot program to provide for  
36 remote vehicle inspections in area A and area B. The director shall  
37 operate the pilot program for at least three consecutive years and shall  
38 complete the pilot program before July 1, 2025. On completion of the  
39 pilot program, the director shall submit to the joint legislative budget  
40 committee and the office of the governor a report summarizing the results  
41 of the pilot program. The director shall submit the report before the  
42 department implements any full scale remote vehicle inspection program and  
43 shall include in the report a summary of the data collected during the  
44 pilot program and a certification by the director that, based on the data  
45 collected during the pilot program, a full scale implementation of a

1 remote vehicle inspection program will increase the efficiency and reduce  
2 the costs of the vehicle emissions inspection program.

3 C. Vehicles required to be inspected and registered in this state,  
4 except those provided for in section 49-546, shall be inspected, for the  
5 purpose of complying with the registration requirement pursuant to  
6 subsection D of this section, in accordance with the provisions of this  
7 article ~~πσ~~ NOT more than ninety days before each registration expiration  
8 date. A vehicle may be submitted voluntarily for inspection more than  
9 ninety days before the registration expiration date on payment of the  
10 prescribed inspection fee. That voluntary inspection may be considered as  
11 compliance with the registration requirement pursuant to subsection D of  
12 this section only on conditions prescribed by the director.

13 D. A vehicle shall not be registered until such vehicle has passed  
14 the emissions inspection and the tampering inspection prescribed in  
15 subsection G of this section or has been issued a certificate of waiver.  
16 A certificate of waiver shall only be issued one time to a vehicle after  
17 January 1, 1997. If any vehicle to be registered is being sold by a  
18 dealer licensed to sell motor vehicles pursuant to title 28, the cost of  
19 any inspection and any repairs necessary to pass the inspection shall be  
20 borne by the dealer. A dealer who is licensed to sell motor vehicles  
21 pursuant to title 28 and whose place of business is located in area A or  
22 area B shall not deliver any vehicle to the retail purchaser until the  
23 vehicle passes any inspection required by this article, ~~στ~~ EXCEPT IF THE  
24 VEHICLE IS A COLLECTIBLE VEHICLE AND THE RETAIL PURCHASER OBTAINS  
25 COLLECTIBLE VEHICLE OR CLASSIC AUTOMOBILE INSURANCE COVERAGE AS PRESCRIBED  
26 IN SUBSECTION Z OF THIS SECTION BEFORE DELIVERY OR the vehicle is  
27 OTHERWISE exempt under subsection J of this section.

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

1 of \$.25. The registering officer or the department of transportation  
2 shall deposit, pursuant to sections 35-146 and 35-147, the air quality  
3 compliance fee in the state highway fund established by section  
4 28-6991. The department of transportation shall deposit, pursuant to  
5 sections 35-146 and 35-147, any emissions inspection fee in the emissions  
6 inspection fund. The provisions of this subsection do not apply to those  
7 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the  
8 sale of vehicles between motor vehicle dealers or vehicles leased to a  
9 person residing outside of area A or area B by a leasing company whose  
10 place of business is in area A or area B.

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

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

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

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

30 2. For the purposes of determining compliance with minimum  
31 emissions standards and functional tests in area A:

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

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

41 (c) A diesel powered motor vehicle applying for registration in  
42 area A shall be required to take and pass an annual emissions test  
43 conducted at an official emissions inspection station or a fleet emissions  
44 inspection station as follows:

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

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

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

9 (i) An evaporative system purge test.

10 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

43 7. Except for any registered owner or lessee of a fleet of less  
44 than twenty-five vehicles, a diesel powered motor vehicle with a gross  
45 vehicle weight of more than twenty-six thousand pounds and for which gross

1 weight fees are paid pursuant to title 28, chapter 15, article 2 in area A  
2 shall not be allowed to operate in area A unless it was manufactured in or  
3 after the 1988 model year or is powered by an engine that is certified to  
4 meet or surpass emissions standards contained in 40 Code of Federal  
5 Regulations section 86.088-11 in effect on July 1, 1995. This paragraph  
6 does not apply to vehicles that are registered pursuant to title 28,  
7 chapter 7, article 7 or 8.

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

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

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

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

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

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

37 2. The exemption from inspection of:

38 (a) Except as otherwise provided in this subdivision, a motor  
39 vehicle manufactured in or before the 1966 model year. If the United  
40 States environmental protection agency issues a vehicle emissions testing  
41 exemption for motor vehicles manufactured in or before the 1974 model year  
42 for purposes of the state implementation or maintenance plan for air  
43 quality, a motor vehicle manufactured in or before the 1974 model year is  
44 exempt from inspection.

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

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

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

12 (a) \$500 for a diesel powered vehicle with a gross weight in excess  
13 of twenty-six thousand pounds.

14 (b) \$500 for a diesel powered vehicle with tandem axles.

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

18 (i) \$200 for such a vehicle manufactured in or before the 1974  
19 model year.

20 (ii) \$300 for such a vehicle manufactured in the 1975 through 1979  
21 model years.

22 (iii) \$450 for such a vehicle manufactured in or after the 1980  
23 model year.

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

25 (a) \$300 for a diesel powered vehicle with a gross weight in excess  
26 of twenty-six thousand pounds.

27 (b) \$300 for a diesel powered vehicle with tandem axles.

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

31 (a) \$50 for such a vehicle manufactured in or before the 1974 model  
32 year.

33 (b) \$200 for such a vehicle manufactured in the 1975 through 1979  
34 model years.

35 (c) \$300 for such a vehicle manufactured in or after the 1980 model  
36 year.

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

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

1           0. The director of environmental quality shall establish, in  
2 cooperation with the assistant director for the motor vehicle division of  
3 the department of transportation:

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

8           2. A written notice that shall accompany the vehicle registration  
9 application forms that are sent to vehicle owners pursuant to section  
10 28-2151 and that shall accompany or be included as part of the vehicle  
11 emissions test results that are provided to vehicle owners at the time of  
12 the vehicle emissions test. This written notice shall describe at least  
13 the following:

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

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

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

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

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

30           Q. A fleet operator who is issued a permit pursuant to section  
31 49-546 may electronically transmit emissions inspection data to the  
32 department of transportation pursuant to rules adopted by the director of  
33 the department of transportation in consultation with the director of  
34 environmental quality.

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

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

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

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

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

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

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

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

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

27 1. Either:

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

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

32 2. Meets both of the following criteria:

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

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

APPROVED BY THE GOVERNOR MARCH 24, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2021.