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Jane Dee Hull
 Secretary of State

CHAPTER 30

SENATE BILL 1199

AN ACT

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

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; limitation on repair
 7 costs; exception

8 A. The director shall administer a comprehensive annual or biennial
 9 emissions inspection program which shall require the inspection of vehicles
 10 in this state pursuant to this article and applicable administrative rules.
 11 Such inspection is required in counties with a population in excess of three
 12 hundred fifty thousand persons according to the most recent United States
 13 decennial census only in vehicle emissions control areas of the county, for
 14 those vehicles owned by a person who is subject to section 15-1444 or 15-1627
 15 and for those vehicles registered outside of a vehicle emissions control area
 16 but used to commute to the driver's principal place of employment located
 17 within a vehicle emissions control area. Inspection in other counties of the
 18 state shall commence upon application by a county board of supervisors for
 19 participation in such inspection program, subject to approval by the
 20 director. In all counties with a population of three hundred fifty thousand
 21 or fewer persons according to the most recent United States decennial census,
 22 the director shall as conditions dictate provide for testing to determine the
 23 effect of vehicle related pollution on ambient air quality in all communities

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

7 B. The state's annual or biennial emissions inspection program shall
8 provide for vehicle inspections at official emissions inspection stations or
9 at fleet emissions inspection stations. Each inspection station in area A
10 shall employ at least one mechanic who is available during the station's
11 hours of operation to provide technical advice and assistance for persons who
12 fail the emissions test. The director may enter into agreements with the
13 department of transportation or with county assessors for the use of official
14 emissions inspection stations for the purpose of conducting vehicle
15 registrations. An official or fleet emissions inspection station permit
16 shall not be sold, assigned, transferred, conveyed or removed to another
17 location except on such terms and conditions as the director may prescribe.

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

28 D. A vehicle shall not be registered or reregistered until such
29 vehicle has passed the emissions inspection and the tampering inspection
30 prescribed in subsection G of this section or has been issued a certificate
31 of waiver. If any vehicle to be registered or reregistered is being sold by
32 a dealer licensed to sell motor vehicles pursuant to title 28, the cost of
33 any inspection and any repairs necessary to pass the inspection shall be
34 borne by the dealer. A dealer who is licensed to sell motor vehicles
35 pursuant to title 28 and whose place of business is located in a vehicle
36 emissions control area shall not deliver any vehicle to the retail purchaser
37 until the vehicle passes any inspection required by this article or the
38 vehicle is exempt under subsection J of this section.

39 E. On the registration or reregistration of a vehicle which has
40 complied with the minimum emissions standards pursuant to this section or is
41 otherwise exempt under this section, the registering officer shall issue an
42 air quality compliance sticker to the registered owner which shall be placed
43 on the vehicle as prescribed by rule adopted by the department of
44 transportation or issue a modified year validating tab as prescribed by rule

1 adopted by the department of transportation. Those persons who reside
2 outside of a vehicle emissions control area but who elect to test their
3 vehicle or are required to test their vehicle pursuant to this section and
4 who comply with the minimum emissions standards pursuant to this section or
5 are otherwise exempt under this section shall remit a compliance form, as
6 prescribed by the department of transportation, and proof of compliance
7 issued at an official emissions inspection station to the department of
8 transportation along with the appropriate fees. The department of
9 transportation shall then issue the person an air quality compliance sticker
10 which shall be placed on the vehicle as prescribed by rule adopted by the
11 department of transportation. The registering officer or the department of
12 transportation shall collect an air quality compliance fee of twenty-five
13 cents. The registering officer or the department of transportation shall
14 forward the air quality compliance fee to the state treasurer who shall
15 deposit the monies in the special fund established pursuant to section
16 28-301.03. The department of transportation shall forward any emissions
17 inspection fee to the state treasurer who shall deposit the monies in the
18 emissions inspection fund. The provisions of this subsection do not apply
19 to those vehicles registered pursuant to title 28, chapter 2, article 1.1,
20 the sale of vehicles between motor vehicle dealers or vehicles leased to a
21 person residing outside of a vehicle emissions control area by a leasing
22 company whose place of business is in a vehicle emissions control area.

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

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

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

38 (b) A motor vehicle manufactured in or after the 1981 model year,
39 other than a diesel powered vehicle, shall be required to take and pass the
40 curb idle test condition and the loaded test condition.

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

43 (a) Motor vehicles manufactured in or after model year 1981, with a
44 gross vehicle weight rating of eighty-five hundred pounds or less, other than

1 diesel powered vehicles, shall be required to take and pass a transient
2 loaded emissions test.

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

6 (c) A diesel powered motor vehicle shall be required to take and pass
7 a loaded, a transient or any other form of emissions test conducted at an
8 official emissions inspection station or a fleet emissions inspection
9 station.

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

12 (i) An on board diagnostic check as may be required pursuant to title
13 II of the clean air act.

14 (ii) An evaporative system purge test.

15 (iii) An evaporative system integrity test.

16 3. A motorcycle or constant four-wheel drive vehicle shall be required
17 to take and pass a curb idle emissions test.

18 4. Fleet operators in area B which have been issued a permit under
19 section 49-546 are required to test their vehicles as follows:

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

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

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 without
28 regard to whether those vehicles are required to be registered in this state.

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

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

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

40 G. In addition to an emissions inspection, a vehicle is subject to a
41 tampering inspection on at least a biennial basis if the vehicle was
42 manufactured after the 1974 model year and the vehicle is not subject to a
43 transient loaded emissions test. The director shall adopt vehicle
44 configuration guidelines for the tampering inspection which shall be based

1 on the original configuration of the vehicle when manufactured. The
2 tampering inspection shall consist of the following:

3 1. A visual check to determine the presence of properly installed
4 catalytic converters.

5 2. An examination to determine the presence of an operational air
6 pump.

7 ~~3. A visual inspection for the presence or malfunction of the fuel~~
8 ~~filler neck inlet restrictor.~~

9 4- 3. In area A, if the vehicle was manufactured after the 1974 model
10 year and is not subject to a transient loaded emissions test, a visual
11 inspection for the presence or malfunction of the positive crankcase
12 ventilation system and the evaporative control system.

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

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

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

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

29 2. The exemption from inspection of:

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

31 (b) New vehicles originally registered at the time of initial retail
32 sale and titling in this state pursuant to section 28-302.

33 (c) Vehicles registered pursuant to title 28, chapter 2, article 1.1.

34 (d) Vehicles which will not be available within the state during the
35 ninety days prior to registration.

36 (e) Golf carts.

37 (f) Electrically-powered vehicles.

38 (g) Vehicles with an engine displacement of less than ninety cubic
39 centimeters.

40 (h) The sale of vehicles between motor vehicle dealers.

41 (i) Vehicles leased to a person residing outside of a vehicle
42 emissions control area by a leasing company whose place of business is in a
43 vehicle emissions control area.

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

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

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

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

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

16 L. The director shall adopt rules which specify that the estimated
17 retail cost of all recommended maintenance and repairs shall not exceed the
18 amounts prescribed in this subsection, except that if a vehicle fails a
19 tampering inspection there is no limit on the cost of recommended maintenance
20 and repairs. The director shall issue a certificate of waiver for a vehicle
21 which has failed reinspection, if the director has determined that all
22 recommended maintenance and repairs have been performed. If, after
23 reinspection, the director has determined that the vehicle is in compliance
24 with minimum emissions standards or that all recommended maintenance and
25 repairs for compliance with minimum emissions standards have been performed,
26 but that tampering discovered at a tampering inspection has not been
27 repaired, the director may issue a certificate of waiver if the owner of the
28 vehicle provides to the director a written statement from an automobile parts
29 or repair business that an emissions control device which is necessary to
30 repair the tampering is not available and cannot be obtained from any usual
31 source of supply before the vehicle's current registration expires. Rules
32 adopted by the director for the purpose of establishing the estimated retail
33 cost of all recommended maintenance and repairs pursuant to this subsection
34 shall specify that:

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

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

38 (b) Five hundred dollars for a diesel powered vehicle with tandem
39 axles.

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

43 (i) One hundred dollars for such a vehicle manufactured in or before
44 the 1974 model year.

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

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

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

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

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

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

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

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

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

19 M. Each person whose vehicle has failed an emissions inspection shall
20 be provided a list of those general recommended tune-up procedures for
21 vehicles which are designed to reduce vehicle emissions levels.

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

25 O. The director of environmental quality shall establish, in
26 cooperation with the assistant director for the motor vehicle division of the
27 department of transportation, an adequate method for identifying bona fide
28 residents residing outside of vehicle emissions control areas to ensure that
29 such residents are exempt from compliance with the inspection program
30 established by this article and rules adopted under this article.

31 P. Notwithstanding any other law, if a vehicle emissions control area
32 is reclassified as an attainment area, emissions testing conducted pursuant
33 to this article shall continue for vehicles registered inside that
34 reclassified area, vehicles owned by a person who is subject to section
35 15-1444 or 15-1627 and vehicles registered outside of that reclassified area
36 but used to commute to the driver's principal place of employment located
37 within that reclassified area.

38 Q. A fleet operator who is issued a permit pursuant to section 49-546
39 may electronically transmit emissions inspection data to the department of
40 transportation pursuant to rules adopted pursuant to section 28-354.

41 R. If the administrator of the United States environmental protection
42 agency finds that area A has failed to demonstrate reasonable further
43 progress or has failed to attain the national ambient air quality standards
44 for carbon monoxide and ozone by the applicable attainment date, the director

1 shall operate and administer a program to replace catalytic converters on
2 certain motor vehicles. The director shall adopt rules to implement the
3 program which shall include the following:

4 1. Replacement of catalytic converters on all high-emitting vehicles
5 which fail inspection due to the catalytic converter system.

6 2. Prohibiting a certificate of waiver pursuant to subsection L of
7 this section for any vehicle which has failed inspection due to the catalytic
8 converter system.

9 3. A method of determining vehicle owners who qualify for financial
10 assistance for the repair and replacement programs.

11 S. For area A, the director shall establish a vehicle repair grant
12 program. The director shall adopt rules to implement the program, which
13 shall include the following:

14 1. Eligibility for receiving a grant, provided that eligibility shall
15 be limited to persons who own a high-emitting vehicle that fails inspection
16 and who are assistance recipients of the food stamp program.

17 2. In consultation with the director of the department of economic
18 security, an efficient and accurate system for proper verification of
19 eligibility status.

20 3. Establishment of categories of repair and maximum grant amounts
21 available for each category of repair. Qualified vehicle owners shall be
22 responsible for costs of qualified repairs up to fifty per cent of the
23 applicable threshold waiver amounts. The state shall be responsible for any
24 remaining costs of qualified repairs up to the applicable threshold waiver
25 amounts.

26 4. Establishment of procedures which promote administrative efficiency
27 and protect against possible fraud and abuse within the program.

28 5. A system for expedited payment of grant amounts to mechanics who
29 perform necessary repairs pursuant to the provisions of the program.

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

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

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

APPROVED BY THE GOVERNOR MARCH 25, 1996

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