

House Engrossed Senate Bill

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 163

## **SENATE BILL 1324**

AN ACT

AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 292, SECTION 19; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 64, SECTION 1; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 253, SECTION 1; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 253, SECTION 2; RELATING TO VEHICLE EMISSIONS TESTING; 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 49-542, Arizona Revised Statutes, as amended by  
3 Laws 2007, chapter 292, section 19, is amended to 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 which shall require the inspection of vehicles  
9 in this state pursuant to this article and applicable administrative  
10 rules. Such inspection is required in area A and area B, for those vehicles  
11 owned by a person who is subject to section 15-1444 or 15-1627 and for those  
12 vehicles registered outside of area A or area B but used to commute to the  
13 driver's principal place of employment located within area A or area B.  
14 Inspection in other counties of the state shall commence upon application by  
15 a county board of supervisors for participation in such inspection program,  
16 subject to approval by the director. In all counties with a population of  
17 three hundred fifty thousand or fewer persons according to the most recent  
18 United States decennial census, except for the portion of counties that  
19 contain any portion of area A, the director shall as conditions dictate  
20 provide for testing to determine the effect of vehicle related pollution on  
21 ambient air quality in all communities with a metropolitan area population of  
22 twenty thousand persons or more according to the most recent United States  
23 decennial census. If such testing detects the violation of state ambient air  
24 quality standards by vehicle related pollution, the director shall forward a  
25 full report of such violation to the president of the senate, the speaker of  
26 the house of representatives and the governor.

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

38 C. Vehicles required to be inspected and registered in this state,  
39 except those provided for in section 49-546, shall be inspected, for the  
40 purpose of complying with the registration or reregistration requirement  
41 pursuant to subsection D of this section, in accordance with the provisions  
42 of this article no more than ninety days prior to each reregistration  
43 expiration date. A vehicle may be submitted voluntarily for inspection more  
44 than ninety days before the reregistration expiration date on payment of the  
45 prescribed inspection fee. Such voluntary inspection shall not be considered

1 as compliance with the registration or reregistration requirement pursuant to  
2 subsection D of this section.

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

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

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

- 1           1. For the purpose of determining compliance with minimum emissions  
2 standards in area B:
- 3           (a) A motor vehicle manufactured in or before the 1980 model year,  
4 other than a diesel powered vehicle, shall be required to take and pass the  
5 curb idle test condition. A diesel powered vehicle is subject to only a  
6 loaded test condition. The conditioning mode shall, at the option of the  
7 vehicle owner or owner's agent, be administered only after the vehicle has  
8 failed the curb idle test condition. Upon completion of such conditioning  
9 mode, a vehicle that has failed the curb idle test condition may be retested  
10 in the curb idle test condition. If the vehicle passes such retest, it shall  
11 be deemed in compliance with minimum emissions standards unless the vehicle  
12 fails the tampering inspection pursuant to subsection G of this section or  
13 the liquid fuel leak inspection pursuant to subsection Z of this section.
- 14           (b) A motor vehicle manufactured in or after the 1981 model year,  
15 other than a diesel powered vehicle, shall be required to take and pass the  
16 curb idle test condition and the loaded test condition or an onboard  
17 diagnostic check as may be required pursuant to title II of the clean air  
18 act.
- 19           2. For purposes of determining compliance with minimum emissions  
20 standards and functional tests in area A:
- 21           (a) Motor vehicles manufactured in or after model year 1981 with a  
22 gross vehicle weight rating of eighty-five hundred pounds or less, other than  
23 diesel powered vehicles, shall be required to take and pass a transient  
24 loaded emissions test or an onboard diagnostic check as may be required  
25 pursuant to title II of the clean air act.
- 26           (b) Motor vehicles other than those prescribed by subdivision (a) of  
27 this paragraph and other than diesel powered vehicles shall be required to  
28 take and pass a steady state loaded test and a curb idle emissions test.
- 29           (c) A diesel powered motor vehicle applying for registration or  
30 reregistration in area A shall be required to take and pass an annual  
31 emissions test conducted at an official emissions inspection station or a  
32 fleet emissions inspection station as follows:
- 33           (i) A loaded, transient or any other form of test as provided for in  
34 rules adopted by the director for vehicles with a gross vehicle weight rating  
35 of eight thousand five hundred pounds or less.
- 36           (ii) A test that conforms with the society for automotive engineers  
37 standard J1667 for vehicles with a gross vehicle weight rating of more than  
38 eight thousand five hundred pounds.
- 39           (d) Motor vehicles by specific class or model year shall be required  
40 to take and pass any of the following tests:
- 41           (i) An evaporative system purge test.
- 42           (ii) An evaporative system integrity test.
- 43           (e) An onboard diagnostic check as may be required pursuant to title  
44 II of the clean air act.

1           3. A motorcycle in area A or any constant four wheel drive vehicle  
2 shall be required to take and pass a curb idle emissions test or an onboard  
3 diagnostic check as required pursuant to title II of the clean air act.

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

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

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

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

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

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

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

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

39          8. Beginning on January 1, 2006 for any registered owner or lessee of  
40 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle  
41 with a gross vehicle weight of more than twenty-six thousand pounds and for  
42 which gross weight fees are paid pursuant to title 28, chapter 15, article 2  
43 in area A shall not be allowed to operate in area A unless it was  
44 manufactured in or after the 1988 model year or is powered by an engine that  
45 is certified to meet or surpass emissions standards contained in 40 Code of

1 Federal Regulations section 86.088-11. This paragraph does not apply to  
2 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

3 G. In addition to an emissions inspection, a vehicle is subject to a  
4 tampering inspection on at least a biennial basis if the vehicle was  
5 manufactured after the 1974 model year and the vehicle is not subject to a  
6 transient loaded emissions test or an onboard diagnostic check as required  
7 pursuant to title II of the clean air act. The director shall adopt vehicle  
8 configuration guidelines for the tampering inspection which shall be based on  
9 the original configuration of the vehicle when manufactured. The tampering  
10 inspection shall consist of the following:

11 1. A visual check to determine the presence of properly installed  
12 catalytic converters.

13 2. An examination to determine the presence of an operational air  
14 pump.

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

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

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

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

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

36 2. The exemption from inspection of:

37 (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, a motor vehicle  
38 manufactured in or before the 1966 model year. IF THE UNITED STATES  
39 ENVIRONMENTAL PROTECTION AGENCY ISSUES A VEHICLE EMISSIONS TESTING EXEMPTION  
40 FOR MOTOR VEHICLES MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR FOR PURPOSES  
41 OF THE STATE IMPLEMENTATION OR MAINTENANCE PLAN FOR AIR QUALITY, A MOTOR  
42 VEHICLE MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR IS EXEMPT FROM  
43 INSPECTION.

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

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

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

5 (e) Vehicles which will not be available within the state during the  
6 ninety days prior to registration.

7 (f) Golf carts.

8 (g) Electrically-powered vehicles.

9 (h) Vehicles with an engine displacement of less than ninety cubic  
10 centimeters.

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

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

14 (k) Collectible vehicles.

15 (l) Motorcycles in area B.

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

18 4. A procedure which 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 which may be required to accomplish the provisions  
25 of this article.

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

31 L. The director shall adopt rules which 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 which has failed reinspection, if the director has determined that all  
37 recommended maintenance and repairs have been performed. If, after  
38 reinspection, the director has determined that the vehicle is in compliance  
39 with minimum emissions standards or that all recommended maintenance and  
40 repairs for compliance with minimum emissions standards have been performed,  
41 but that tampering discovered at a tampering inspection has not been  
42 repaired, the director may issue a certificate of waiver if the owner of the  
43 vehicle provides to the director a written statement from an automobile parts  
44 or repair business that an emissions control device which is necessary to  
45 repair the tampering is not available and cannot be obtained from any usual

1 source of supply before the vehicle's current registration expires. Rules  
2 adopted by the director for the purpose of establishing the estimated retail  
3 cost of all recommended maintenance and repairs pursuant to this subsection  
4 shall specify that:

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

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

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

10 (c) 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 (i) Two hundred dollars for such a vehicle manufactured in or before  
14 the 1974 model year.

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

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

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

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

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

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

27 (a) Fifty dollars for such a vehicle manufactured in or before the  
28 1974 model year.

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

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

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

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

42 O. The director of environmental quality shall establish, in  
43 cooperation with the assistant director for the motor vehicle division of the  
44 department of transportation:

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

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

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

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

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

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

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

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

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

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

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

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

42           V. The director of environmental quality and the director of the  
43 department of transportation shall implement a system to exchange information  
44 relating to the waiver program, including information relating to vehicle  
45 emissions test results and vehicle registration information.

1 W. Any person who sells a vehicle that has been issued a certificate  
2 of waiver pursuant to this section after January 1, 1997 and who knows that a  
3 certificate of waiver has been issued after January 1, 1997 for that vehicle  
4 shall disclose to the buyer before completion of the sale that a certificate  
5 of waiver has been issued for that vehicle.

6 X. Vehicles that fail the emissions test at emission levels higher  
7 than twice the standard established for that vehicle class by the department  
8 pursuant to section 49-447 are not eligible for a certificate of waiver  
9 pursuant to this section unless the vehicle is repaired sufficiently to  
10 achieve an emissions level below twice the standard for that class of  
11 vehicle.

12 Y. If an insurer notifies the department of transportation of the  
13 cancellation or nonrenewal of collectible vehicle or classic automobile  
14 insurance coverage for a collectible vehicle, the department of  
15 transportation shall cancel the registration of the vehicle and the vehicle's  
16 exemption from emissions testing pursuant to this section unless evidence of  
17 coverage is presented to the department of transportation within sixty days.

18 Z. In addition to an emissions inspection, a vehicle is subject to a  
19 liquid fuel leak inspection on at least a biennial basis if the vehicle was  
20 manufactured after the 1974 model year and is not a diesel vehicle. The  
21 director shall adopt rules prescribing procedures and standards for the  
22 liquid fuel leak inspection.

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

25 1. Either:

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

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

30 2. Meets both of the following criteria:

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

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

37 Sec. 2. Section 49-542, Arizona Revised Statutes, as amended by Laws  
38 2008, chapter 64, section 1, is amended to read:

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

42 A. The director shall administer a comprehensive annual or biennial  
43 emissions inspection program which shall require the inspection of vehicles  
44 in this state pursuant to this article and applicable administrative rules.  
45 Such inspection is required in area A and area B, for those vehicles owned by

1 a person who is subject to section 15-1444 or 15-1627 and for those vehicles  
2 registered outside of area A or area B but used to commute to the driver's  
3 principal place of employment located within area A or area B. Inspection in  
4 other counties of the state shall commence upon application by a county board  
5 of supervisors for participation in such inspection program, subject to  
6 approval by the director. In all counties with a population of three hundred  
7 fifty thousand or fewer persons according to the most recent United States  
8 decennial census, except for the portion of counties that contain any portion  
9 of area A, the director shall as conditions dictate provide for testing to  
10 determine the effect of vehicle related pollution on ambient air quality in  
11 all communities with a metropolitan area population of twenty thousand  
12 persons or more according to the most recent United States decennial census.  
13 If such testing detects the violation of state ambient air quality standards  
14 by vehicle related pollution, the director shall forward a full report of  
15 such violation to the president of the senate, the speaker of the house of  
16 representatives and the governor.

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

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

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

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

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

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

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

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

1 be deemed in compliance with minimum emissions standards unless the vehicle  
2 fails the tampering inspection pursuant to subsection G of this section or  
3 the liquid fuel leak inspection pursuant to subsection Z of this section.

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

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

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

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

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

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

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

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

31 (i) An evaporative system purge test.

32 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

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

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

39 G. In addition to an emissions inspection, a vehicle is subject to a  
40 tampering inspection on at least a biennial basis if the vehicle was  
41 manufactured after the 1974 model year and the vehicle is not subject to a  
42 transient loaded emissions test or an onboard diagnostic check as required  
43 pursuant to title II of the clean air act. The director shall adopt vehicle  
44 configuration guidelines for the tampering inspection which shall be based on

1 the original configuration of the vehicle when manufactured. The tampering  
2 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. In area A, if the vehicle was manufactured after the 1974 model  
8 year and is not subject to a transient loaded emissions test or an onboard  
9 diagnostic check as required pursuant to title II of the clean air act, a  
10 visual inspection for the presence or malfunction of the positive crankcase  
11 ventilation system and the evaporative control system.

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

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

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

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

28 2. The exemption from inspection of:

29 (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, a motor vehicle  
30 manufactured in or before the 1966 model year. IF THE UNITED STATES  
31 ENVIRONMENTAL PROTECTION AGENCY ISSUES A VEHICLE EMISSIONS TESTING EXEMPTION  
32 FOR MOTOR VEHICLES MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR FOR PURPOSES  
33 OF THE STATE IMPLEMENTATION OR MAINTENANCE PLAN FOR AIR QUALITY, A MOTOR  
34 VEHICLE MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR IS EXEMPT FROM  
35 INSPECTION.

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

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

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

42 (e) Vehicles which will not be available within the state during the  
43 ninety days prior to registration.

44 (f) Golf carts.

45 (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 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 may be required to accomplish the provisions  
17 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" for motor vehicles subject to inspection under  
21 this article. The definition shall specify repair procedures which, when  
22 implemented, will reduce vehicle emissions.

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

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

43 (a) Five hundred dollars for a diesel powered vehicle with a gross  
44 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 procedures for  
28 vehicles which are designed to reduce vehicle emissions levels. The list  
29 shall include the following notice: "This test is the result of federal  
30 law. You may wish to contact your representative in the United States  
31 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

1 results that are provided to vehicle owners at the time of the vehicle  
2 emissions test. This written notice shall describe at least the following:

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

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

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

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

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

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

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

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

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

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

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

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

1 X. Vehicles that fail the emissions test at emission levels higher  
2 than twice the standard established for that vehicle class by the department  
3 pursuant to section 49-447 are not eligible for a certificate of waiver  
4 pursuant to this section unless the vehicle is repaired sufficiently to  
5 achieve an emissions level below twice the standard for that class of  
6 vehicle.

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

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

18 AA. For the purposes of this section, "collectible vehicle" means a  
19 vehicle that complies with both of the following:

20 1. Either:

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

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

25 2. Meets both of the following criteria:

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

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

32 Sec. 3. Section 49-542, Arizona Revised Statutes, as amended by Laws  
33 2010, chapter 253, section 1, is amended to read:

34 49-542. Emissions inspection program; powers and duties of  
35 director; administration; periodic inspection;  
36 minimum standards and rules; exceptions; definition

37 A. The director shall administer a comprehensive annual or biennial  
38 emissions inspection program which shall require the inspection of vehicles  
39 in this state pursuant to this article and applicable administrative rules.  
40 Such inspection is required in area A and area B, for those vehicles owned by  
41 a person who is subject to section 15-1444 or 15-1627 and for those vehicles  
42 registered outside of area A or area B but used to commute to the driver's  
43 principal place of employment located within area A or area B. Inspection in  
44 other counties of the state shall commence on application by a county board  
45 of supervisors for participation in such inspection program, subject to

1 approval by the director. In all counties with a population of three hundred  
2 fifty thousand or fewer persons according to the most recent United States  
3 decennial census, except for the portion of counties that contain any portion  
4 of area A, the director shall as conditions dictate provide for testing to  
5 determine the effect of vehicle related pollution on ambient air quality in  
6 all communities with a metropolitan area population of twenty thousand  
7 persons or more according to the most recent United States decennial census.  
8 If such testing detects the violation of state ambient air quality standards  
9 by vehicle related pollution, the director shall forward a full report of  
10 such violation to the president of the senate, the speaker of the house of  
11 representatives and the governor.

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

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

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

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

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

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

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

44 (b) A motor vehicle manufactured in or after the 1981 model year,  
45 other than a diesel powered vehicle, shall be required to take and pass the

1 curb idle test condition and the loaded test condition or an onboard  
2 diagnostic check as may be required pursuant to title II of the clean air  
3 act. For any vehicle that receives an onboard diagnostic check that results  
4 in a finding that the vehicle is not ready for testing or that results in a  
5 test failure, the vehicle qualifies for a special ninety day resident  
6 registration pursuant to section 28-2154, subsection D. The director shall  
7 provide the vehicle owner with a written description of the process to obtain  
8 a special ninety day resident registration along with a report that  
9 identifies up to ten not ready for testing or test failure codes and, when  
10 available, a general description of the codes.

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

13 (a) Motor vehicles manufactured in or after model year 1981 with a  
14 gross vehicle weight rating of eighty-five hundred pounds or less, other than  
15 diesel powered vehicles, shall be required to take and pass a transient  
16 loaded emissions test or an onboard diagnostic check as may be required  
17 pursuant to title II of the clean air act. For any vehicle that receives an  
18 onboard diagnostic check that results in a finding that the vehicle is not  
19 ready for testing or that results in a diagnostic trouble code, the vehicle  
20 qualifies for a special ninety day resident registration pursuant to section  
21 28-2154, subsection D. The director shall provide the vehicle owner with a  
22 written description of the process to obtain a special ninety day resident  
23 registration along with a report that identifies up to ten not ready for  
24 testing or test failure codes and, when available, a general description of  
25 the codes.

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

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

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

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

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

41 (i) An evaporative system purge test.

42 (ii) An evaporative system integrity test.

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

1           3. A motorcycle in area A or any constant four wheel drive vehicle  
2 shall be required to take and pass a curb idle emissions test or an onboard  
3 diagnostic check as required pursuant to title II of the clean air act.

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

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

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

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

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

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

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

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

39           8. Beginning on January 1, 2006 for any registered owner or lessee of  
40 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle  
41 with a gross vehicle weight of more than twenty-six thousand pounds and for  
42 which gross weight fees are paid pursuant to title 28, chapter 15, article 2  
43 in area A shall not be allowed to operate in area A unless it was  
44 manufactured in or after the 1988 model year or is powered by an engine that  
45 is certified to meet or surpass emissions standards contained in 40 Code of

1 Federal Regulations section 86.088-11. This paragraph does not apply to  
2 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

3 G. In addition to an emissions inspection, a vehicle is subject to a  
4 tampering inspection on at least a biennial basis if the vehicle was  
5 manufactured after the 1974 model year and the vehicle is not subject to a  
6 transient loaded emissions test or an onboard diagnostic check as required  
7 pursuant to title II of the clean air act. The director shall adopt vehicle  
8 configuration guidelines for the tampering inspection which shall be based on  
9 the original configuration of the vehicle when manufactured. The tampering  
10 inspection shall consist of the following:

11 1. A visual check to determine the presence of properly installed  
12 catalytic converters.

13 2. An examination to determine the presence of an operational air  
14 pump.

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

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

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

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

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

36 2. The exemption from inspection of:

37 (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, a motor vehicle  
38 manufactured in or before the 1966 model year. IF THE UNITED STATES  
39 ENVIRONMENTAL PROTECTION AGENCY ISSUES A VEHICLE EMISSIONS TESTING EXEMPTION  
40 FOR MOTOR VEHICLES MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR FOR PURPOSES  
41 OF THE STATE IMPLEMENTATION OR MAINTENANCE PLAN FOR AIR QUALITY, A MOTOR  
42 VEHICLE MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR IS EXEMPT FROM  
43 INSPECTION.

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

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

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

5 (e) Vehicles which will not be available within the state during the  
6 ninety days prior to registration.

7 (f) Golf carts.

8 (g) Electrically-powered vehicles.

9 (h) Vehicles with an engine displacement of less than ninety cubic  
10 centimeters.

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

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

14 (k) Collectible vehicles.

15 (l) Motorcycles in area B.

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

18 4. A procedure which 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 which may be required to accomplish the provisions  
25 of 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 "low emissions tune-up" for motor vehicles subject to inspection under  
29 this article. The definition shall specify repair procedures which, when  
30 implemented, will reduce vehicle emissions.

31 L. The director shall adopt rules which 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 which has failed reinspection, if the director has determined that all  
37 recommended maintenance and repairs have been performed. If, after  
38 reinspection, the director has determined that the vehicle is in compliance  
39 with minimum emissions standards or that all recommended maintenance and  
40 repairs for compliance with minimum emissions standards have been performed,  
41 but that tampering discovered at a tampering inspection has not been  
42 repaired, the director may issue a certificate of waiver if the owner of the  
43 vehicle provides to the director a written statement from an automobile parts  
44 or repair business that an emissions control device which is necessary to  
45 repair the tampering is not available and cannot be obtained from any usual

1 source of supply before the vehicle's current registration expires. Rules  
2 adopted by the director for the purpose of establishing the estimated retail  
3 cost of all recommended maintenance and repairs pursuant to this subsection  
4 shall specify that:

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

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

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

10 (c) 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 (i) Two hundred dollars for such a vehicle manufactured in or before  
14 the 1974 model year.

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

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

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

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

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

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

27 (a) Fifty dollars for such a vehicle manufactured in or before the  
28 1974 model year.

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

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

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

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

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

44 1. An adequate method for identifying bona fide residents residing  
45 outside of area A or area B to ensure that such residents are exempt from

1 compliance with the inspection program established by this article and rules  
2 adopted under this article.

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

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

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

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

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

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

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

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

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

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

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

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

44 W. Any person who sells a vehicle that has been issued a certificate  
45 of waiver pursuant to this section after January 1, 1997 and who knows that a

1 certificate of waiver has been issued after January 1, 1997 for that vehicle  
2 shall disclose to the buyer before completion of the sale that a certificate  
3 of waiver has been issued for that vehicle.

4 X. Vehicles that fail the emissions test at emission levels higher  
5 than twice the standard established for that vehicle class by the department  
6 pursuant to section 49-447 are not eligible for a certificate of waiver  
7 pursuant to this section unless the vehicle is repaired sufficiently to  
8 achieve an emissions level below twice the standard for that class of  
9 vehicle.

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

16 Z. In addition to an emissions inspection, a vehicle is subject to a  
17 liquid fuel leak inspection on at least a biennial basis if the vehicle was  
18 manufactured after the 1974 model year and is not a diesel vehicle. The  
19 director shall adopt rules prescribing procedures and standards for the  
20 liquid fuel leak inspection.

21 AA. For the purposes of this section, "collectible vehicle" means a  
22 vehicle that complies with both of the following:

23 1. Either:

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

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

28 2. Meets both of the following criteria:

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

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

35 Sec. 4. Section 49-542, Arizona Revised Statutes, as amended by Laws  
36 2010, chapter 253, section 2, 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 shall require the inspection of vehicles  
42 in this state pursuant to this article and applicable administrative rules.  
43 Such inspection is required in area A and area B, for those vehicles owned by  
44 a person who is subject to section 15-1444 or 15-1627 and for those vehicles  
45 registered outside of area A or area B but used to commute to the driver's

1 principal place of employment located within area A or area B. Inspection in  
2 other counties of the state shall commence on application by a county board  
3 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 who is available during the station's  
19 hours of operation to provide technical advice and assistance for persons who  
20 fail the emissions test. The director may enter into agreements with the  
21 department of transportation or with county assessors for the use of official  
22 emissions inspection stations for the purpose of conducting vehicle  
23 registrations. An official or fleet emissions inspection station permit  
24 shall not be sold, assigned, transferred, conveyed or removed to another  
25 location except on such terms and conditions as the director may prescribe.

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

36 D. A vehicle shall not be registered or reregistered until such  
37 vehicle has passed the emissions inspection, the tampering inspection  
38 prescribed in subsection G of this section and the liquid fuel leak  
39 inspection prescribed in subsection Z of this section or has been issued a  
40 certificate of waiver. A certificate of waiver shall only be issued one time  
41 to a vehicle after January 1, 1997. If any vehicle to be registered or  
42 reregistered is being sold by a dealer licensed to sell motor vehicles  
43 pursuant to title 28, the cost of any inspection and any repairs necessary to  
44 pass the inspection shall be borne by the dealer. A dealer who is licensed  
45 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 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 shall be placed  
8 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, at the option of the vehicle  
40 owner or owner's agent, shall be administered only after the vehicle has  
41 failed the curb idle test condition. On completion of such conditioning  
42 mode, a vehicle that has failed the curb idle test condition may be retested  
43 in the curb idle test condition. If the vehicle passes such retest, it shall  
44 be deemed in compliance with minimum emissions standards unless the vehicle

1 fails the tampering inspection pursuant to subsection G of this section or  
2 the liquid fuel leak inspection pursuant to subsection Z of 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. For any vehicle that receives an onboard diagnostic check that results  
8 in a finding that the vehicle is not ready for testing or that results in a  
9 test failure, the vehicle qualifies for a special ninety day resident  
10 registration pursuant to section 28-2154, subsection D. The director shall  
11 provide the vehicle owner with a written description of the process to obtain  
12 a special ninety day resident registration along with a report that  
13 identifies up to ten not ready for testing or test failure codes and, when  
14 available, a general description of the codes.

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

17 (a) Motor vehicles manufactured in or after model year 1981 with a  
18 gross vehicle weight rating of eighty-five hundred pounds or less, other than  
19 diesel powered vehicles, shall be required to take and pass a transient  
20 loaded emissions test or an onboard diagnostic check as may be required  
21 pursuant to title II of the clean air act. For any vehicle that receives an  
22 onboard diagnostic check that results in a finding that the vehicle is not  
23 ready for testing or that results in a diagnostic trouble code, the vehicle  
24 qualifies for a special ninety day resident registration pursuant to section  
25 28-2154, subsection D. The director shall provide the vehicle owner with a  
26 written description of the process to obtain a special ninety day resident  
27 registration along with a report that identifies up to ten not ready for  
28 testing or test failure codes and, when available, a general description of  
29 the codes.

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

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

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

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

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

45 (i) An evaporative system purge test.

1 (ii) An evaporative system integrity test.

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

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

7 4. Fleet operators in area B must 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 under section 49-546 shall be tested as follows:

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

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

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

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

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

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

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

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

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

6 G. In addition to an emissions inspection, a vehicle is subject to a  
7 tampering inspection on at least a biennial basis if the vehicle was  
8 manufactured after the 1974 model year and the vehicle is not subject to a  
9 transient loaded emissions test or an onboard diagnostic check as required  
10 pursuant to title II of the clean air act. The director shall adopt vehicle  
11 configuration guidelines for the tampering inspection which shall be based on  
12 the original configuration of the vehicle when manufactured. The tampering  
13 inspection shall consist of the following:

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

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

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

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

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

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

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

39 2. The exemption from inspection of:

40 (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, a motor vehicle  
41 manufactured in or before the 1966 model year. IF THE UNITED STATES  
42 ENVIRONMENTAL PROTECTION AGENCY ISSUES A VEHICLE EMISSIONS TESTING EXEMPTION  
43 FOR MOTOR VEHICLES MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR FOR PURPOSES  
44 OF THE STATE IMPLEMENTATION OR MAINTENANCE PLAN FOR AIR QUALITY, A MOTOR

1 VEHICLE MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR IS EXEMPT FROM  
2 INSPECTION.

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

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

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

9 (e) Vehicles which will not be available within the state during the  
10 ninety days prior to registration.

11 (f) Golf carts.

12 (g) Electrically-powered vehicles.

13 (h) Vehicles with an engine displacement of less than ninety cubic  
14 centimeters.

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

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

18 (k) Collectible vehicles.

19 (l) Motorcycles.

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

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

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

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

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

35 L. The director shall adopt rules which specify that the estimated  
36 retail cost of all recommended maintenance and repairs shall not exceed the  
37 amounts prescribed in this subsection, except that if a vehicle fails a  
38 tampering inspection there is no limit on the cost of recommended maintenance  
39 and repairs. The director shall issue a certificate of waiver for a vehicle  
40 which has failed reinspection, if the director has determined that all  
41 recommended maintenance and repairs have been performed. If, after  
42 reinspection, the director has determined that the vehicle is in compliance  
43 with minimum emissions standards or that all recommended maintenance and  
44 repairs for compliance with minimum emissions standards have been performed,  
45 but that tampering discovered at a tampering inspection has not been

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

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

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

12 (b) Five hundred dollars for a diesel powered vehicle with tandem  
13 axles.

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

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

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

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

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

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

26 (b) Three hundred dollars for a diesel powered vehicle with tandem  
27 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) Fifty dollars for such a vehicle manufactured in or before the  
32 1974 model year.

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

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

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

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

1           O. The director of environmental quality shall establish, in  
2 cooperation with the assistant director for the motor vehicle division of the  
3 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 rules  
7 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 28-2151  
10 and that shall accompany or be included as part of the vehicle emissions test  
11 results that are provided to vehicle owners at the time of the vehicle  
12 emissions test. This written notice shall describe at least the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Z. In addition to an emissions inspection, a vehicle is subject to a  
23 liquid fuel leak inspection on at least a biennial basis if the vehicle was  
24 manufactured after the 1974 model year and is not a diesel vehicle. The  
25 director shall adopt rules prescribing procedures and standards for the  
26 liquid fuel leak inspection.

27 AA. For the purposes of this section, "collectible vehicle" means a  
28 vehicle that complies with both of the following:

29 1. Either:

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

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

34 2. Meets both of the following criteria:

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

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

41 Sec. 5. Conditional enactment; notice

42 A. Section 49-542, Arizona Revised Statutes, as amended by Laws 2008,  
43 chapter 64, section 1 and this act, does not become effective unless the  
44 condition prescribed in Laws 2008, chapter 64, section 2, as amended by Laws  
45 2010, chapter 42, section 1, is met.

1           B. Section 49-542, Arizona Revised Statutes, as amended by Laws 2010,  
2 chapter 253, section 1 and this act, does not become effective unless the  
3 condition prescribed in Laws 2010, chapter 253, section 3, subsection A is  
4 met.

5           C. Section 49-542, Arizona Revised Statutes, as amended by Laws 2010,  
6 chapter 253, section 2 and this act, does not become effective unless the  
7 conditions prescribed in Laws 2010, chapter 253, section 3, subsection B are  
8 met.

9           D. The director of the department of environmental quality shall  
10 promptly notify in writing the director of the Arizona legislative council of  
11 the date on which any of the conditions prescribed in this section are met or  
12 if the conditions are not met.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.

Passed the House April 12, 20 11,

Passed the Senate March 9, 20 11,

by the following vote: 40 Ayes,

by the following vote: 20 Ayes,

19 Nays, 1 Not Voting

9 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**S.B. 1324**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 13, 20 11

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

13 day of April, 2011

at 4:25 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 18<sup>th</sup> day of

April

at 3:50 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18<sup>th</sup> day of April, 2011

at 5:04 o'clock P. M.

[Signature]  
Secretary of State

S.B. 1324