



SIP Revision: Arizona Vehicle Emissions Inspection and Maintenance Program

*Air Quality Division
October 26, 2022 Proposal*

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**Completeness Criteria
(40 C.F.R. Part 51, Appendix V, § 2.0)**

Appendix V § 2.1 - Administrative Materials

(a) A formal signed, stamped, and dated letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter "the plan"). If electing to submit a paper submission with a copy in electronic version, the submittal letter must verify that the electronic copy provided is an exact duplicate of the paper submission.

A cover letter will be included in the final SIP Revision.

(b) Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

Copies of the legislation adopting the regulatory for which approval is sought in this SIP Revision is included in Appendix B.

(c) Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

See Appendix A.

ADEQ has primary responsibility for air pollution control and abatement, and as such, is required to adopt and "maintain a state implementation plan that provides for implementation, maintenance and enforcement of national ambient air quality standards and protection of visibility as required by the clean air act." A.R.S. § 49-404(A). ADEQ also maintains authority to issue and administer rules, adopt county rules, and to submit such rules for approval into the SIP. Copies of Arizona Revised Statutes, Sections 49-104, 49-106, 49-404, 49-406, and 49-425 are included in Appendix A for reference only.

(d) A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made (such as redline/strikethrough) to the existing approved plan, where applicable. The submission shall include a copy of the official State regulation/document, signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of any regulation/document contained in the submission shall, whenever possible, be indicated in the regulation/document itself; otherwise the State should include a letter signed, stamped, and dated by the appropriate State official indicating the effective date. If the regulation/document provided by the State for approval and incorporation by reference into the plan is a copy of an existing publication, the State submission should, whenever possible, include a copy of the publication cover page and table of contents.

See Appendix B.

(e) Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

An appendix including this evidence will be included in final SIP Revision.

(f) Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.

Proof that ADEQ gave notice of the SIP Revision in accordance with A.R.S. § 49-444 will be attached as an appendix to the final SIP Revision.

(g) Certification that public hearing(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable and consistent with the public hearing requirements in 40 CFR 51.102.

The certification and other documents related to the public hearing will be attached as an appendix to the final SIP Revision.

(h) Compilation of public comments and the State's response thereto.

A compilation of any public comments and ADEQ's response to them will be attached as an appendix to the final SIP Revision.

Appendix V § 2.1 - Technical Support

(a) Identification of all regulated pollutants affected by the plan.

Ozone and Carbon Monoxide.

(b) Identification of the locations of affected sources including the EPA attainment/nonattainment designation of the locations and the status of the attainment plan for the affected areas(s).

This SIP revision will not affect any specific sources.

(c) Quantification of the changes in plan allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.

See Section 4, Demonstrating Noninterference with attainment of the National Ambient Air Quality Standards or reasonable further progress under Clean Air Act Section 110(l).

(d) The State's demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.

See Section 4, Demonstrating Noninterference with attainment of the National Ambient Air Quality Standards or reasonable further progress under Clean Air Act Section 110(l).

(e) Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.

Not applicable.

(f) Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.

Not applicable.

(g) Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels.

Not applicable.

(h) Compliance/enforcement strategies, including how compliance will be determined in practice.

The vehicle emissions inspection and maintenance program addressed in this SIP Revision is an ongoing SIP-approved program. No substantial changes to compliance and enforcement strategies will be required as a result of this revision.

(i) Special economic and technological justifications required by any applicable EPA policies, or an explanation of why such justifications are not necessary.

Not applicable.

1 Introduction

The purpose of this revision to the State Implementation Plan (SIP) is to incorporate changes to the statutes governing the Arizona vehicle emissions inspection and maintenance (I/M) program adopted since EPA last approved these statutes into the SIP.

In particular, in 2021 the legislature conditionally enacted amendments to A.R.S. §§ 49-452 and 49-452.03 that, among other things, would expand the number of vehicles that are tested through on-board diagnostics (OBD). The legislature conditioned enactment of these amendments on EPA approving them into the SIP on or before July 1, 2023.

ADEQ gave notice and held a public hearing on a version of this SIP revision that included both statutory and regulatory changes to the I/M program. ADEQ subsequently determined that additional amendments to the rules were necessary before they could be submitted as part of a SIP revision. In addition, ADEQ determined that the newspaper notification for the earlier version contained incorrect dates for the public hearing and end of the public comment period and was therefore defective. ADEQ therefore did not submit the previous version to EPA and is providing the public with an opportunity to comment and attend a hearing on this revised SIP revisions that contains only statutory changes to the I/M program.

As required by § 110(l) of the Clean Air Act (CAA), this document includes a demonstration that this SIP revision will not interfere with attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) or any other requirement of the CAA.

2 Arizona Carbon Monoxide, Ozone, and I/M Regulatory Background

Inspection and maintenance programs are required in certain areas that do not meet the carbon monoxide (CO) and ozone NAAQS in order to reduce emissions and improve air quality. These programs help identify vehicles with excess emissions, provide information to assist with diagnosing malfunctions that cause excess emissions, and require repair of vehicles to bring them into compliance with emissions standards.

Two areas of Arizona are subject to the I/M program due to past or present CO and ozone nonattainment designations. Portions of the Phoenix and Tucson metropolitan areas were designated nonattainment under the CO NAAQS. They have since attained the NAAQS, have approved maintenance plans, and are designated attainment for CO.¹ The Phoenix area has also been designated as nonattainment for the 1-hour, 1997 8-hour, 2008 8-hour, and 2015 8-hour ozone NAAQS. EPA has redesignated the Phoenix area to attainment for the 1-hour and 1997 8-hour NAAQS; it remains nonattainment for the 2008 and 2015 standards.

An enhanced I/M program satisfying the requirements of CAA § 182(c)(3) and 40 CFR 51.351 is currently operated in the expanded Phoenix metropolitan area, known as Area A,² located in portions of Maricopa, Pinal, and Yavapai Counties. The I/M program requires periodic emissions inspection of motor vehicles registered and operated within the area. The enhanced program is among the primary control measures used to help the Phoenix area attain and maintain the 1-hour ozone, 1997 8-hour ozone, 2008 8-hour ozone, 2015 8-hour ozone, and carbon monoxide NAAQS.³

A basic I/M program is operated in the Tucson Air Planning Area also called Area B.⁴ The basic I/M program is among the primary control measures used to help the Tucson area attain the CO NAAQS. The area is currently in maintenance status following redesignation to attainment effective July 10, 2000.

¹ 65 FR 36353; June 2, 2000. 65 FR 50651; August 21, 2000. See *1987 Carbon Monoxide State Implementation Plan Revision for the Tucson Air Planning; 1996 Carbon Monoxide Limited Maintenance Plan for the Tucson Air Planning Area; and 2008 Revision to the Carbon Monoxide Limited Maintenance Plan for the Tucson Air Planning Area (for 2010)*.

² See Arizona Revised Statutes §49-541(1) for a description of area A.

³ See *Final Serious Area Ozone State Implementation Plan for Maricopa County, December 2000; One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area, March 2004; Eight-Hour Ozone Plan for the Maricopa Nonattainment Area, June 2007; MAG Eight-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa Nonattainment Area, February 2009; Revised MAG 1999 Serious Area Carbon Monoxide Plan for the Maricopa Country Nonattainment Area, March 2001; and Carbon Monoxide Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area, May 2003*.

⁴ See ARS §49-541(2) for a description of Area B.

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A portion of Yuma County has been designated as nonattainment for the 2015 8-hour ozone NAAQS. That area is currently classified as marginal and is therefore not subject to the CAA's I/M requirements.⁵

⁵ See CAA § 182(a), (b)(4), (c)(3).

3 Statutes to Be Added to and Removed from the SIP

Section 49-542 of Arizona Revised Statutes (A.R.S.) authorizes the I/M program and establishes requirements and procedures for the program. Section 49-542.03 establishes obligations for motor vehicle dealers selling vehicles that are no longer covered by a federal emissions warranty.

3.1 SIP-Approved Version

The last version of § 49-542 approved into the SIP was the statute as amended by Laws 2008, Ch. 64 (HB2280). These amendments exempted motorcycles in Area A from the I/M program.⁶

Section 49-542.03 has not yet been approved into the SIP. As noted below, the legislature nevertheless conditioned enactment of the 2021 amendments to the statute on obtaining EPA approval of the amendments.

3.2 Amendments Adopted Since SIP Approval

Since last approved into the SIP, § 49-542 has been amended by the following legislation:

- Laws 2014, Ch. 89 (HB2226), § 2⁷
- Laws 2019, Ch. 141 (HB2452), § 1
- Laws 2021, Ch. 27 (HB2329), §§ 2, 3
- Laws 2021, Ch. 116 (HB2758), § 1

In addition, § 4 of Laws 2021, Ch. 27 amended § 49-542.03.

A copy of this legislation as well as the current SIP-approved version of § 49-542 is included in Appendix B. In addition, Appendix C contains a markup of § 49-542 showing cumulative changes made to the statute since SIP approval. Appendix C was prepared by ADEQ and is not an official publication of the statute.

Section 9 of Laws 2021, Ch. 27 included the following conditional enactment clause:

Section 49-542, Arizona Revised Statutes, as amended by section 3 of this act, and section 49-542.03, Arizona Revised Statutes, as amended by this act, do not become effective unless on or before July 1, 2023 the United States environmental protection agency approves the proposed modifications to the vehicle emissions testing program protocols as part of the state implementation plan for air quality.

⁶ 78 FR 30209 (May 22, 2013).

⁷ HB2226 also included the same conditionally enacted amendments contained in the 2021 legislation. The time period for satisfying the condition, EPA approval, expired before the amendments could take effect.

Since some of the changes for which this SIP Revision seeks approval will not be enacted until EPA approves them, it is not possible to include an official codified version of §§ 49-542 and 49-542.03 with this SIP Revision. An official codified version will be provided after EPA approval.

ADEQ has adopted rule revisions designed to implement these statutory changes but plans on adopting additional amendments. ADEQ will submit the implementing rules as an additional SIP revision, once these amendments are complete.

The following is a description of the most significant changes made by the amendments:

3.2.1 OBD Testing Expansion

This SIP revision will expand OBD testing in Arizona to include any vehicle that is OBDII certified by EPA. Emissions testing using the on-board diagnostic system is a quick, efficient, and effective way to conduct an emissions test. Most 1996 and later vehicles have an internal computer that continuously monitors the engine, transmission, and other emissions control systems. The OBD test is early warning system that alerts the driver or vehicle owner about the need for repairs that can reduce air pollution and ensure that a vehicle keeps running as cleanly as it was designed to.

Previously, OBD testing was not done for fleets and certain weight classes of vehicles equipped with OBD in the state. This means that certain classes of vehicles in Arizona which were OBD certified by the EPA have not been receiving OBD tests.

In 2005, OBD systems became mandatory for heavy-duty vehicles and engines up to 14,000 lbs GVWR. Then in December 2008 EPA finalized OBD regulations for 2010 and later heavy-duty engines used in highway vehicles over 14,000 lbs GVWR and made changes to the OBD requirements for heavy-duty applications up to 14,000 lbs GVWR to align them with requirements for applications over 14,000 lbs GVWR.

The statutes incorporated in this SIP revision will mandate OBD testing for every EPA OBD certified vehicle in the state.

3.2.1.1 Diesel Vehicles

Diesel vehicles in Arizona currently do not undergo OBD testing. The testing procedures for Diesel vehicles also vary between Area A and Area B. This SIP revision will prescribe OBD testing for diesel vehicles that are OBDII certified by the EPA.

The following tables explain how the current diesel vehicle testing regime in Area A will be changed by approval of the amendments to § 49-542 into the SIP:

Table 3-1 Area A Diesel Testing Procedures Until Approval of SIP Revision

GVWR	Model Year	Test Frequency	Tests Applicable
More than 8,500 pounds	1975 or later	Annual	Snap idle Tampering

GVWR	Model Year	Test Frequency	Tests Applicable
More than 8,500 pounds	1967 through 1974	Annual	Snap idle
More than 4,000 and less than or equal to 8,500 pounds	1975 or later	Annual	Loaded opacity Tampering
More than 4,000 and less than or equal to 8,500 pounds	1967 through 1974	Annual	Loaded opacity
4,000 pounds or less	1975 or later	Annual	Loaded opacity Tampering
4,000 pounds or less	1967 through 1974	Annual	Loaded opacity

Table 3-2 Area B Diesel Testing Procedures Until Approval of SIP Revision

GVWR	Model Year	Test Frequency	Tests Applicable
More than 26,000 pounds	1975 or later	Annual	Loaded opacity Tampering
More than 26,000 pounds	1967 through 1974	Annual	Loaded opacity
More than 10,500 and less than or equal to 26,000 pounds	1975 or later	Annual	Loaded opacity Tampering
More than 10,500 and less than or equal to 26,000 pounds	1967 through 1974	Annual	Loaded opacity
More than 4,000 and less than or equal to 10,500	1975 or later	Annual	Loaded opacity Tampering
More than 4,000 and less than or equal to 10,500	1967 through 1974	Annual	Loaded opacity
4,000 pounds or less	1975 or later	Annual	Loaded opacity Tampering
4,000 pounds or less	1967 through 1974	Annual	Loaded opacity

Table 3-3 Area A and B Diesel Testing Procedures After Approval of SIP Revision

GVWR	OBD Certified?	Model Year	Test Frequency	Tests Applicable
Any	Yes	Any	Biennial	OBD Tampering
More than 8,500 pounds	No	1975 or later	Annual	Snap idle Tampering
More than 8,500 pounds	No	1967 through 1974	Annual	Snap idle
More than 4,000 and less than or equal to 8,500 pounds	No	1975 or later	Annual	Loaded opacity Tampering
More than 4,000 and less than or equal to 8,500 pounds	No	1967 through 1974	Annual	Loaded opacity

GVWR	OBD Certified?	Model Year	Test Frequency	Tests Applicable
4,000 pounds or less	No	1975 or later	Annual	Loaded opacity Tampering
4,000 pounds or less	No	1967 through 1974	Annual	Loaded opacity

3.2.2 Dealer fleet vehicles

A.R.S. § 49-542 (D) mandates that every motor vehicle sold in the state must pass an emissions test before being delivered to a retail purchaser. To ensure dealerships meet this requirement, ADEQ runs the fleet emissions testing program under a statutory grant of authority at A.R.S. § 49-546. The fleet program grants permits to businesses, governments, state agencies, and cities to perform decentralized emissions testing on the vehicles they own and operate.

Currently, motor vehicle dealer fleets in Arizona are not licensed to perform OBD testing. Instead, they still perform curb idle testing and 2500 RPM testing as prescribed by state law at A.R.S. § 49-542 (F)(4) and (F)(6). Governments and non-dealer fleets are allowed to perform OBD testing, but only on non-diesel vehicles.

After this SIP revision is approved, all gasoline vehicles that would receive an OBD test if they were tested at a state station will receive OBD tests at facilities that are licensed as fleet emissions testing stations. This will allow dealerships to perform more accurate, cheaper, and quicker emissions testing. This change will affect the testing method for around 70,000 cars a year. The following table below illustrates the impact of this change in terms of number of vehicles.

Table 3-4 Impact of Allowing OBD Testing for Fleet Vehicles

	Total Tests at State Stations	Total Fleet Tests	Dealer Fleet Tests (Curb Idle and 2500 RPM tests)	Government Non-OBD tests (SNAP tests and loaded diesel tests)	Approximate % of eligible vehicles not receiving an OBD test before registration in Arizona.
Area A (2016)	1,319,367	74,631	63,633	2,598	5%
Area A (2017)	1,344,400	85,350	65,350	4,130	5.2%
Area B (2016)	329,952	11,000	8,150	865	2.7%
Area B (2017)	332,687	8,025	6,000	1,337	2.2%

3.2.3 Elimination of the Possibility of Waiver for Vehicles with a Failing Catalytic Converter.

HB2226 (2014) modified A.R.S. § 49-542 on a non-contingent basis to prevent a vehicle with a failing catalytic converter from being eligible to receive a one-time waiver. Since 2014, Arizona requires that vehicles with failing catalytic converters receive repairs before registration. This change helps ensure that gross polluters are not able to operate in Arizona's non-attainment areas.

3.2.4 Elimination of Statutory Requirement for Liquid Fuel Leak Testing.

Arizona implemented a liquid fuel leak test as part of the pre-emissions test safety inspection in 2009. The liquid fuel leak test proved to be an impractical requirement at centralized emissions testing stations. Implementation resulted in multiple instances of vehicle damage and an increase in wait times. As a result, ADEQ halted the test in October of 2013. HB2226 (2014) memorialized this change.

The number of vehicles affected by this change was minimal. In 2012 there were 233 vehicles that failed the liquid fuel leak test. In 2013, there were 161 that failed before the test was suspended in October.

Despite elimination of this specific test, vehicles with leaking fuel are still rejected from testing for being presented in an unsafe testing condition.

3.2.5 Exemption of Cranes and Oversize Vehicles. (Contingent on Approval)

The intent of HB2226 (2014) was to reflect current processes, standards, and practices in statute. One of the provisions of the bill explicitly exempts vehicles that require permits pursuant to A.R.S. section 28-1100, 28-1103 or 28-1144 from emissions testing requirements. The state of Arizona has never conducted emissions testing on these types of vehicles.

Vehicles permitted under these statutes are cranes and heavy-duty machinery that are not manufactured for highway use. The Arizona Department of Transportation (ADOT) will permit these vehicles to travel on highways when they occasionally need to move. Because ADEQ does not currently test cranes and oversize vehicles, there should be no negative impact on air quality as a result of this change.

3.2.5.1 Exemption for Active Duty Military Owned Vehicles.

Another exemption in HB2226 (2014) is emissions testing for vehicles owned by members of the military that are not in use due to active duty outside of Arizona. This exemption requires the service member to submit an affidavit to ADEQ stating that they are on active duty outside of Arizona and that their vehicle is not in use. Since this exemption applies only to vehicles that are not in use, there will be no impact on air quality.

3.2.6 Expansion of emission testing consumer remedies to Area B.

To help ensure that vehicles meet emissions standards throughout their useable life, Arizona requires that all vehicles sold by automotive dealers pass an emissions test before delivery to a retail purchaser. This requirement previously applied only to dealers in Area A but HB2226 (2014) expanded this requirement to include Area B on a non-contingent basis.

This provision shifts the burden of emissions testing from consumer to a dealer and is one of the most effective ways to ensure that vehicles meet emissions standards. Motor vehicle dealers can fix cars more efficiently and more cost effectively than the general public.

Table 3-5 Statutes to Be Added to and Removed from the SIP

Rule or Statute Added	SIP Rule(s) Replaced
A.R.S § 49-542 – Emissions inspection program; powers and duties of director; administration; periodic inspection; minimum standards and rule; exceptions; definition.	A.R.S § 49-542 – Emissions inspection program; powers and duties of director; administration; periodic inspection; minimum standards and rule; exceptions; definition.
A.R.S § 49-542.03 – Motor vehicle dealer; emissions testing; remedies; definition.	Not Applicable

4 Demonstrating Noninterference with Attainment of the National Ambient Air Quality Standards or Reasonable Further Progress Under Clean Air Act Section 110(l)

The Arizona I/M programs are designed to meet the requirements of the minimum federal program. Following implementation of the current program changes, the basic and enhanced programs will continue to meet the minimum federal requirements. Applicable exemption and compliance enforcement requirements and an assessment of impacts due to the program changes are described below.

4.1 Basic and Enhanced Program Requirements

Requirements for basic and enhanced programs are detailed in 40 CFR 51.350 through 51.373. The current revisions to the Phoenix and Tucson I/M programs affect applicable requirements related to vehicle coverage and exemptions.

4.1.1 Vehicle Coverage/Exemptions

Federal regulation 40 CFR 51.356 requires that the SIP include “a description of any special exemptions which will be granted by a program, and an estimate of the percentage and number of subject vehicles which will be impacted. Such exemptions shall be accounted for in the emission reduction analysis.”

Table 2-1 uses historical testing data to illustrate the number of vehicles that will be affected by the changes in this revision.

Table 4-1 Percent Vehicles Receiving OBD Tests After Revisions

	Total Tests at State Stations	Total Fleet Tests	Dealer Fleet Tests (Curb Idea and 2500 RPM tests)	Government Non-OBD tests (SNAP tests and loaded diesel tests)	% of eligible vehicles currently not receiving an OBD test before registration in Arizona.
Area A (2016)	1,319,367	74,631	63,633	2,598	5%
Area A (2017)	1,344,400	85,350	65,350	4,130	5.2%
Area B (2016)	329,952	11,000	8,150	865	2.7%

	Total Tests at State Stations	Total Fleet Tests	Dealer Fleet Tests (Curb Idea and 2500 RPM tests)	Government Non-OBD tests (SNAP tests and loaded diesel tests)	% of eligible vehicles currently not receiving an OBD test before registration in in Arizona.
Area B (2017)	332,687	8,025	6,000	1,337	2.2%

4.1.2 Compliance Enforcement

Federal regulation 40 CFR 51.361 requires that compliance for enhanced programs generally be ensured through the denial of motor vehicle registration. Specifically, “[t]he SIP shall provide information concerning the enforcement process, including: [a] description of the existing compliance mechanism if it is to be used in the future and the demonstration that it is as effective or more effective than registration-denial enforcement; [a]n identification of the agencies responsible for performing each of the applicable activities in this section; [a] description of and accounting for all classes of exempt vehicles...” A.R.S. § 49-542(D) and A.A.C. R18-2-1007 require that no affected motorist can obtain a vehicle registration without demonstrating that the vehicle has completed a vehicle emission inspection. The State is able to verify emissions compliance by checking an up-to-date computer database produced directly from contractor testing data.

4.2 Demonstrating Noninterference with Attainment and Maintenance Under CAA 110(I)

Revisions to SIP approved control measures must not interfere with requirements of the Clean Air Act (CAA) as outlined in CAA § 110 (I):

Plan Revisions – Each revision to an implementation plan submitted by a State under this Act shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in Section 171), or any other applicable requirement of this Act.

An inspection and maintenance program is an “applicable requirement” for the Phoenix and Tucson non-attainment areas. The primary pollutants affected by I/M programs are carbon monoxide, hydrocarbons (HC), and oxides of nitrogen (NOx). The analyses in this section demonstrate that implementing HB2226 into law in Arizona will not interfere with attainment or maintenance of the NAAQS or other applicable requirements of the CAA.

The primary two revisions being made to the SIP are:

- OBD Testing for Diesel Vehicles
- OBD Testing for Fleet Vehicles

The primary method used to quantify impacts on vehicle emissions in an area, due to an existing I/M program, is the EPA model MOVES2014a (MOVES). Within this model there exists an input termed I/M coverage. Using this input the modeler defines the vehicle emission tests being performed in the area, what vehicle types apply to the tests, and the calculated compliance factor for that test.

The compliance factor is the driver for manipulating emission rates of vehicles within the covered area. Data that goes into calculating this compliance factor, which are test specific, include the percent compliance rate, percent waiver rate, and the regulatory class adjustment factor. Another important aspect about the I/M coverage input is it only applies to gasoline vehicles in the model. Given this, the standard approach of using the MOVES model is not possible for the first SIP change due to this exclusion of diesel vehicle types.

In order to evaluate OBD testing for fleet vehicles, a baseline MOVES run would be needed. This baseline model would represent the I/M program before the proposed SIP change. The next step would be to create a new I/M coverage input that included the proposed I/M testing procedure. This new projected I/M program would then be ran for the same area as the baseline. The results of these two runs would then be compared, and any change in emissions would be due to the projected I/M program.

Because of the way the I/M coverage input interacts with the emission rate tables in the model, it would not be possible for the simple addition of a new test to cause an increase in emissions in the area. This assumes that 1) no tests were removed from the projected I/M coverage input, 2) compliance rates and percent waiver rates for existing tests were kept constant between the two runs, and 3) no vehicle types were removed from the existing tests, which would be true under these proposed SIP changes.

49-104. Powers and duties of the department and director

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to ensure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Ensure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. The department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.
12. Prevent pollution through the regulation of the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
15. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.

APPENDIX A

16. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and no more stringent than the corresponding federal law that addresses the same subject matter. This paragraph does not adversely affect standards adopted by an Indian tribe under federal law.

17. Provide administrative and staff support for the oil and gas conservation commission.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.

2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.

3. Utilize any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.

4. Adopt procedural rules that are necessary to implement the authority granted under this title, but that are not inconsistent with other provisions of this title.

5. Contract with other agencies, including laboratories, in furthering any department program.

6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.

7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.

8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.

9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.

10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.

11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:

(a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.

(b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.

APPENDIX A

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at those places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection I, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

- (a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.
- (b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.
- (c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.
- (d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules may:

- (a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.
- (b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes shall be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. The department may establish by rule a fee as a condition of licensure, including a maximum fee. As part of the rulemaking process, there must be public notice and comment and a review of the rule by the joint legislative budget committee. The department shall not increase that fee by rule without specific statutory authority for the increase. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and article 2 of this chapter.

16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, article 8 and chapters 4 and 5 of this title for the department to adequately perform its duties. All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on:

- (a) The direct and indirect costs of the department's relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly

related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.

(b) The availability of other funds for the duties performed.

(c) The impact of the fees on the parties subject to the fees.

(d) The fees charged for similar duties performed by the department, other agencies and the private sector.

18. Appoint a person with a background in oil and gas conservation to act on behalf of the oil and gas conservation commission and administer and enforce the applicable provisions of title 27, chapter 4 relating to the oil and gas conservation commission.

C. The department may:

1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203, except that state agencies are exempt from paying those fees that are not associated with the dredge and fill permit program established pursuant to chapter 2, article 3.2 of this title. For services provided under the dredge and fill permit program, a state agency shall pay either:

(a) The fees established by the department under the dredge and fill permit program.

(b) The reasonable cost of services provided by the department pursuant to an interagency service agreement.

2. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.

3. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services.

Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.

2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

49-106. Statewide application of rules

The rules adopted by the department apply and shall be observed throughout this state, or as provided by their terms, and the appropriate local officer, council or board shall enforce them. This section does not limit the authority of local governing bodies to adopt ordinances and rules within their respective jurisdictions if those ordinances and rules do not conflict with state law and are equal to or more restrictive than the rules of the department, but this section does not grant local governing bodies any authority not otherwise provided by separate state law.

49-404. State implementation plan

- A. The director shall maintain a state implementation plan that provides for implementation, maintenance and enforcement of national ambient air quality standards and protection of visibility as required by the clean air act.
- B. The director may adopt rules that describe procedures for adoption of revisions to the state implementation plan.
- C. The state implementation plan and all revisions adopted before September 30, 1992 remain in effect according to their terms, except to the extent otherwise provided by the clean air act, inconsistent with any provision of the clean air act, or revised by the administrator. No control requirement in effect, or required to be adopted by an order, settlement agreement or plan in effect, before the enactment of the clean air act in any area which is a nonattainment or maintenance area for any air pollutant may be modified after enactment in any manner unless the modification insures equivalent or greater emission reductions of the air pollutant. The director shall evaluate and adopt revisions to the plan in conformity with federal regulations and guidelines promulgated by the administrator for those purposes until the rules required by subsection B are effective.

49-406. Nonattainment area plan

- A. For any ozone, carbon monoxide or particulate nonattainment or maintenance area the governor shall certify the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for that area under 23 United States Code section 134 as the agency responsible for the development of a nonattainment or maintenance area plan for that area.
- B. For any ozone, carbon monoxide or particulate nonattainment or maintenance area for which no metropolitan planning organization exists, the department shall be certified as the agency responsible for development of a nonattainment or maintenance area plan for that area.
- C. For any ozone, carbon monoxide or particulate nonattainment or maintenance area, the department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall, by November 15, 1992, and from time to time as necessary, jointly review and update planning procedures or develop new procedures.
- D. In preparing the procedures described in subsection C of this section, the department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall determine which elements of each revised implementation plan will be developed, adopted, and implemented, through means including enforcement, by the state and which by local governments or regional agencies, or any combination of local governments, regional agencies or the state.
- E. The department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall enter into a memorandum of agreement for the purpose of coordinating the implementation of the procedures described in subsection C and D of this section.
- F. At a minimum, the memorandum of agreement shall contain:
1. The relevant responsibilities and authorities of each of the coordinating agencies.
 2. As appropriate, procedures, schedules and responsibilities for development of nonattainment or maintenance area plans or plan revisions and for determining reasonable further progress.
 3. Assurances for adequate plan implementation.
 4. Procedures and responsibilities for tracking plan implementation.
 5. Responsibilities for preparing demographic projections including land use, housing, and employment.
 6. Coordination with transportation programs.
 7. Procedures and responsibilities for adoption of control measures and emissions limitations.
 8. Responsibilities for collecting air quality, transportation and emissions data.
 9. Responsibility for conducting air quality modeling.
 10. Responsibility for administering and enforcing stationary source controls.
 11. Provisions for the timely and periodic sharing of all data and information among the signatories relating to:
 - (a) Demographics.

- (b) Transportation.
- (c) Emissions inventories.
- (d) Assumptions used in developing the model.
- (e) Results of modeling done in support of the plan.
- (f) Monitoring data.

G. Each agency that commits to implement any emission limitation or other control measure, means or technique contained in the implementation plan shall describe that commitment in a resolution adopted by the appropriate governing body of the agency. The resolution shall specify the following:

1. Its authority for implementing the limitation or measure as provided in statute, ordinance or rule.
2. A program for the enforcement of the limitation or measure.
3. The level of personnel and funding allocated to the implementation of the measure.

H. The state, in accordance with the rules adopted pursuant to section 49-404, and the governing body of the metropolitan planning organization shall adopt each nonattainment or maintenance area plan developed by a certified metropolitan planning organization. The adopted nonattainment or maintenance area plan shall be transmitted to the department for inclusion in the state implementation plan provided for under section 49-404.

I. After adoption of a nonattainment or maintenance area plan, if on the basis of the reasonable further progress determination described in subsection F of this section or other information, the control officer determines that any person has failed to implement an emission limitation or other control measure, means or technique as described in the resolution adopted pursuant to subsection G of this section, the control officer shall issue a written finding to the person, and shall provide an opportunity to confer. If the control officer subsequently determines that the failure has not been corrected, the county attorney, at the request of the control officer, shall file an action in superior court for a preliminary injunction, a permanent injunction, or any other relief provided by law.

J. After adoption of a nonattainment or maintenance area plan, if, on the basis of the reasonable further progress determination described in subsection F of this section or other information, the director determines that any person has failed to implement an emission limitation or other control measure, means or technique as described in the resolution adopted pursuant to subsection G of this section, and that the control officer has failed to act pursuant to subsection I of this section, the director shall issue a written finding to the person and shall provide an opportunity to confer. If the director subsequently determines that the failure has not been corrected, the attorney general, at the request of the director, shall file an action in superior court for a preliminary injunction, a permanent injunction, or any other relief provided by law.

K. Notwithstanding subsections A and B of this section, in any metropolitan area with a metropolitan statistical area population of less than two hundred fifty thousand persons, the governor shall designate an agency that meets the criteria of section 174 of the clean air act and that is recommended by the city that causes the metropolitan area to exist and the affected county. That agency shall prepare and adopt the nonattainment or maintenance area plan. If the governor does not designate an agency, the department shall be certified as the agency responsible for the development of a nonattainment or maintenance area plan for that area.

49-425. Rules; hearing

A. The director shall adopt such rules as the director determines are necessary and feasible to reduce the release into the atmosphere of air contaminants originating within the territorial limits of the state or any portion thereof and shall adopt, modify and amend reasonable standards for the quality of and emissions into the ambient air of the state for the prevention, control and abatement of air pollution. Additional standards shall be established for particulate matter emissions, sulfur dioxide emissions and other air contaminant emissions determined to be necessary and feasible for the prevention, control and abatement of air pollution. In fixing such ambient air quality standards, emission standards or standards of performance, the director shall give consideration but shall not be limited to the relevant factors prescribed by the clean air act.

B. No rule may be enacted or amended except after the director first holds a public hearing after thirty days' notice of such hearing. The proposed rule, or any proposed amendment of a rule, shall be made available to the public at the time of notice of such hearing.

C. The department shall enforce the rules adopted by the director.

D. All rules enacted pursuant to this section shall be made available to the public at a reasonable charge on request.

House Engrossed

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 64
HOUSE BILL 2280

AN ACT

AMENDING SECTION 49-542, ARIZONA REVISED STATUTES; 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, is amended to
3 read:

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

7 A. The director shall administer a comprehensive annual or biennial
8 emissions inspection program which shall require the inspection of vehicles
9 in this state pursuant to this article and applicable administrative rules.
10 Such inspection is required in area A and area B, for those vehicles owned by
11 a person who is subject to section 15-1444 or 15-1627 and for those vehicles
12 registered outside of area A or area B but used to commute to the driver's
13 principal place of employment located within area A or area B. Inspection in
14 other counties of the state shall commence upon application by a county board
15 of supervisors for participation in such inspection program, subject to
16 approval by the director. In all counties with a population of three hundred
17 fifty thousand or fewer persons according to the most recent United States
18 decennial census, except for the portion of counties that contain any portion
19 of area A, the director shall as conditions dictate provide for testing to
20 determine the effect of vehicle related pollution on ambient air quality in
21 all communities with a metropolitan area population of twenty thousand
22 persons or more according to the most recent United States decennial census.
23 If such testing detects the violation of state ambient air quality standards
24 by vehicle related pollution, the director shall forward a full report of
25 such violation to the president of the senate, the speaker of the house of
26 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) A motor vehicle manufactured in or before the 1966 model year.
38 (b) New vehicles originally registered at the time of initial retail
39 sale and titling in this state pursuant to section 28-2153 or 28-2154.

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

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

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

46 (f) Golf carts.

- 1 (g) Electrically-powered vehicles.
 - 2 (h) Vehicles with an engine displacement of less than ninety cubic
 - 3 centimeters.
 - 4 (i) The sale of vehicles between motor vehicle dealers.
 - 5 (j) Vehicles leased to a person residing outside of area A or area B
 - 6 by a leasing company whose place of business is in area A or area B.
 - 7 (k) Collectible vehicles.
 - 8 (l) Motorcycles ~~in area B~~.
 - 9 3. Compiling and maintaining records of emissions test results after
 - 10 servicing.
 - 11 4. A procedure which shall allow the vehicle service and repair
 - 12 industry to compare the calibration accuracy of its emissions testing
 - 13 equipment with the department's calibration standards.
 - 14 5. Training requirements for automotive repair personnel using
 - 15 emissions measuring equipment whose calibration accuracy has been compared
 - 16 with the department's calibration standards.
 - 17 6. Any other rule which may be required to accomplish the provisions
 - 18 of this article.
- 19 K. The director ~~shall~~, after consultation with automobile
- 20 manufacturers and the vehicle service and repair industry, **SHALL** establish by
- 21 rule a definition of "low emissions tune-up" for motor vehicles subject to
- 22 inspection under this article. The definition shall specify repair
- 23 procedures which, when implemented, will reduce vehicle emissions.
- 24 L. The director shall adopt rules which specify that the estimated
- 25 retail cost of all recommended maintenance and repairs shall not exceed the
- 26 amounts prescribed in this subsection, except that if a vehicle fails a
- 27 tampering inspection there is no limit on the cost of recommended maintenance
- 28 and repairs. The director shall issue a certificate of waiver for a vehicle
- 29 which has failed reinspection, if the director has determined that all
- 30 recommended maintenance and repairs have been performed. If, after
- 31 reinspection, the director has determined that the vehicle is in compliance
- 32 with minimum emissions standards or that all recommended maintenance and
- 33 repairs for compliance with minimum emissions standards have been performed,
- 34 but that tampering discovered at a tampering inspection has not been
- 35 repaired, the director may issue a certificate of waiver if the owner of the
- 36 vehicle provides to the director a written statement from an automobile parts
- 37 or repair business that an emissions control device which is necessary to
- 38 repair the tampering is not available and cannot be obtained from any usual
- 39 source of supply before the vehicle's current registration expires. Rules
- 40 adopted by the director for the purpose of establishing the estimated retail
- 41 cost of all recommended maintenance and repairs pursuant to this subsection
- 42 shall specify that:
- 43 1. In area A the cost shall not exceed:
- 44 (a) Five hundred dollars for a diesel powered vehicle with a gross
- 45 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
45 results that are provided to vehicle owners at the time of the vehicle
46 emissions test. This written notice shall describe at least the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 1. Either:

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

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

21 2. Meets both of the following criteria:

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

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

28 Sec. 2. Conditional enactment: notice

29 A. Section 49-542, Arizona Revised Statutes, as amended by this act,
30 does not become effective unless on or before July 1, 2010 the United States
31 environmental protection agency issues a vehicle emissions testing exemption
32 for motorcycles in area A for purposes of the state implementation or
33 maintenance plan for air quality.

34 B. The director of the department of environmental quality shall
35 promptly notify in writing the director of the Arizona legislative council of
36 the date on which the condition prescribed in subsection A of this section is
37 met or if the condition is not met.

APPROVED BY THE GOVERNOR APRIL 22, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2008.

House Engrossed Senate Bill

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
46 source of supply before the vehicle's current registration expires. Rules

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

4 1. In area A the cost shall not exceed:
5 (a) Five hundred dollars for a diesel powered vehicle with a gross
6 weight in excess of twenty-six thousand pounds.

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

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

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

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

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

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

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

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

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

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

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

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

32 M. Each person whose vehicle has failed an emissions inspection shall
33 be provided a list of those general recommended tune-up procedures for
34 vehicles which are designed to reduce vehicle emissions levels. The list
35 shall include the following notice: "This test is the result of federal
36 law. You may wish to contact your representative in the United States
37 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
46 certificate of waiver has been issued after January 1, 1997 for that vehicle

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

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

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

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

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

22 1. Either:

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

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

27 2. Meets both of the following criteria:

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

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

34 Sec. 2. Section 49-542, Arizona Revised Statutes, as amended by Laws
35 2008, chapter 64, section 1, is amended to read:

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

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

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

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

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

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

1 diagnostic check as may be required pursuant to title II of the clean air
2 act.

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

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

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

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

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

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

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

25 (i) An evaporative system purge test.

26 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

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

21 8. Beginning on January 1, 2006 for any registered owner or lessee of
22 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle
23 with a gross vehicle weight of more than twenty-six thousand pounds and for
24 which gross weight fees are paid pursuant to title 28, chapter 15, article 2
25 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 G. In addition to an emissions inspection, a vehicle is subject to a
31 tampering inspection on at least a biennial basis if the vehicle was
32 manufactured after the 1974 model year and the vehicle is not subject to a
33 transient loaded emissions test or an onboard diagnostic check as required
34 pursuant to title II of the clean air act. The director shall adopt vehicle
35 configuration guidelines for the tampering inspection which shall be based on
36 the original configuration of the vehicle when manufactured. The tampering
37 inspection shall consist of the following:

38 1. A visual check to determine the presence of properly installed
39 catalytic converters.

40 2. An examination to determine the presence of an operational air
41 pump.

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

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

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

10 J. The director may adopt rules for purposes of implementation,
11 administration, regulation and enforcement of the provisions of this article
12 including:

13 1. The submission of records relating to the emissions inspection of
14 vehicles inspected by another jurisdiction in accordance with another
15 inspection law and the acceptance of such inspection for compliance with the
16 provisions of this article.

17 2. The exemption from inspection of:

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

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

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

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

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

33 (f) Golf carts.

34 (g) Electrically-powered vehicles.

35 (h) Vehicles with an engine displacement of less than ninety cubic
36 centimeters.

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

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

40 (k) Collectible vehicles.

41 (l) Motorcycles.

42 3. Compiling and maintaining records of emissions test results after
43 servicing.

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

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

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

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

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

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

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

33 (b) Five hundred dollars for a diesel powered vehicle with tandem
34 axles.

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

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

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

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

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

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

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

3 3. 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 (a) Fifty dollars for such a vehicle manufactured in or before the
7 1974 model year.

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

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

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

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

21 O. The director of environmental quality shall establish, in
22 cooperation with the assistant director for the motor vehicle division of the
23 department of transportation:

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

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

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

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

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

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

42 P. Notwithstanding any other law, if area A or area B is reclassified
43 as an attainment area, emissions testing conducted pursuant to this article
44 shall continue for vehicles registered inside that reclassified area,
45 vehicles owned by a person who is subject to section 15-1444 or 15-1627 and
46 vehicles registered outside of that reclassified area but used to commute to

1 the driver's principal place of employment located within that reclassified
2 area.

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

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

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

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

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

19 V. The director of environmental quality and the director of the
20 department of transportation shall implement a system to exchange information
21 relating to the waiver program, including information relating to vehicle
22 emissions test results and vehicle registration information.

23 W. Any person who sells a vehicle that has been issued a certificate
24 of waiver pursuant to this section after January 1, 1997 and who knows that a
25 certificate of waiver has been issued after January 1, 1997 for that vehicle
26 shall disclose to the buyer before completion of the sale that a certificate
27 of waiver has been issued for that vehicle.

28 X. Vehicles that fail the emissions test at emission levels higher
29 than twice the standard established for that vehicle class by the department
30 pursuant to section 49-447 are not eligible for a certificate of waiver
31 pursuant to this section unless the vehicle is repaired sufficiently to
32 achieve an emissions level below twice the standard for that class of
33 vehicle.

34 Y. If an insurer notifies the department of transportation of the
35 cancellation or nonrenewal of collectible vehicle or classic automobile
36 insurance coverage for a collectible vehicle, the department of
37 transportation shall cancel the registration of the vehicle and the vehicle's
38 exemption from emissions testing pursuant to this section unless evidence of
39 coverage is presented to the department of transportation within sixty days.

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

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

1 1. Either:

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

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

6 2. Meets both of the following criteria:

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

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

13 Sec. 3. Section 49-542, Arizona Revised Statutes, as amended by Laws
14 2010, chapter 253, section 1, is amended to read:

15 49-542. Emissions inspection program; powers and duties of
16 director; administration; periodic inspection;
17 minimum standards and rules; exceptions; definition

18 A. The director shall administer a comprehensive annual or biennial
19 emissions inspection program which shall require the inspection of vehicles
20 in this state pursuant to this article and applicable administrative rules.
21 Such inspection is required in area A and area B, for those vehicles owned by
22 a person who is subject to section 15-1444 or 15-1627 and for those vehicles
23 registered outside of area A or area B but used to commute to the driver's
24 principal place of employment located within area A or area B. Inspection in
25 other counties of the state shall commence on application by a county board
26 of supervisors for participation in such inspection program, subject to
27 approval by the director. In all counties with a population of three hundred
28 fifty thousand or fewer persons according to the most recent United States
29 decennial census, except for the portion of counties that contain any portion
30 of area A, the director shall as conditions dictate provide for testing to
31 determine the effect of vehicle related pollution on ambient air quality in
32 all communities with a metropolitan area population of twenty thousand
33 persons or more according to the most recent United States decennial census.
34 If such testing detects the violation of state ambient air quality standards
35 by vehicle related pollution, the director shall forward a full report of
36 such violation to the president of the senate, the speaker of the house of
37 representatives and the governor.

38 B. The state's annual or biennial emissions inspection program shall
39 provide for vehicle inspections at official emissions inspection stations or
40 at fleet emissions inspection stations. Each inspection station in area A
41 shall employ at least one mechanic who is available during the station's
42 hours of operation to provide technical advice and assistance for persons who
43 fail the emissions test. The director may enter into agreements with the
44 department of transportation or with county assessors for the use of official
45 emissions inspection stations for the purpose of conducting vehicle
46 registrations. An official or fleet emissions inspection station permit

1 shall not be sold, assigned, transferred, conveyed or removed to another
2 location except on such terms and conditions as the director may prescribe.

3 C. Vehicles required to be inspected and registered in this state,
4 except those provided for in section 49-546, shall be inspected, for the
5 purpose of complying with the registration or reregistration requirement
6 pursuant to subsection D of this section, in accordance with the provisions
7 of this article no more than ninety days prior to each reregistration
8 expiration date. A vehicle may be submitted voluntarily for inspection more
9 than ninety days before the reregistration expiration date on payment of the
10 prescribed inspection fee. Such voluntary inspection shall not be considered
11 as compliance with the registration or reregistration requirement pursuant to
12 subsection D of this section.

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

26 E. On the registration or reregistration of a vehicle which has
27 complied with the minimum emissions standards pursuant to this section or is
28 otherwise exempt under this section, the registering officer shall issue an
29 air quality compliance sticker to the registered owner which shall be placed
30 on the vehicle as prescribed by rule adopted by the department of
31 transportation or issue a modified year validating tab as prescribed by rule
32 adopted by the department of transportation. Those persons who reside
33 outside of area A or area B but who elect to test their vehicle or are
34 required to test their vehicle pursuant to this section and who comply with
35 the minimum emissions standards pursuant to this section or are otherwise
36 exempt under this section shall remit a compliance form, as prescribed by the
37 department of transportation, and proof of compliance issued at an official
38 emissions inspection station to the department of transportation along with
39 the appropriate fees. The department of transportation shall then issue the
40 person an air quality compliance sticker which shall be placed on the vehicle
41 as prescribed by rule adopted by the department of transportation. The
42 registering officer or the department of transportation shall collect an air
43 quality compliance fee of twenty-five cents. The registering officer or the
44 department of transportation shall deposit, pursuant to sections 35-146 and
45 35-147, the air quality compliance fee in the state highway fund established
46 by section 28-6991. The department of transportation shall deposit, pursuant

1 to sections 35-146 and 35-147, any emissions inspection fee in the emissions
2 inspection fund. The provisions of this subsection do not apply to those
3 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale
4 of vehicles between motor vehicle dealers or vehicles leased to a person
5 residing outside of area A or area B by a leasing company whose place of
6 business is in area A or area B.

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

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

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

23 (b) A motor vehicle manufactured in or after the 1981 model year,
24 other than a diesel powered vehicle, shall be required to take and pass the
25 curb idle test condition and the loaded test condition or an onboard
26 diagnostic check as may be required pursuant to title II of the clean air
27 act. For any vehicle that receives an onboard diagnostic check that results
28 in a finding that the vehicle is not ready for testing or that results in a
29 test failure, the vehicle qualifies for a special ninety day resident
30 registration pursuant to section 28-2154, subsection D. The director shall
31 provide the vehicle owner with a written description of the process to obtain
32 a special ninety day resident registration along with a report that
33 identifies up to ten not ready for testing or test failure codes and, when
34 available, a general description of the codes.

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

37 (a) Motor vehicles manufactured in or after model year 1981 with a
38 gross vehicle weight rating of eighty-five hundred pounds or less, other than
39 diesel powered vehicles, shall be required to take and pass a transient
40 loaded emissions test or an onboard diagnostic check as may be required
41 pursuant to title II of the clean air act. For any vehicle that receives an
42 onboard diagnostic check that results in a finding that the vehicle is not
43 ready for testing or that results in a diagnostic trouble code, the vehicle
44 qualifies for a special ninety day resident registration pursuant to section
45 28-2154, subsection D. The director shall provide the vehicle owner with a
46 written description of the process to obtain a special ninety day resident

1 registration along with a report that identifies up to ten not ready for
2 testing or test failure codes and, when available, a general description of
3 the codes.

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

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

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

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

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

19 (i) An evaporative system purge test.

20 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

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

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

25 G. In addition to an emissions inspection, a vehicle is subject to a
26 tampering inspection on at least a biennial basis if the vehicle was
27 manufactured after the 1974 model year and the vehicle is not subject to a
28 transient loaded emissions test or an onboard diagnostic check as required
29 pursuant to title II of the clean air act. The director shall adopt vehicle
30 configuration guidelines for the tampering inspection which shall be based on
31 the original configuration of the vehicle when manufactured. The tampering
32 inspection shall consist of the following:

33 1. A visual check to determine the presence of properly installed
34 catalytic converters.

35 2. An examination to determine the presence of an operational air
36 pump.

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

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

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

6 J. The director may adopt rules for purposes of implementation,
7 administration, regulation and enforcement of the provisions of this article
8 including:

9 1. The submission of records relating to the emissions inspection of
10 vehicles inspected by another jurisdiction in accordance with another
11 inspection law and the acceptance of such inspection for compliance with the
12 provisions of this article.

13 2. The exemption from inspection of:

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

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

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

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

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

29 (f) Golf carts.

30 (g) Electrically-powered vehicles.

31 (h) Vehicles with an engine displacement of less than ninety cubic
32 centimeters.

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

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

36 (k) Collectible vehicles.

37 (l) Motorcycles in area B.

38 3. Compiling and maintaining records of emissions test results after
39 servicing.

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

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

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

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

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

27 1. In area A the cost shall not exceed:
28 (a) Five hundred dollars for a diesel powered vehicle with a gross
29 weight in excess of twenty-six thousand pounds.

30 (b) Five hundred dollars for a diesel powered vehicle with tandem
31 axles.

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

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

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

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

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

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

44 (b) Three hundred dollars for a diesel powered vehicle with tandem
45 axles.

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

4 (a) Fifty dollars for such a vehicle manufactured in or before the
5 1974 model year.

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

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

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

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

18 O. The director of environmental quality shall establish, in
19 cooperation with the assistant director for the motor vehicle division of the
20 department of transportation:

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

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

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

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

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

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

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

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

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

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

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

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

17 V. The director of environmental quality and the director of the
18 department of transportation shall implement a system to exchange information
19 relating to the waiver program, including information relating to vehicle
20 emissions test results and vehicle registration information.

21 W. Any person who sells a vehicle that has been issued a certificate
22 of waiver pursuant to this section after January 1, 1997 and who knows that a
23 certificate of waiver has been issued after January 1, 1997 for that vehicle
24 shall disclose to the buyer before completion of the sale that a certificate
25 of waiver has been issued for that vehicle.

26 X. Vehicles that fail the emissions test at emission levels higher
27 than twice the standard established for that vehicle class by the department
28 pursuant to section 49-447 are not eligible for a certificate of waiver
29 pursuant to this section unless the vehicle is repaired sufficiently to
30 achieve an emissions level below twice the standard for that class of
31 vehicle.

32 Y. If an insurer notifies the department of transportation of the
33 cancellation or nonrenewal of collectible vehicle or classic automobile
34 insurance coverage for a collectible vehicle, the department of
35 transportation shall cancel the registration of the vehicle and the vehicle's
36 exemption from emissions testing pursuant to this section unless evidence of
37 coverage is presented to the department of transportation within sixty days.

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

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

45 1. Either:

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

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

5 2. Meets both of the following criteria:

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

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

12 Sec. 4. Section 49-542, Arizona Revised Statutes, as amended by Laws
13 2010, chapter 253, section 2, is amended to read:

14 49-542. Emissions inspection program; powers and duties of
15 director; administration; periodic inspection;
16 minimum standards and rules; exceptions; definition

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

37 B. The state's annual or biennial emissions inspection program shall
38 provide for vehicle inspections at official emissions inspection stations or
39 at fleet emissions inspection stations. Each inspection station in area A
40 shall employ at least one mechanic who is available during the station's
41 hours of operation to provide technical advice and assistance for persons who
42 fail the emissions test. The director may enter into agreements with the
43 department of transportation or with county assessors for the use of official
44 emissions inspection stations for the purpose of conducting vehicle
45 registrations. An official or fleet emissions inspection station permit

1 shall not be sold, assigned, transferred, conveyed or removed to another
2 location except on such terms and conditions as the director may prescribe.

3 C. Vehicles required to be inspected and registered in this state,
4 except those provided for in section 49-546, shall be inspected, for the
5 purpose of complying with the registration or reregistration requirement
6 pursuant to subsection D of this section, in accordance with the provisions
7 of this article no more than ninety days prior to each reregistration
8 expiration date. A vehicle may be submitted voluntarily for inspection more
9 than ninety days before the reregistration expiration date on payment of the
10 prescribed inspection fee. Such voluntary inspection shall not be considered
11 as compliance with the registration or reregistration requirement pursuant to
12 subsection D of this section.

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

26 E. On the registration or reregistration of a vehicle which has
27 complied with the minimum emissions standards pursuant to this section or is
28 otherwise exempt under this section, the registering officer shall issue an
29 air quality compliance sticker to the registered owner which shall be placed
30 on the vehicle as prescribed by rule adopted by the department of
31 transportation or issue a modified year validating tab as prescribed by rule
32 adopted by the department of transportation. Those persons who reside
33 outside of area A or area B but who elect to test their vehicle or are
34 required to test their vehicle pursuant to this section and who comply with
35 the minimum emissions standards pursuant to this section or are otherwise
36 exempt under this section shall remit a compliance form, as prescribed by the
37 department of transportation, and proof of compliance issued at an official
38 emissions inspection station to the department of transportation along with
39 the appropriate fees. The department of transportation shall then issue the
40 person an air quality compliance sticker which shall be placed on the vehicle
41 as prescribed by rule adopted by the department of transportation. The
42 registering officer or the department of transportation shall collect an air
43 quality compliance fee of twenty-five cents. The registering officer or the
44 department of transportation shall deposit, pursuant to sections 35-146 and
45 35-147, the air quality compliance fee in the state highway fund established
46 by section 28-6991. The department of transportation shall deposit, pursuant

1 to sections 35-146 and 35-147, any emissions inspection fee in the emissions
2 inspection fund. The provisions of this subsection do not apply to those
3 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale
4 of vehicles between motor vehicle dealers or vehicles leased to a person
5 residing outside of area A or area B by a leasing company whose place of
6 business is in area A or area B.

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

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

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

23 (b) A motor vehicle manufactured in or after the 1981 model year,
24 other than a diesel powered vehicle, shall be required to take and pass the
25 curb idle test condition and the loaded test condition or an onboard
26 diagnostic check as may be required pursuant to title II of the clean air
27 act. For any vehicle that receives an onboard diagnostic check that results
28 in a finding that the vehicle is not ready for testing or that results in a
29 test failure, the vehicle qualifies for a special ninety day resident
30 registration pursuant to section 28-2154, subsection D. The director shall
31 provide the vehicle owner with a written description of the process to obtain
32 a special ninety day resident registration along with a report that
33 identifies up to ten not ready for testing or test failure codes and, when
34 available, a general description of the codes.

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

37 (a) Motor vehicles manufactured in or after model year 1981 with a
38 gross vehicle weight rating of eighty-five hundred pounds or less, other than
39 diesel powered vehicles, shall be required to take and pass a transient
40 loaded emissions test or an onboard diagnostic check as may be required
41 pursuant to title II of the clean air act. For any vehicle that receives an
42 onboard diagnostic check that results in a finding that the vehicle is not
43 ready for testing or that results in a diagnostic trouble code, the vehicle
44 qualifies for a special ninety day resident registration pursuant to section
45 28-2154, subsection D. The director shall provide the vehicle owner with a
46 written description of the process to obtain a special ninety day resident

1 registration along with a report that identifies up to ten not ready for
2 testing or test failure codes and, when available, a general description of
3 the codes.

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

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

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

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

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

19 (i) An evaporative system purge test.

20 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

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

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

25 G. In addition to an emissions inspection, a vehicle is subject to a
26 tampering inspection on at least a biennial basis if the vehicle was
27 manufactured after the 1974 model year and the vehicle is not subject to a
28 transient loaded emissions test or an onboard diagnostic check as required
29 pursuant to title II of the clean air act. The director shall adopt vehicle
30 configuration guidelines for the tampering inspection which shall be based on
31 the original configuration of the vehicle when manufactured. The tampering
32 inspection shall consist of the following:

33 1. A visual check to determine the presence of properly installed
34 catalytic converters.

35 2. An examination to determine the presence of an operational air
36 pump.

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

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

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

6 J. The director may adopt rules for purposes of implementation,
7 administration, regulation and enforcement of the provisions of this article
8 including:

9 1. The submission of records relating to the emissions inspection of
10 vehicles inspected by another jurisdiction in accordance with another
11 inspection law and the acceptance of such inspection for compliance with the
12 provisions of this article.

13 2. The exemption from inspection of:

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

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

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

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

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

29 (f) Golf carts.

30 (g) Electrically-powered vehicles.

31 (h) Vehicles with an engine displacement of less than ninety cubic
32 centimeters.

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

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

36 (k) Collectible vehicles.

37 (l) Motorcycles.

38 3. Compiling and maintaining records of emissions test results after
39 servicing.

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

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

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

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

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

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

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

30 (b) Five hundred dollars for a diesel powered vehicle with tandem
31 axles.

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

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

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

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

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

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

44 (b) Three hundred dollars for a diesel powered vehicle with tandem
45 axles.

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

4 (a) Fifty dollars for such a vehicle manufactured in or before the
5 1974 model year.

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

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

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

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

18 O. The director of environmental quality shall establish, in
19 cooperation with the assistant director for the motor vehicle division of the
20 department of transportation:

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

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

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

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

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

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

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

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

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

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

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

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

17 V. The director of environmental quality and the director of the
18 department of transportation shall implement a system to exchange information
19 relating to the waiver program, including information relating to vehicle
20 emissions test results and vehicle registration information.

21 W. Any person who sells a vehicle that has been issued a certificate
22 of waiver pursuant to this section after January 1, 1997 and who knows that a
23 certificate of waiver has been issued after January 1, 1997 for that vehicle
24 shall disclose to the buyer before completion of the sale that a certificate
25 of waiver has been issued for that vehicle.

26 X. Vehicles that fail the emissions test at emission levels higher
27 than twice the standard established for that vehicle class by the department
28 pursuant to section 49-447 are not eligible for a certificate of waiver
29 pursuant to this section unless the vehicle is repaired sufficiently to
30 achieve an emissions level below twice the standard for that class of
31 vehicle.

32 Y. If an insurer notifies the department of transportation of the
33 cancellation or nonrenewal of collectible vehicle or classic automobile
34 insurance coverage for a collectible vehicle, the department of
35 transportation shall cancel the registration of the vehicle and the vehicle's
36 exemption from emissions testing pursuant to this section unless evidence of
37 coverage is presented to the department of transportation within sixty days.

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

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

45 1. Either:

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

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

5 2. Meets both of the following criteria:

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

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

12 Sec. 5. Conditional enactment; notice

13 A. Section 49-542, Arizona Revised Statutes, as amended by Laws 2008,
14 chapter 64, section 1 and this act, does not become effective unless the
15 condition prescribed in Laws 2008, chapter 64, section 2, as amended by Laws
16 2010, chapter 42, section 1, is met.

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

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

25 D. The director of the department of environmental quality shall
26 promptly notify in writing the director of the Arizona legislative council of
27 the date on which any of the conditions prescribed in this section are met or
28 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.

House Engrossed

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

CHAPTER 89
HOUSE BILL 2226

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 49-541, Arizona Revised Statutes, is amended to
3 read:

4 **49-541. Definitions**

5 In this article, unless the context otherwise requires:

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

7 (a) In Maricopa county:

8 Township 8 north, range 2 east and range 3 east

9 Township 7 north, range 2 west through range 5 east

10 Township 6 north, range 5 west through range 6 east

11 Township 5 north, range 5 west through range 7 east

12 Township 4 north, range 5 west through range 8 east

13 Township 3 north, range 5 west through range 8 east

14 Township 2 north, range 5 west through range 8 east

15 Township 1 north, range 5 west through range 7 east

16 Township 1 south, range 5 west through range 7 east

17 Township 2 south, range 5 west through range 7 east

18 Township 3 south, range 5 west through range 1 east

19 Township 4 south, range 5 west through range 1 east

20 (b) In Pinal county:

21 Township 1 north, range 8 east and range 9 east

22 Township 1 south, range 8 east and range 9 east

23 Township 2 south, range 8 east and range 9 east

24 Township 3 south, range 7 east through range 9 east

25 (c) In Yavapai county:

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

27 Township 6 north, range 1 east and range 1 west

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (i) An evaporative system purge test.

31 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 2. The exemption from inspection of:

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

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

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

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

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

45 (f) Golf carts.

46 (g) Electrically-powered vehicles.

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

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

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

6 (k) Collectible vehicles.

7 (l) Motorcycles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 1. Either:

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

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

17 2. Meets both of the following criteria:

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

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

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

26 49-542. Emissions inspection program: powers and duties of
27 director: administration: periodic inspection:
28 minimum standards and rules: exceptions: definition

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (i) An evaporative system purge test.

31 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

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

18 5. 6. Vehicles owned or operated by the United States, this state or
19 a political subdivision of this state shall comply with this subsection
20 without regard to whether those vehicles are required to be registered in
21 this state, except that alternative fuel vehicles of a school district that
22 is located in area A, OTHER THAN VEHICLES EQUIPPED WITH AN ONBOARD DIAGNOSTIC
23 SYSTEM REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT, shall be required to
24 take and pass the curb idle test and the loaded test.

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

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

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

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

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

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

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

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

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

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

31 2. The exemption from inspection of:

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

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

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

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

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

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

3 (f) Golf carts.

4 (g) Electrically-powered vehicles.

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

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

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

10 (k) Collectible vehicles.

11 (l) Motorcycles.

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

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

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

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

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

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

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

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

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

4 1. In area A the cost shall not exceed:
5 (a) Five hundred dollars for a diesel powered vehicle with a gross
6 weight in excess of twenty-six thousand pounds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 O. The director of environmental quality shall establish, in
39 cooperation with the assistant director for the motor vehicle division of the
40 department of transportation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 1. Either:

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

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

18 2. Meets both of the following criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H.B. 2226

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

4 Sec. 6. Conditional enactment

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

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

APPROVED BY THE GOVERNOR APRIL 17, 2014.

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

House Engrossed

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 141
HOUSE BILL 2452

AN ACT

AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2014, CHAPTER 89, SECTION 2; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2017, CHAPTER 29, SECTION 2; AMENDING SECTION 49-545, ARIZONA REVISED STATUTES; RELATING TO VEHICLE EMISSIONS INSPECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 49-542, Arizona Revised Statutes, as amended by
3 Laws 2014, chapter 89, section 2, 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 that shall require the inspection of vehicles
9 in this state pursuant to this article and applicable administrative
10 rules. Such inspection is required for vehicles that are registered in
11 area A and area B, for those vehicles owned by a person who is subject to
12 section 15-1444 or 15-1627 and for those vehicles registered outside of
13 area A or area B but used to commute to the driver's principal place of
14 employment located within area A or area B. Inspection in other counties
15 of the state shall commence on the director's approval of an application
16 by a county board of supervisors for participation in such inspection
17 program. In all counties with a population of three hundred fifty
18 thousand or fewer persons, except for the portion of counties that contain
19 any portion of area A, the director shall as conditions dictate provide
20 for testing to determine the effect of ~~vehicle related~~ VEHICLE-RELATED
21 pollution on ambient air quality in all communities with a metropolitan
22 area population of twenty thousand persons or more. If such testing
23 detects the violation of state ambient air quality standards by ~~vehicle~~
24 ~~related~~ VEHICLE-RELATED pollution, the director shall forward a full
25 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
28 shall provide for vehicle inspections at official emissions inspection
29 stations or at fleet emissions inspection stations **OR MAY PROVIDE FOR**
30 **REMOTE VEHICLE INSPECTION.** Each **OFFICIAL** inspection station in area A
31 shall employ at least one technical assistant who is available during the
32 station's hours of operation to provide assistance for persons who fail
33 the emissions test. An official or fleet emissions inspection station
34 permit shall not be sold, assigned, transferred, conveyed or removed to
35 another location except on such terms and conditions as the director may
36 prescribe. **THE DIRECTOR SHALL ESTABLISH A PILOT PROGRAM TO PROVIDE FOR**
37 **REMOTE VEHICLE INSPECTIONS IN AREA A AND AREA B.** **THE DIRECTOR SHALL**
38 **OPERATE THE PILOT PROGRAM FOR AT LEAST THREE CONSECUTIVE YEARS AND SHALL**
39 **COMPLETE THE PILOT PROGRAM BEFORE JULY 1, 2025.** **ON COMPLETION OF THE**
40 **PILOT PROGRAM, THE DIRECTOR SHALL SUBMIT TO THE JOINT LEGISLATIVE BUDGET**
41 **COMMITTEE AND THE OFFICE OF THE GOVERNOR A REPORT SUMMARIZING THE RESULTS**
42 **OF THE PILOT PROGRAM.** **THE DIRECTOR SHALL SUBMIT THE REPORT BEFORE THE**
43 **DEPARTMENT IMPLEMENTS ANY FULL SCALE REMOTE VEHICLE INSPECTION PROGRAM AND**
44 **SHALL INCLUDE IN THE REPORT A SUMMARY OF THE DATA COLLECTED DURING THE**
45 **PILOT PROGRAM AND A CERTIFICATION BY THE DIRECTOR THAT, BASED ON THE DATA**

1 COLLECTED DURING THE PILOT PROGRAM, A FULL SCALE IMPLEMENTATION OF A
2 REMOTE VEHICLE INSPECTION PROGRAM WILL INCREASE THE EFFICIENCY AND REDUCE
3 THE COSTS OF THE VEHICLE EMISSIONS INSPECTION PROGRAM.

4 C. Vehicles required to be inspected and registered in this state,
5 except those provided for in section 49-546, shall be inspected, for the
6 purpose of complying with the registration requirement pursuant to
7 subsection D of this section, in accordance with the provisions of this
8 article no more than ninety days ~~prior to~~ BEFORE each registration
9 expiration date. A vehicle may be submitted voluntarily for inspection
10 more than ninety days before the registration expiration date on payment
11 of the prescribed inspection fee. ~~Such THAT~~ voluntary inspection ~~shall~~
12 ~~not~~ MAY be considered as compliance with the registration requirement
13 pursuant to subsection D of this section ONLY ON CONDITIONS PRESCRIBED BY
14 THE DIRECTOR.

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

27 E. On the registration of a vehicle that has complied with the
28 minimum emissions standards pursuant to this section or is otherwise
29 exempt under this section, the registering officer shall issue an air
30 quality compliance sticker to the registered owner that shall be placed on
31 the vehicle as prescribed by rule adopted by the department of
32 transportation or issue a modified year validating tab as prescribed by
33 rule adopted by the department of transportation. Those persons who
34 reside outside of area A or area B but who elect to test their vehicle or
35 are required to test their vehicle pursuant to this section and who comply
36 with the minimum emissions standards pursuant to this section or are
37 otherwise exempt under this section shall remit a compliance form, as
38 prescribed by the department of transportation, and proof of compliance
39 issued at an official emissions inspection station to the department of
40 transportation along with the appropriate fees. The department of
41 transportation shall then issue the person an air quality compliance
42 sticker ~~which~~ THAT shall be placed on the vehicle as prescribed by rule
43 adopted by the department of transportation. The registering officer or
44 the department of transportation shall collect an air quality compliance
45 fee of ~~twenty-five cents~~ \$.25. The registering officer or the department

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

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

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

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

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

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

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

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

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

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

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

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

9 (i) An evaporative system purge test.

10 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 2. The exemption from inspection of:

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

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

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

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

8 (e) Vehicles that are outside of this state at the time of
9 registration, except the director by rule may require testing of those
10 vehicles within a reasonable period of time after those vehicles return to
11 this state.

12 (f) Golf carts.

13 (g) Electrically-powered vehicles.

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

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

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

19 (k) Collectible vehicles.

20 (l) Motorcycles.

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

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

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

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

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

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

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

11 1. In area A the cost shall not exceed:
12 (a) ~~Five hundred dollars~~ \$500 for a diesel powered vehicle with a
13 gross weight in excess of twenty-six thousand pounds.

14 (b) ~~Five hundred dollars~~ \$500 for a diesel powered vehicle with
15 tandem axles.

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

19 (i) ~~Two hundred dollars~~ \$200 for such a vehicle manufactured in or
20 before the 1974 model year.

21 (ii) ~~Three hundred dollars~~ \$300 for such a vehicle manufactured in
22 the 1975 through 1979 model years.

23 (iii) ~~Four hundred fifty dollars~~ \$450 for such a vehicle
24 manufactured in or after the 1980 model year.

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

26 (a) ~~Three hundred dollars~~ \$300 for a diesel powered vehicle with a
27 gross weight in excess of twenty-six thousand pounds.

28 (b) ~~Three hundred dollars~~ \$300 for a diesel powered vehicle with
29 tandem axles.

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

33 (a) ~~Fifty dollars~~ \$50 for such a vehicle manufactured in or before
34 the 1974 model year.

35 (b) ~~Two hundred dollars~~ \$200 for such a vehicle manufactured in the
36 1975 through 1979 model years.

37 (c) ~~Three hundred dollars~~ \$300 for such a vehicle manufactured in
38 or after the 1980 model year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 1. Either:

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

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

32 2. Meets both of the following criteria:

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

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

39 Sec. 2. Section 49-542, Arizona Revised Statutes, as amended by
40 Laws 2017, chapter 29, section 2, is amended to read:

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

44 A. The director shall administer a comprehensive annual or biennial
45 emissions inspection program that shall require the inspection of vehicles

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

19 B. The state's annual or biennial emissions inspection program
20 shall provide for vehicle inspections at official emissions inspection
21 stations or at fleet emissions inspection stations OR MAY PROVIDE FOR
22 REMOTE VEHICLE INSPECTION. Each OFFICIAL inspection station in area A
23 shall employ at least one technical assistant who is available during the
24 station's hours of operation to provide assistance for persons who fail
25 the emissions test. An official or fleet emissions inspection station
26 permit shall not be sold, assigned, transferred, conveyed or removed to
27 another location except on such terms and conditions as the director may
28 prescribe. THE DIRECTOR SHALL ESTABLISH A PILOT PROGRAM TO PROVIDE FOR
29 REMOTE VEHICLE INSPECTIONS IN AREA A AND AREA B. THE DIRECTOR SHALL
30 OPERATE THE PILOT PROGRAM FOR AT LEAST THREE CONSECUTIVE YEARS AND SHALL
31 COMPLETE THE PILOT PROGRAM BEFORE JULY 1, 2025. ON COMPLETION OF THE
32 PILOT PROGRAM, THE DIRECTOR SHALL SUBMIT TO THE JOINT LEGISLATIVE BUDGET
33 COMMITTEE AND THE OFFICE OF THE GOVERNOR A REPORT SUMMARIZING THE RESULTS
34 OF THE PILOT PROGRAM. THE DIRECTOR SHALL SUBMIT THE REPORT BEFORE THE
35 DEPARTMENT IMPLEMENTS ANY FULL SCALE REMOTE VEHICLE INSPECTION PROGRAM AND
36 SHALL INCLUDE IN THE REPORT A SUMMARY OF THE DATA COLLECTED DURING THE
37 PILOT PROGRAM AND A CERTIFICATION BY THE DIRECTOR THAT, BASED ON THE DATA
38 COLLECTED DURING THE PILOT PROGRAM, A FULL SCALE IMPLEMENTATION OF A
39 REMOTE VEHICLE INSPECTION PROGRAM WILL INCREASE THE EFFICIENCY AND REDUCE
40 THE COSTS OF THE VEHICLE EMISSIONS INSPECTION PROGRAM.

41 C. Vehicles required to be inspected and registered in this state,
42 except those provided for in section 49-546, shall be inspected, for the
43 purpose of complying with the registration requirement pursuant to
44 subsection D of this section, in accordance with the provisions of this
45 article no more than ninety days ~~prior to~~ BEFORE each registration

1 expiration date. A vehicle may be submitted voluntarily for inspection
2 more than ninety days before the registration expiration date on payment
3 of the prescribed inspection fee. ~~SUCH THAT~~ voluntary inspection ~~SHALL~~
4 ~~NOT~~ ~~MAY~~ be considered as compliance with the registration requirement
5 pursuant to subsection D of this section **ONLY ON CONDITIONS PRESCRIBED BY**
6 **THE DIRECTOR.**

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

19 E. On the registration of a vehicle that has complied with the
20 minimum emissions standards pursuant to this section or is otherwise
21 exempt under this section, the registering officer shall issue an air
22 quality compliance sticker to the registered owner that shall be placed on
23 the vehicle as prescribed by rule adopted by the department of
24 transportation or issue a modified year validating tab as prescribed by
25 rule adopted by the department of transportation. Those persons who
26 reside outside of area A or area B but who elect to test their vehicle or
27 are required to test their vehicle pursuant to this section and who comply
28 with the minimum emissions standards pursuant to this section or are
29 otherwise exempt under this section shall remit a compliance form, as
30 prescribed by the department of transportation, and proof of compliance
31 issued at an official emissions inspection station to the department of
32 transportation along with the appropriate fees. The department of
33 transportation shall then issue the person an air quality compliance
34 sticker that shall be placed on the vehicle as prescribed by rule adopted
35 by the department of transportation. The registering officer or the
36 department of transportation shall collect an air quality compliance fee
37 of ~~twenty-five cents~~ \$.25. The registering officer or the department of
38 transportation shall deposit, pursuant to sections 35-146 and 35-147, the
39 air quality compliance fee in the state highway fund established by
40 section 28-6991. The department of transportation shall deposit, pursuant
41 to sections 35-146 and 35-147, any emissions inspection fee in the
42 emissions inspection fund. The provisions of this subsection do not apply
43 to those vehicles registered pursuant to title 28, chapter 7, article 7 or
44 8, the sale of vehicles between motor vehicle dealers or vehicles leased

1 to a person residing outside of area A or area B by a leasing company
2 whose place of business is in area A or area B.

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

6 1. For the purpose of determining compliance with minimum emissions
7 standards in area B for motor vehicles other than diesel powered vehicles
8 or constant four-wheel drive vehicles:

9 (a) A motor vehicle that is equipped with an onboard diagnostic
10 system required by section 202(m) of the clean air act shall be required
11 to take and pass an onboard diagnostic test or a steady state loaded test
12 and curb idle test as approved by the director.

13 (b) A motor vehicle with a model year of 1981 or later, other than
14 a vehicle covered by subdivision (a) of this paragraph, shall be required
15 to take and pass a steady state loaded test and curb idle test.

16 (c) A motor vehicle, other than a vehicle covered by subdivision
17 (a) or (b) of this paragraph, shall be required to take and pass a curb
18 idle test.

19 2. For the purposes of determining compliance with minimum
20 emissions standards and functional tests in area A for motor vehicles
21 other than diesel powered vehicles or constant four-wheel drive vehicles:

22 (a) A motor vehicle that is equipped with an onboard diagnostic
23 system required by section 202(m) of the clean air act shall be required
24 to take and pass an onboard diagnostic test or a transient loaded test as
25 approved by the director.

26 (b) A motor vehicle with a model year of 1981 or later, other than
27 a vehicle covered by subdivision (a) of this paragraph, shall be required
28 to take and pass a transient loaded test.

29 (c) A motor vehicle, other than a vehicle covered by subdivision
30 (a) or (b) of this paragraph, shall be required to take and pass a steady
31 state loaded test and curb idle test.

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

34 (i) An evaporative system purge test.

35 (ii) An evaporative system integrity test.

36 3. For the purpose of determining compliance with minimum emissions
37 standards in area A or area B for diesel powered motor vehicles:

38 (a) A diesel powered motor vehicle that is equipped with an onboard
39 diagnostic system required by section 202(m) of the clean air act shall be
40 required to take and pass an onboard diagnostic test or an opacity test as
41 approved by the director.

42 (b) A diesel powered motor vehicle, other than a vehicle covered by
43 subdivision (a) of this paragraph, shall be required to take and pass an
44 emissions test as follows:

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

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

7 4. A constant four-wheel drive vehicle shall be required to take
8 and pass a curb idle test or an onboard diagnostic test.

9 5. Fleet operators must comply with this section, except that used
10 vehicles, other than diesel powered vehicles, sold by a motor vehicle
11 dealer who is a fleet operator and who has been issued a permit under
12 section 49-546 shall be tested as follows:

13 (a) A motor vehicle with a model year of 1980 or earlier shall take
14 and pass a curb idle test.

15 (b) A motor vehicle with a model year of 1981 or later, other than
16 a vehicle that is equipped with an onboard diagnostic system that is
17 required by section 202(m) of the clean air act, shall take and pass a
18 curb idle test and a twenty-five hundred revolutions per minute unloaded
19 test.

20 6. Vehicles owned or operated by the United States, this state or a
21 political subdivision of this state shall comply with this subsection
22 without regard to whether those vehicles are required to be registered in
23 this state, except that alternative fuel vehicles of a school district
24 that is located in area A, other than vehicles equipped with an onboard
25 diagnostic system required by section 202(m) of the clean air act, shall
26 be required to take and pass the curb idle test and the loaded test.

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

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

39 H. Vehicles required to be inspected shall undergo a functional
40 test of the gas cap to determine if the cap holds pressure within limits
41 prescribed by the director. This subsection does not apply to any diesel
42 powered vehicle.

43 I. Motor vehicles failing the initial or subsequent test are not
44 subject to a penalty fee for late registration renewal if the original
45 testing was accomplished before the expiration date and if the

1 registration renewal is received by the motor vehicle division or the
2 county assessor within thirty days after the original test.

3 J. The director may adopt rules for purposes of implementation,
4 administration, regulation and enforcement of the provisions of this
5 article including:

6 1. The submission of records relating to the emissions inspection
7 of vehicles inspected by another jurisdiction in accordance with another
8 inspection law and the acceptance of such inspection for compliance with
9 the provisions of this article.

10 2. The exemption from inspection of:

11 (a) Except as otherwise provided in this subdivision, a motor
12 vehicle manufactured in or before the 1966 model year. If the United
13 States environmental protection agency issues a vehicle emissions testing
14 exemption for motor vehicles manufactured in or before the 1974 model year
15 for purposes of the state implementation or maintenance plan for air
16 quality, a motor vehicle manufactured in or before the 1974 model year is
17 exempt from inspection.

18 (b) New vehicles originally registered at the time of initial
19 retail sale and titling in this state pursuant to section 28-2153 or
20 28-2154.

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

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

25 (e) Vehicles that are outside of this state at the time of
26 registration, except the director by rule may require testing of those
27 vehicles within a reasonable period of time after those vehicles return to
28 this state.

29 (f) Golf carts.

30 (g) Electrically-powered vehicles.

31 (h) Vehicles with an engine displacement of less than ninety cubic
32 centimeters.

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

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

36 (k) Collectible vehicles.

37 (l) Motorcycles.

38 (m) Cranes and oversize vehicles that require permits pursuant to
39 section 28-1100, 28-1103 or 28-1144.

40 (n) Vehicles that are not in use and that are owned by residents of
41 this state while on active military duty outside of this state.

42 3. Compiling and maintaining records of emissions test results
43 after servicing.

1 4. A procedure that ~~shall allow~~ ALLOWS the vehicle service and
2 repair industry to compare the calibration accuracy of its emissions
3 testing equipment with the department's calibration standards.

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

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

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

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

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

35 (a) ~~Five hundred dollars~~ \$500 for a diesel powered vehicle with a
36 gross weight in excess of twenty-six thousand pounds.

37 (b) ~~Five hundred dollars~~ \$500 for a diesel powered vehicle with
38 tandem axles.

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

42 (i) ~~Two hundred dollars~~ \$200 for such a vehicle manufactured in or
43 before the 1974 model year.

44 (ii) ~~Three hundred dollars~~ \$300 for such a vehicle manufactured in
45 the 1975 through 1979 model years.

1 (iii) ~~Four hundred fifty dollars~~ \$450 for such a vehicle
2 manufactured in or after the 1980 model year.

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

4 (a) ~~Three hundred dollars~~ \$300 for a diesel powered vehicle with a
5 gross weight in excess of twenty-six thousand pounds.

6 (b) ~~Three hundred dollars~~ \$300 for a diesel powered vehicle with
7 tandem axles.

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

11 (a) ~~Fifty dollars~~ \$50 for such a vehicle manufactured in or before
12 the 1974 model year.

13 (b) ~~Two hundred dollars~~ \$200 for such a vehicle manufactured in the
14 1975 through 1979 model years.

15 (c) ~~Three hundred dollars~~ \$300 for such a vehicle manufactured in
16 or after the 1980 model year.

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

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

24 O. The director of environmental quality shall establish, in
25 cooperation with the assistant director for the motor vehicle division of
26 the department of transportation:

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

31 2. A written notice that shall accompany the vehicle registration
32 application forms that are sent to vehicle owners pursuant to section
33 28-2151 and that shall accompany or be included as part of the vehicle
34 emissions test results that are provided to vehicle owners at the time of
35 the vehicle emissions test. This written notice shall describe at least
36 the following:

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

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

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

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

1 P. Notwithstanding any other law, if area A or area B is
2 reclassified as an attainment area, emissions testing conducted pursuant
3 to this article shall continue for vehicles registered inside that
4 reclassified area, vehicles owned by a person who is subject to section
5 15-1444 or 15-1627 and vehicles registered outside of that reclassified
6 area but used to commute to the driver's principal place of employment
7 located within that reclassified area.

8 Q. A fleet operator who is issued a permit pursuant to section
9 49-546 may electronically transmit emissions inspection data to the
10 department of transportation pursuant to rules adopted by the director of
11 the department of transportation in consultation with the director of
12 environmental quality.

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

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

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

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

25 V. The director of environmental quality and the director of the
26 department of transportation shall implement a system to exchange
27 information relating to the waiver program, including information relating
28 to vehicle emissions test results and vehicle registration information.

29 W. Any person who sells a vehicle that has been issued a
30 certificate of waiver pursuant to this section after January 1, 1997 and
31 who knows that a certificate of waiver has been issued after January 1,
32 1997 for that vehicle shall disclose to the buyer before completion of the
33 sale that a certificate of waiver has been issued for that vehicle.

34 X. Vehicles that fail the emissions test at emission levels higher
35 than twice the standard established for that vehicle class by the
36 department pursuant to section 49-447 are not eligible for a certificate
37 of waiver pursuant to this section unless the vehicle is repaired
38 sufficiently to achieve an emissions level below twice the standard for
39 that class of vehicle.

40 Y. If an insurer notifies the department of transportation of the
41 cancellation or nonrenewal of collectible vehicle or classic automobile
42 insurance coverage for a collectible vehicle, the department of
43 transportation shall cancel the registration of the vehicle and the
44 vehicle's exemption from emissions testing pursuant to this section unless

1 evidence of coverage is presented to the department of transportation
2 within sixty days.

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

5 1. Either:

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

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

10 2. Meets both of the following criteria:

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

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

17 Sec. 3. Section 49-545, Arizona Revised Statutes, is amended to
18 read:

19 49-545. Agreement with independent contractor; qualifications
20 of contractor; agreement provisions

21 A. The director is authorized to enter into an emissions inspection
22 agreement with one or more independent contractors, subject to public
23 bidding, to provide for the construction, equipment, establishment,
24 maintenance and operation of any official emissions inspection stations in
25 such numbers and locations as may be required to provide vehicle owners
26 reasonably convenient access to inspection facilities for the purpose of
27 obtaining compliance with this article and the rules adopted pursuant to
28 this article. The agreement may provide that official inspection stations
29 shall be placed in permanent or movable buildings at particular locations
30 as well as in mobile units for conveyance from one preannounced particular
31 location to another.

32 B. The director is prohibited from entering into an emissions
33 inspection agreement with any independent contractor who:

34 1. Is engaged in the business of manufacturing, selling,
35 maintaining or repairing vehicles, except that the independent contractor
36 shall not be precluded from maintaining or repairing any vehicle owned or
37 operated by the independent contractor.

38 2. Does not have the capability, resources or technical and
39 management skill to adequately construct, equip, operate and maintain a
40 sufficient number of official emissions inspection stations to meet the
41 demand for inspection of every vehicle ~~which~~ THAT is required to be
42 submitted for inspection pursuant to this article.

43 C. All persons employed by the independent contractor in the
44 performance of an emissions inspection agreement are deemed to be
45 employees of the independent contractor and not of this state. ~~to AN~~

1 employee of the independent contractor ~~shall~~ MAY NOT wear any badge,
2 insignia, patch, emblem, device, word or series of words ~~which~~ THAT would
3 tend to indicate that such person is employed by this state. Employees of
4 the independent contractor are specifically prohibited under this
5 subsection from wearing the flag of this state, the words "state of
6 Arizona", the words "official emissions inspection program" or any similar
7 emblem or phrase.

8 D. The emissions inspection agreement authorized by this section
9 shall contain, in addition to any other provisions, provisions relating to
10 the following:

11 1. A contract term or duration of ~~between five and~~ UP TO seven
12 years with reasonable compensation to the contractor if the provisions of
13 this article are repealed.

14 2. That nothing in the agreement or contract shall require the
15 state to purchase any asset or assume any liability if such agreement or
16 contract is not renewed.

17 3. The minimum requirements for adequate staff, equipment,
18 management and hours and place of operation of official emissions
19 inspection stations.

20 4. The submission of such reports and documentation concerning the
21 operation of official emissions inspection stations as the director and
22 the auditor general may require.

23 5. Surveillance by the department of environmental quality and the
24 auditor general to ensure compliance with vehicular emissions standards,
25 procedures, rules and laws.

26 6. The right of this state, ~~upon~~ ON providing reasonable notice to
27 the independent contractor, to terminate the contract with the independent
28 contractor and the right of this state on termination of the contract to
29 assume operation of the vehicle emissions inspection program through
30 another contract provider or otherwise.

31 7. The right of this state ~~upon~~ ON termination of the term of the
32 agreement or ~~upon~~ ON assumption of the operation of the program to have
33 transferred and assigned to it for reasonable compensation any interest in
34 land, buildings, improvements, equipment, parts, tools and services used
35 by the independent contractors in their operation of the program.

36 8. The right of this state ~~upon~~ ON termination of the term of the
37 agreement or assumption of the operation of the program to have
38 transferred and assigned to it any contract rights, and related
39 obligations, for land, buildings, improvements, equipment, parts, tools
40 and services used by the independent contractors in their operation of the
41 program.

42 9. The obligation of the independent contractors to provide in any
43 agreement to be executed by them, and to maintain in any agreements
44 previously executed by them, for land, buildings, improvements, equipment,
45 parts, tools and services used in their operation of the program for the

1 right of the independent contractors to assign to this state any of their
2 rights and obligations under such contract.

3 10. The right of the independent contractor, in the event the
4 contract is terminated and the state elects to assume operation of the
5 vehicle emissions inspection program through another contractor or
6 otherwise, to retain and not transfer to the state any interest in or any
7 contract rights and related obligations for improvements, equipment,
8 parts, tools and services that are used by the independent contractor in
9 the operation of the program and that are proprietary in nature, as may be
10 more specifically set forth in the contract.

11 11. The amounts of liquidated damages payable by this state to the
12 independent contractor if the state exercises its right to terminate the
13 contract at the conclusion of each year of the contract pursuant to
14 paragraph 6 of this subsection. The damages recoverable by the
15 independent contractor if the state exercises its right to terminate the
16 contract ~~shall be~~ ARE limited to the liquidated damages specified in the
17 contract.

18 12. Any other provision deemed necessary by the director for the
19 administration or enforcement of the emissions inspection agreement.

20 E. The department ~~of environmental quality~~ shall establish bid
21 specifications or contract terms for a contract with an independent
22 contractor as provided in this section, review bids for AN award of a
23 contract with the independent contractors and negotiate any terms of a
24 contract with the independent contractors.

25 F. In evaluating bids for an emissions inspection agreement, ~~no~~
26 additional consideration ~~shall~~ MAY NOT be given to a bid solely on the
27 basis of the type of conditioning mode proposed in the bid.

28 G. After a contract is awarded to an independent contractor, the
29 director may modify the contract with the independent contractor to allow
30 the contractor and the state to comply with amendments to applicable
31 statutes or rules. These modifications are exempt from public bidding and
32 may include the addition, deletion or alteration of any contract provision
33 in order to make compliance feasible, including inspection fees and
34 services rendered. Provisions relating to contract term or duration may be
35 amended, ~~except that the term or duration of the contract in existence on~~
36 ~~August 6, 1999 shall not be extended beyond December 31, 2001.~~ Any
37 proposed modification or amendment to the contract is subject to prior
38 review by the joint legislative budget committee. If the director cannot
39 negotiate an acceptable modification of the contract, the state may
40 terminate the contract.

41 Sec. 4. Conditional enactment

42 Section 49-542, Arizona Revised Statutes, as amended by Laws 2017,
43 chapter 29, section 2 and this act, becomes effective on the date
44 prescribed by Laws 2017, chapter 29, section 3 but only on the occurrence
45 of the condition prescribed by Laws 2017, chapter 29, section 3.

APPENDIX B

APPROVED BY THE GOVERNOR APRIL 29, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2019.

House Engrossed

air quality; omnibus

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

CHAPTER 27
HOUSE BILL 2329

AN ACT

REPEALING SECTION 49-474.04, ARIZONA REVISED STATUTES; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTIONS 49-542.03, 49-544, 49-551 AND 49-553, ARIZONA REVISED STATUTES; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTION 49-558.02, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; RELATING TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Section 49-474.04, Arizona Revised Statutes, is repealed.

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

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

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

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

1 pilot program and a certification by the director that, based on the data
2 collected during the pilot program, a full scale implementation of a
3 remote vehicle inspection program will increase the efficiency and reduce
4 the costs of the vehicle emissions inspection program.

5 C. Vehicles required to be inspected and registered in this state,
6 except those provided for in section 49-546, shall be inspected, for the
7 purpose of complying with the registration requirement pursuant to
8 subsection D of this section, in accordance with the provisions of this
9 article ~~no~~ NOT more than ninety days before each registration expiration
10 date. A vehicle may be submitted voluntarily for inspection more than
11 ninety days before the registration expiration date on payment of the
12 prescribed inspection fee. That voluntary inspection may be considered as
13 compliance with the registration requirement pursuant to subsection D of
14 this section only on conditions prescribed by the director.

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

27 E. On the registration of a vehicle that has complied with the
28 minimum emissions standards pursuant to this section or is otherwise
29 exempt under this section, the registering officer shall issue an air
30 quality compliance sticker to the registered owner that shall be placed on
31 the vehicle as prescribed by rule adopted by the department of
32 transportation or issue a modified year validating tab as prescribed by
33 rule adopted by the department of transportation. Those persons who
34 reside outside of area A or area B but who elect to test their vehicle or
35 are required to test their vehicle pursuant to this section and who comply
36 with the minimum emissions standards pursuant to this section or are
37 otherwise exempt under this section shall remit a compliance form, as
38 prescribed by the department of transportation, and proof of compliance
39 issued at an official emissions inspection station to the department of
40 transportation along with the appropriate fees. The department of
41 transportation shall then issue the person an air quality compliance
42 sticker that shall be placed on the vehicle as prescribed by rule adopted
43 by the department of transportation. The registering officer or the
44 department of transportation shall collect an air quality compliance fee
45 of \$.25. The registering officer or the department of transportation

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

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

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

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

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

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

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

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

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

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

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

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

9 (i) An evaporative system purge test.

10 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 2. The exemption from inspection of:

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

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

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

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

8 (e) Vehicles that are outside of this state at the time of
9 registration, except the director by rule may require testing of those
10 vehicles within a reasonable period of time after those vehicles return to
11 this state.

12 (f) Golf carts.

13 (g) Electrically-powered vehicles.

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

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

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

19 (k) Collectible vehicles.

20 (l) Motorcycles.

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

23 4. A procedure that allows the vehicle service and repair industry
24 to compare the calibration accuracy of its emissions testing equipment
25 with the department's calibration standards.

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

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

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

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

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

11 1. In area A the cost shall not exceed:
12 (a) \$500 for a diesel powered vehicle with a gross weight in excess
13 of twenty-six thousand pounds.

14 (b) \$500 for a diesel powered vehicle with tandem axles.
15 (c) For a vehicle other than a diesel powered vehicle with a gross
16 weight in excess of twenty-six thousand pounds and other than a diesel
17 powered vehicle with tandem axles:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (b) The availability and a brief description of the vehicle repair
17 and retrofit program established pursuant to section ~~49-474.03~~ 49-558.02.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 1. Either:

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

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

32 2. Meets both of the following criteria:

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

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

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

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

44 A. The director shall administer a comprehensive annual or biennial
45 emissions inspection program that shall require the inspection of vehicles

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

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

40 C. Vehicles required to be inspected and registered in this state,
41 except those provided for in section 49-546, shall be inspected, for the
42 purpose of complying with the registration requirement pursuant to
43 subsection D of this section, in accordance with the provisions of this
44 article not more than ninety days before each registration expiration
45 date. A vehicle may be submitted voluntarily for inspection more than

1 ninety days before the registration expiration date on payment of the
2 prescribed inspection fee. That voluntary inspection may be considered as
3 compliance with the registration requirement pursuant to subsection D of
4 this section only on conditions prescribed by the director.

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

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

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

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

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

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

9 (a) A MOTOR VEHICLE THAT IS EQUIPPED WITH AN ONBOARD DIAGNOSTIC SYSTEM REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT SHALL BE REQUIRED TO TAKE AND PASS AN ONBOARD DIAGNOSTIC TEST OR A STEADY STATE LOADED TEST AND CURB IDLE TEST AS APPROVED BY THE DIRECTOR.

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

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

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

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

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

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

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

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

11 (a) A MOTOR VEHICLE THAT IS EQUIPPED WITH AN ONBOARD DIAGNOSTIC
12 SYSTEM REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT SHALL BE REQUIRED
13 TO TAKE AND PASS AN ONBOARD DIAGNOSTIC TEST OR A TRANSIENT LOADED TEST AS
14 APPROVED BY THE DIRECTOR.

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

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

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

23 (i) An evaporative system purge test.

24 (ii) An evaporative system integrity test.

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

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

29 (a) A DIESEL POWERED MOTOR VEHICLE THAT IS EQUIPPED WITH AN ONBOARD
30 DIAGNOSTIC SYSTEM REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT SHALL BE
31 REQUIRED TO TAKE AND PASS AN ONBOARD DIAGNOSTIC TEST OR AN OPACITY TEST AS
32 APPROVED BY THE DIRECTOR.

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

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

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

42 ~~3. 4. Any~~ A constant four-wheel drive vehicle shall be required to
43 take and pass a curb idle ~~emissions~~ test or an onboard diagnostic ~~check as~~
44 ~~required pursuant to title II of the clean air act~~ TEST.

1 4. 5. Fleet operators ~~in area B~~ must comply with this section,
2 except that used vehicles, OTHER THAN DIESEL POWERED VEHICLES, sold by a
3 motor vehicle dealer who is a fleet operator and who has been issued a
4 permit under section 49-546 shall be tested as follows:

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

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

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

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~~
21 ~~and who has been issued a permit pursuant to section 49-546 for the~~
22 ~~purposes of determining compliance with minimum emission standards in area~~
23 ~~A shall be 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, except that a diesel powered~~
26 ~~vehicle is subject to only a loaded test.~~

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

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

40 8. ~~For any registered owner or lessee of a fleet of less than~~
41 ~~twenty-five vehicles, a diesel powered motor vehicle with a gross vehicle~~
42 ~~weight of more than twenty-six thousand pounds and for which gross weight~~
43 ~~fees are paid pursuant to title 28, chapter 15, article 2 in area A shall~~
44 ~~not be allowed to operate in area A unless it was manufactured in or after~~

1 ~~the 1988 model year or is powered by an engine that is certified to meet~~
2 ~~or surpass emissions standards contained in 40 Code of Federal Regulations~~
3 ~~section 86.088-11 in effect on July 1, 1995. This paragraph does not~~
4 ~~apply to vehicles that are registered pursuant to title 28, chapter 7,~~
5 ~~article 7 or 8.~~

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

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

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

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

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

26 2. The exemption from inspection of:

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

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

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

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

41 (e) Vehicles that are outside of this state at the time of
42 registration, except the director by rule may require testing of those
43 vehicles within a reasonable period of time after those vehicles return to
44 this state.

45 (f) Golf carts.

- 1 (g) Electrically-powered vehicles.
- 2 (h) Vehicles with an engine displacement of less than ninety cubic
- 3 centimeters.
 - 4 (i) The sale of vehicles between motor vehicle dealers.
 - 5 (j) Vehicles leased to a person residing outside of area A or area
 - 6 B by a leasing company whose place of business is in area A or area B.
 - 7 (k) Collectible vehicles.
 - 8 (l) Motorcycles.
- 9 (m) CRANES AND OVERSIZE VEHICLES THAT REQUIRE PERMITS PURSUANT TO
10 SECTION 28-1100, 28-1103 OR 28-1144.
- 11 (n) VEHICLES THAT ARE NOT IN USE AND THAT ARE OWNED BY RESIDENTS OF
12 THIS STATE WHILE ON ACTIVE MILITARY DUTY OUTSIDE OF THIS STATE.
 - 13 3. Compiling and maintaining records of emissions test results
14 after servicing.
 - 15 4. A procedure that allows the vehicle service and repair industry
16 to compare the calibration accuracy of its emissions testing equipment
17 with the department's calibration standards.
 - 18 5. Training requirements for automotive repair personnel using
19 emissions measuring equipment whose calibration accuracy has been compared
20 with the department's calibration standards.
 - 21 6. Any other rule that may be required to accomplish the provisions
22 of this article.
- 23 K. The director, after consultation with automobile manufacturers
24 and the vehicle service and repair industry, shall establish by rule a
25 definition of "vehicle maintenance and repairs" for motor vehicles subject
26 to inspection under this article. The definition shall specify repair
27 procedures that, when implemented, will reduce vehicle emissions.
- 28 L. The director shall adopt rules that specify that the estimated
29 retail cost of all recommended maintenance and repairs shall not exceed
30 the amounts prescribed in this subsection, except that if a vehicle fails
31 a tampering inspection there is no limit on the cost of recommended
32 maintenance and repairs. The director shall issue a certificate of waiver
33 for a vehicle if the director has determined that all recommended
34 maintenance and repairs have been performed and that the vehicle has
35 failed any reinspection that may be required by rule. If the director has
36 determined that the vehicle is in compliance with minimum emissions
37 standards or that all recommended maintenance and repairs for compliance
38 with minimum emissions standards have been performed, but that tampering
39 discovered at a tampering inspection has not been repaired, the director
40 may issue a certificate of waiver if the owner of the vehicle provides to
41 the director a written statement from an automobile parts or repair
42 business that an emissions control device that is necessary to repair the
43 tampering is not available and cannot be obtained from any usual source of
44 supply before the vehicle's current registration expires. Rules adopted
45 by the director for the purpose of establishing the estimated retail cost

1 of all recommended maintenance and repairs pursuant to this subsection
2 shall specify that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (b) The availability and a brief description of the vehicle repair
10 and retrofit program established pursuant to section 49-558.02.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 1. Either:

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

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

23 2. Meets both of the following criteria:

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

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

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

32 49-542.03. Motor vehicle dealer; emissions testing; remedies;
33 definition

34 A. In area A or area B, if a motor vehicle dealer sells a motor
35 vehicle that has less than one year remaining before it must undergo an
36 emissions test or has not taken an emissions test pursuant to section
37 49-542 and that is not covered under a current federal emissions warranty
38 and if the purchaser of the vehicle has the vehicle emissions tested
39 within three days, excluding holidays, of the purchase and if the vehicle
40 fails the test, the dealer shall do one of the following:

41 1. Rescind the purchase agreement and reimburse the purchaser for
42 the cost of the test.

43 2. Make repairs at the dealer's expense ~~which~~ THAT bring the
44 vehicle into compliance with the emissions test.

1 3. Enter into a mutually acceptable alternative agreement with the
2 purchaser.

3 B. A motor vehicle dealer ~~who~~ THAT sells a vehicle subject to ~~the~~
4 ~~provisions of~~ subsection A of this section shall provide the purchaser
5 with a written notice of the purchaser's rights pursuant to this section
6 ~~prior to~~ BEFORE completing the sale transaction. A motor vehicle dealer
7 THAT IS subject to ~~the provisions of~~ section 49-546, subsection G shall
8 also provide a written summary of the requirements of section 49-542 to
9 the purchaser. The notice shall be available in English and in Spanish.

10 C. A motor vehicle dealer ~~who~~ THAT meets the requirements of
11 section 49-546, subsection G shall conduct the dealer's business pursuant
12 to this section for those vehicles ~~which~~ THAT are required by law to be
13 registered in area A.

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

19 E. ~~For the purposes of~~ this section, ~~unless the context~~
20 ~~otherwise requires~~, "motor vehicle dealer" means a dealer ~~who~~ THAT is a
21 fleet operator and ~~who~~ THAT has been issued a permit under section 49-546.

22 Sec. 5. Section 49-544, Arizona Revised Statutes, is amended to
23 read:

24 49-544. Emissions inspection fund; composition; authorized
25 expenditures; exemptions; investment

26 A. The emissions inspection fund is established and is subject to
27 legislative appropriation. The emissions inspection fund shall consist
28 of:

- 29 1. Monies appropriated to the fund by the legislature.
- 30 2. All monies collected pursuant to section 49-543, subsection A.
- 31 3. All monies collected by the director for the issuance of
32 inspection certificates to owners of fleet emissions inspection stations.
- 33 4. Monies received from private grants or donations when so
34 designated by the grantor or donor.

35 5. Monies received from the United States by grant or otherwise to
36 assist this state in any emissions inspection program.

37 B. Monies in the emissions inspection fund may be used for the
38 following:

- 39 1. Enforcement of the provisions of this article related to fleet
40 emissions inspections, exemptions and certificates of waiver.
- 41 2. Payment of contractual charges to independent contractors
42 pursuant to section 49-545.
- 43 3. Costs to the state of administering:

1 (a) The emissions inspection services performed by the independent
2 contractor, including inspection station auditing, contractor training and
3 certification, and motorist assistance.

4 (b) Travel reduction programs prescribed by this chapter.

5 ~~4. Funding this state's portion of the catalytic converter program
6 costs prescribed by section 49-542.~~

7 ~~5.~~ 4. Other costs of administering and enforcing this article.

8 C. The department of environmental quality shall approve and
9 provide for the payment of contractual charges to independent contractors
10 and for enforcement of the provisions of this article related to fleet
11 emissions inspections, exemptions and certificates of waiver.

12 D. Monies in the emissions inspection fund are exempt from the
13 provisions of section 35-190 relating to lapsing of appropriations.

14 E. On notice from the department, the state treasurer shall invest
15 and divest monies in the fund as provided by section 35-313, and monies
16 earned from investment shall be credited to the fund.

17 Sec. 6. Section 49-551, Arizona Revised Statutes, is amended to
18 read:

19 49-551. Air quality fee: air quality fund: purpose

20 A. Every person who is required to register a motor vehicle in this
21 state pursuant to section 28-2153 shall pay, in addition to the
22 registration fee, an annual air quality fee at the time of vehicle
23 registration of ~~one dollar fifty cents~~ \$1.50. Unless and until the United
24 States environmental protection agency grants a waiver for diesel fuel
25 pursuant to section 211(c)(4) of the clean air act, every person who is
26 required to register a diesel powered motor vehicle in this state with a
27 declared gross weight as defined in section 28-5431 of more than eight
28 thousand five hundred pounds and every person who is subject to an
29 apportioned fee for diesel powered motor vehicles collected pursuant to
30 title 28, chapter 7, articles 7 and 8 shall pay an additional apportioned
31 diesel fee of ~~ten dollars~~ \$10.

32 B. The registering officer shall collect the fees and immediately
33 deposit, pursuant to sections 35-146 and 35-147, the air quality fees in
34 the air quality fund established pursuant to subsection C of this section
35 and shall deposit the diesel fees in the voluntary vehicle repair and
36 retrofit program fund established pursuant to section ~~49-474.03~~ 49-558.02.

37 C. An air quality fund is established consisting of monies received
38 pursuant to this section, gifts, grants and donations, and monies
39 appropriated by the legislature. The department of environmental quality
40 shall administer the fund. Monies in the fund are exempt from the
41 provisions of section 35-190 relating to the lapsing of appropriations.
42 Interest earned on monies in the fund shall be credited to the fund.
43 Monies in the air quality fund shall be used, subject to legislative
44 appropriation, for:

1 1. Air quality research, experiments and programs conducted by or
2 for the department for the purpose of bringing area A or area B into or
3 maintaining area A or area B in attainment status, improving air quality
4 in areas of this state outside area A or area B and reducing emissions of
5 particulate matter, carbon monoxide, oxides of nitrogen, volatile organic
6 compounds and hazardous air pollutants throughout the state.

7 2. Monitoring visible air pollution and developing and implementing
8 programs to reduce emissions of pollutants that contribute to visible air
9 pollution in counties with a population of four hundred thousand persons
10 or more.

11 3. Developing and adopting rules in compliance with sections
12 49-426.03, 49-426.04, 49-426.05 and 49-426.06.

13 D. The department shall transfer ~~four hundred thousand dollars~~
14 \$400,000 from the air quality fund to the department of administration for
15 the purposes prescribed by section 49-588 in eight installments in each of
16 the first eight months of a fiscal year.

17 E. This section does not apply to an electrically powered golf cart
18 or an electrically powered vehicle.

19 Sec. 7. Section 49-553, Arizona Revised Statutes, is amended to
20 read:

21 49-553. Vehicle emissions; research; cost analysis

22 A. The department of environmental quality ~~shall~~ MAY conduct
23 research to quantify the effect of ~~alternative fuels on toxic components~~
24 ~~of~~ vehicular emissions. ~~This shall include aldehydes, particularly~~
25 ~~formaldehyde, benzene and other aromatics.~~

26 B. ~~The department shall acquire, with monies from the air quality~~
27 ~~fund, equipment capable of measuring the emissions effects of the use of~~
28 ~~oxygenated gasoline blends by means of the federal test procedures. The~~
29 ~~department shall use the equipment for the purpose of emissions testing of~~
30 ~~the vehicles required to be tested pursuant to statute.~~

31 C. B. The department may hire consultants for the purpose of
32 analyzing the costs and benefits of the ~~carbon monoxide~~ EMISSIONS
33 reduction measures adopted by this chapter and to design and execute and
34 to evaluate the results of any testing program required by this chapter

35 Sec. 8. Section 49-474.03, Arizona Revised Statutes, is transferred
36 and renumbered for placement in title 49, chapter 3, article 5, as section
37 49-558.02 and, as so renumbered, is amended to read:

38 49-558.02. Voluntary vehicle repair and retrofit program;
39 criteria; fund; report

40 A. ~~A county with a population of more than four hundred thousand~~
41 ~~persons according to the most recent United States decennial census shall~~
42 ~~operate and administer a voluntary vehicle repair and retrofit program in~~
43 ~~the county. The county shall coordinate the program with the department~~
44 ~~of environmental quality and the department of transportation. THE~~
45 ~~DEPARTMENT SHALL OPERATE AND ADMINISTER A VOLUNTARY VEHICLE REPAIR AND~~

1 RETROFIT PROGRAM IN AREAS THAT ARE SUBJECT TO THE VEHICLE EMISSIONS
2 INSPECTION PROGRAM ESTABLISHED BY THIS ARTICLE. A vehicle owner's
3 participation is voluntary. The ~~county~~ DEPARTMENT may contract with an
4 independent contractor to develop and implement all or any portion of the
5 program. The program shall provide for ~~real and~~ quantifiable emissions
6 ~~reduction based on actual emissions testing performed on the vehicle~~
7 ~~before repair or retrofit~~ REDUCTIONS.

8 B. A vehicle owner may participate in the program if all of the
9 following criteria are met:

10 1. The owner is willing to participate in the program.
11 2. The vehicle being repaired or retrofitted is functionally
12 operational.

13 3. The vehicle being repaired or retrofitted is titled in this
14 state, has taken the emissions inspection test pursuant to section 49-542,
15 subsection A, has been registered during the immediately preceding twelve
16 months and has not been unregistered for more than sixty days.

17 4. ~~The vehicle being repaired or retrofitted is at least twelve~~
18 ~~years older than the current calendar year.~~

19 5. The vehicle is required to take the emissions inspection
20 test and the vehicle fails the emissions test in the emissions inspection
21 results portion of the test. The vehicle owner shall apply to the program
22 not more than sixty days after failing the test.

23 6. The emissions control system has not been tampered with.
24 7. The emissions control system has not been removed or
25 disabled, in whole or in part.

26 8. The vehicle is taken to a participating repair facility.
27 Any repairs performed at an unauthorized repair facility are not eligible
28 for payment.

29 9. Participation in the program is limited to one vehicle per
30 owner.

31 10. Motor homes, motorcycles, ~~AND~~ salvage ~~vehicles~~ and fleet
32 vehicles are not eligible to participate in the program.

33 C. Notwithstanding subsection B or D of this section, diesel
34 powered motor vehicles with a gross vehicle rating of more than eight
35 thousand five hundred pounds, that are ~~registered in area A or B, as~~
36 ~~defined pursuant to section 49-541,~~ SUBJECT TO THE VEHICLE EMISSIONS
37 INSPECTION PROGRAM and that fail any random roadside vehicle test
38 conducted by the state or that fail the emissions test conducted pursuant
39 to section 49-542 are eligible for up to ~~one thousand dollars~~ \$1,000 in
40 repair or retrofit costs from the program. Qualified vehicle owners
41 pursuant to this subsection shall be responsible for one-half of the costs
42 of the qualified repairs and the other half of the costs shall be funded
43 from the program up to ~~one thousand dollars~~ \$1,000. An owner of vehicles
44 that are registered as a fleet shall not receive more than ~~ten thousand~~
45 ~~dollars~~ \$10,000 in total monies. ~~No~~ NOT more than twenty-five ~~per cent~~

1 PERCENT of the program funds in any year may be used for the purposes of
2 this subsection.

3 D. The ~~county~~ DEPARTMENT shall operate and administer an emissions
4 control repair and retrofit program in cooperation with the ~~department~~
5 COUNTY that provides that:

6 1. Vehicle owners who qualify for the repair and retrofit program
7 shall pay the first ~~one hundred fifty dollars~~ \$100 as a copayment.

8 2. Vehicles that require more than ~~seven hundred dollars~~ \$1,000 in
9 repair OR RETROFIT costs are not eligible unless the vehicle owner chooses
10 to pay additional costs.

11 3. ~~A vehicle that is able to accept a retrofit kit shall have a~~
12 ~~retrofit kit installed. A vehicle that requires more than eight hundred~~
13 ~~dollars in aggregated retrofit parts and labor costs is not eligible for~~
14 ~~the program unless the vehicle owner pays the additional costs.~~

15 E. ~~A county with a population of more than one million two hundred~~
16 ~~thousand persons shall operate and administer a program to replace~~
17 ~~catalytic converters on motor vehicles that fail to meet emissions~~
18 ~~standards due to failure of the catalytic converter system if that failure~~
19 ~~is not the result of tampering.~~

20 F. E. The voluntary vehicle repair and retrofit program fund is
21 established. The director shall administer the fund. Not more than five
22 ~~per cent~~ PERCENT of the monies in the fund may be used for the purpose of
23 educating the general public about the program and eligibility for the
24 program. The fund consists of monies from the following sources:

- 25 1. Monies appropriated by the legislature.
- 26 2. Monies appropriated by political subdivisions.
- 27 3. Monies deposited pursuant to section 49-551, subsection B.
- 28 4. Gifts, grants and donations.

29 G. F. ~~By ON OR BEFORE~~ December 1 of each year, the ~~county~~
30 DEPARTMENT shall prepare and submit a progress report to ~~the department of~~
31 ~~environmental quality~~, the department of transportation, the speaker of
32 the house of representatives, the president of the senate, the
33 governor, ~~AND~~ the secretary of state ~~and the director of the Arizona~~
34 ~~state library, archives and public records~~ on the voluntary vehicle repair
35 and retrofit program that contains at least the following information:

- 36 1. The number of vehicles repaired or retrofitted by model year.
- 37 2. The cost-effectiveness of the program in terms of dollars spent
38 per ton of vehicle emissions reductions.
- 39 3. Any recommendations for improving the effectiveness of the
40 program.
- 41 4. The administrative costs of the program.

1 Sec. 9. Conditional enactment

2 A. Section 49-542, Arizona Revised Statutes, as amended by section
3 of this act, and section 49-542.03, Arizona Revised Statutes, as amended
4 by this act, do not become effective unless on or before July 1, 2023 the
5 United States environmental protection agency approves the proposed
6 modifications to the vehicle emissions testing program protocols as part
7 of the state implementation plan for air quality.

8 B. The director of the department of environmental quality shall
9 notify in writing the director of the Arizona legislative council on or
10 before September 1, 2023 either:

- 11 1. Of the date on which the condition was met.
12 2. That the condition was not met.

APPROVED BY THE GOVERNOR FEBRUARY 18, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 18, 2021.

House Engrossed

emissions inspection; collectible vehicles; dealers

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

CHAPTER 116
HOUSE BILL 2758

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 49-542, Arizona Revised Statutes, is amended to
3 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (i) An evaporative system purge test.

10 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 2. The exemption from inspection of:

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

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

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

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

8 (e) Vehicles that are outside of this state at the time of
9 registration, except the director by rule may require testing of those
10 vehicles within a reasonable period of time after those vehicles return to
11 this state.

12 (f) Golf carts.

13 (g) Electrically-powered vehicles.

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

16 (i) The sale of vehicles between motor vehicle dealers.

17 (j) Vehicles leased to a person residing outside of area A or area
18 B by a leasing company whose place of business is in area A or area B.

19 (k) Collectible vehicles.

20 (l) Motorcycles.

21 3. Compiling and maintaining records of emissions test results
22 after servicing.

23 4. A procedure that allows the vehicle service and repair industry
24 to compare the calibration accuracy of its emissions testing equipment
25 with the department's calibration standards.

26 5. Training requirements for automotive repair personnel using
27 emissions measuring equipment whose calibration accuracy has been compared
28 with the department's calibration standards.

29 6. Any other rule that may be required to accomplish the provisions
30 of this article.

31 K. The director, after consultation with automobile manufacturers
32 and the vehicle service and repair industry, shall establish by rule a
33 definition of "vehicle maintenance and repairs" for motor vehicles subject
34 to inspection under this article. The definition shall specify repair
35 procedures that, when implemented, will reduce vehicle emissions.

36 L. The director shall adopt rules that specify that the estimated
37 retail cost of all recommended maintenance and repairs shall not exceed
38 the amounts prescribed in this subsection, except that if a vehicle fails
39 a tampering inspection there is no limit on the cost of recommended
40 maintenance and repairs. The director shall issue a certificate of waiver
41 for a vehicle if the director has determined that all recommended
42 maintenance and repairs have been performed and that the vehicle has
43 failed any reinspection that may be required by rule. If the director has
44 determined that the vehicle is in compliance with minimum emissions
45 standards or that all recommended maintenance and repairs for compliance

1 with minimum emissions standards have been performed, but that tampering
2 discovered at a tampering inspection has not been repaired, the director
3 may issue a certificate of waiver if the owner of the vehicle provides to
4 the director a written statement from an automobile parts or repair
5 business that an emissions control device that is necessary to repair the
6 tampering is not available and cannot be obtained from any usual source of
7 supply before the vehicle's current registration expires. Rules adopted
8 by the director for the purpose of establishing the estimated retail cost
9 of all recommended maintenance and repairs pursuant to this subsection
10 shall specify that:

11 1. In area A the cost shall not exceed:
12 (a) \$500 for a diesel powered vehicle with a gross weight in excess
13 of twenty-six thousand pounds.

14 (b) \$500 for a diesel powered vehicle with tandem axles.
15 (c) For a vehicle other than a diesel powered vehicle with a gross
16 weight in excess of twenty-six thousand pounds and other than a diesel
17 powered vehicle with tandem axles:

18 (i) \$200 for such a vehicle manufactured in or before the 1974
19 model year.

20 (ii) \$300 for such a vehicle manufactured in the 1975 through 1979
21 model years.

22 (iii) \$450 for such a vehicle manufactured in or after the 1980
23 model year.

24 2. In area B the cost shall not exceed:

25 (a) \$300 for a diesel powered vehicle with a gross weight in excess
26 of twenty-six thousand pounds.

27 (b) \$300 for a diesel powered vehicle with tandem axles.

28 3. For a vehicle other than a diesel powered vehicle with a gross
29 weight in excess of twenty-six thousand pounds and other than a diesel
30 powered vehicle with tandem axles:

31 (a) \$50 for such a vehicle manufactured in or before the 1974 model
32 year.

33 (b) \$200 for such a vehicle manufactured in the 1975 through 1979
34 model years.

35 (c) \$300 for such a vehicle manufactured in or after the 1980 model
36 year.

37 M. Each person whose vehicle has failed an emissions inspection
38 shall be provided a list of those general recommended repair and
39 maintenance procedures for vehicles that are designed to reduce vehicle
40 emissions levels.

41 N. Notwithstanding any other provisions of this article, the
42 director may adopt rules allowing exemptions from the requirement that all
43 vehicles must meet the minimum standards for registration.

1 0. The director of environmental quality shall establish, in
2 cooperation with the assistant director for the motor vehicle division of
3 the department of transportation:

4 1. An adequate method for identifying bona fide residents residing
5 outside of area A or area B to ensure that such residents are exempt from
6 compliance with the inspection program established by this article and
7 rules adopted under this article.

8 2. A written notice that shall accompany the vehicle registration
9 application forms that are sent to vehicle owners pursuant to section
10 28-2151 and that shall accompany or be included as part of the vehicle
11 emissions test results that are provided to vehicle owners at the time of
12 the vehicle emissions test. This written notice shall describe at least
13 the following:

14 (a) The restriction of the waiver program to one time per vehicle
15 and a brief description of the implications of this limit.

16 (b) The availability and a brief description of the vehicle repair
17 and retrofit program established pursuant to section 49-474.03.

18 (c) Notice that many vehicles carry extended warranties for vehicle
19 emissions systems, and those warranties are described in the vehicle's
20 owner's manual or other literature.

21 (d) A description of the catalytic converter replacement program
22 established pursuant to section 49-474.03.

23 P. Notwithstanding any other law, if area A or area B is
24 reclassified as an attainment area, emissions testing conducted pursuant
25 to this article shall continue for vehicles registered inside that
26 reclassified area, vehicles owned by a person who is subject to section
27 15-1444 or 15-1627 and vehicles registered outside of that reclassified
28 area but used to commute to the driver's principal place of employment
29 located within that reclassified area.

30 Q. A fleet operator who is issued a permit pursuant to section
31 49-546 may electronically transmit emissions inspection data to the
32 department of transportation pursuant to rules adopted by the director of
33 the department of transportation in consultation with the director of
34 environmental quality.

35 R. The director shall prohibit a certificate of waiver pursuant to
36 subsection L of this section for any vehicle that has failed inspection in
37 area A or area B due to the catalytic converter system.

38 S. The director shall establish provisions for rapid testing of
39 certain vehicles and to allow fleet operators, singly or in combination,
40 to contract directly for vehicle emissions testing.

41 T. Each vehicle emissions inspection station in area A shall have a
42 sign posted to be visible to persons who are having their vehicles tested.
43 This sign shall state that enhanced testing procedures are a direct result
44 of federal law.

1 U. The initial adoption of rules pursuant to this section shall be
2 deemed emergency rules pursuant to section 41-1026.

3 V. The director of environmental quality and the director of the
4 department of transportation shall implement a system to exchange
5 information relating to the waiver program, including information relating
6 to vehicle emissions test results and vehicle registration information.

7 W. Any person who sells a vehicle that has been issued a
8 certificate of waiver pursuant to this section after January 1, 1997 and
9 who knows that a certificate of waiver has been issued after January 1,
10 1997 for that vehicle shall disclose to the buyer before completion of the
11 sale that a certificate of waiver has been issued for that vehicle.

12 X. Vehicles that fail the emissions test at emission levels higher
13 than twice the standard established for that vehicle class by the
14 department pursuant to section 49-447 are not eligible for a certificate
15 of waiver pursuant to this section unless the vehicle is repaired
16 sufficiently to achieve an emissions level below twice the standard for
17 that class of vehicle.

18 Y. If an insurer notifies the department of transportation of the
19 cancellation or nonrenewal of collectible vehicle or classic automobile
20 insurance coverage for a collectible vehicle, the department of
21 transportation shall cancel the registration of the vehicle and the
22 vehicle's exemption from emissions testing pursuant to this section unless
23 evidence of coverage is presented to the department of transportation
24 within sixty days.

25 Z. For the purposes of this section, "collectible vehicle" means a
26 vehicle that complies with both of the following:

27 1. Either:

28 (a) Bears a model year date of original manufacture that is at
29 least fifteen years old.

30 (b) Is of unique or rare design, of limited production and an
31 object of curiosity.

32 2. Meets both of the following criteria:

33 (a) Is maintained primarily for use in car club activities,
34 exhibitions, parades or other functions of public interest or for a
35 private collection and is used only infrequently for other purposes.

36 (b) Has a collectible vehicle or classic automobile insurance
37 coverage that restricts the collectible vehicle mileage or use, or both,
38 and requires the owner to have another vehicle for personal use.

APPROVED BY THE GOVERNOR MARCH 24, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2021.

Amendments to A.R.S. § 49-542 as Approved into the SIP.¹

49-542. Emissions inspection program; powers and duties of director; administration; periodic inspection; minimum standards and rules; exceptions; definition

A. The director shall administer a comprehensive annual or biennial emissions inspection program ~~which THAT~~ shall require the inspection of vehicles in this state pursuant to this article and applicable administrative rules. Such inspection is required **FOR VEHICLES THAT ARE REGISTERED** in area A and area B, for those vehicles owned by a person who is subject to section 15-1444 or 15-1627 and for those vehicles registered outside of area A or area B but used to commute to the driver's principal place of employment located within area A or area B. Inspection in other counties of the state shall commence ~~upon ON THE DIRECTOR'S APPROVAL OF AN~~ application by a county board of supervisors for participation in such inspection program, ~~subject to approval by the director~~. In all counties with a population of three hundred fifty thousand or fewer persons ~~according to the most recent United States decennial census~~, except for the portion of counties that contain any portion of area A, the director shall as conditions dictate provide for testing to determine the effect of ~~vehicle related~~ **VEHICLE-RELATED** pollution on ambient air quality in all communities with a metropolitan area population of twenty thousand persons or more ~~according to the most recent United States decennial census~~. If such testing detects the violation of state ambient air quality standards by ~~vehicle related~~ **VEHICLE-RELATED** pollution, the director shall forward a full report of such violation to the president of the senate, the speaker of the house of representatives and the governor.²

B. The state's annual or biennial emissions inspection program shall provide for vehicle inspections at official emissions inspection stations or at fleet emissions inspection stations **OR MAY PROVIDE FOR REMOTE VEHICLE INSPECTION**. Each **OFFICIAL** inspection station in area A shall employ at least one ~~mechanic~~ **TECHNICAL ASSISTANT** who is available during the station's hours of operation to provide ~~technical advice and~~ assistance for persons who fail the emissions test. ~~The director may enter into agreements with the department of transportation or with county assessors for the use of official emissions inspection stations for the purpose of conducting vehicle registrations.~~ An official or fleet emissions inspection station permit shall not be sold, assigned, transferred, conveyed or removed to another location except on such terms and conditions as the director may prescribe. **THE DIRECTOR SHALL ESTABLISH A PILOT PROGRAM TO PROVIDE FOR REMOTE VEHICLE INSPECTIONS IN AREA A AND AREA B. THE DIRECTOR SHALL OPERATE THE PILOT PROGRAM FOR AT LEAST THREE CONSECUTIVE YEARS AND SHALL COMPLETE THE PILOT PROGRAM BEFORE JULY 1, 2025. ON COMPLETION OF THE PILOT PROGRAM, THE DIRECTOR SHALL SUBMIT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE AND THE OFFICE OF THE GOVERNOR A REPORT SUMMARIZING THE RESULTS OF THE**

¹ The SIP-approved version, shown in the unamended (black) text, is A.R.S. § 49-542, as amended by Laws 2008, Ch. 64 § 1. This amendment conditionally enacted the motorcycle exemption for Area A and was approved by EPA in 78 FR 30209 (May 22, 2013).

²Laws 2014, Ch. 89, § 2; Laws 2019, Ch. 141, § 1. Amendments unconditionally enacted are shown in blue. Amendments conditionally enacted by Laws 2021, Ch. 27, § 3 are shown in red. Prior changes later stricken by Laws 2021, Ch. 27, § 3 are not shown.

PILOT PROGRAM. THE DIRECTOR SHALL SUBMIT THE REPORT BEFORE THE DEPARTMENT IMPLEMENTS ANY FULL SCALE REMOTE VEHICLE INSPECTION PROGRAM AND SHALL INCLUDE IN THE REPORT A SUMMARY OF THE DATA COLLECTED DURING THE PILOT PROGRAM AND A CERTIFICATION BY THE DIRECTOR THAT, BASED ON THE DATA COLLECTED DURING THE PILOT PROGRAM, A FULL SCALE IMPLEMENTATION OF A REMOTE VEHICLE INSPECTION PROGRAM WILL INCREASE THE EFFICIENCY AND REDUCE THE COSTS OF THE VEHICLE EMISSIONS INSPECTION PROGRAM.³

C. Vehicles required to be inspected and registered in this state, except those provided for in section 49-546, shall be inspected, for the purpose of complying with the registration ~~or reregistration~~ requirement pursuant to subsection D of this section, in accordance with the provisions of this article no more than ninety days ~~prior to~~ BEFORE each ~~reregistration~~ ~~REGISTRATION~~ expiration date. A vehicle may be submitted voluntarily for inspection more than ninety days before the ~~reregistration~~ ~~REGISTRATION~~ expiration date on payment of the prescribed inspection fee. ~~Such~~ THAT voluntary inspection ~~shall not~~ MAY be considered as compliance with the registration ~~or reregistration~~ requirement pursuant to subsection D of this section ONLY ON CONDITIONS PRESCRIBED BY THE DIRECTOR.⁴

D. A vehicle shall not be registered ~~or reregistered~~ until such vehicle has passed the emissions inspection, ~~AND~~ the tampering inspection prescribed in subsection G of this section ~~and the liquid fuel leak inspection prescribed in subsection Z of this section~~ or has been issued a certificate of waiver. A certificate of waiver shall only be issued one time to a vehicle after January 1, 1997. If any vehicle to be registered ~~or reregistered~~ is being sold by a dealer licensed to sell motor vehicles pursuant to title 28, the cost of any inspection and any repairs necessary to pass the inspection shall be borne by the dealer. A dealer who is licensed to sell motor vehicles pursuant to title 28 and whose place of business is located in area A or area B shall not deliver any vehicle to the retail purchaser until the vehicle passes any inspection required by this article, ~~or EXCEPT IF THE VEHICLE IS A COLLECTIBLE VEHICLE AND THE RETAIL PURCHASER OBTAINS COLLECTIBLE VEHICLE OR CLASSIC AUTOMOBILE INSURANCE COVERAGE AS PRESCRIBED IN SUBSECTION Z OF THIS SECTION~~ BEFORE DELIVERY OR the vehicle is exempt under subsection J of this section.⁵

E. On the registration ~~or reregistration~~ of a vehicle ~~which~~ THAT has complied with the minimum emissions standards pursuant to this section or is otherwise exempt under this section, the registering officer shall issue an air quality compliance sticker to the registered owner ~~which~~ THAT shall be placed on the vehicle as prescribed by rule adopted by the department of transportation or issue a modified year validating tab as prescribed by rule adopted by the department of transportation. Those persons who reside outside of area A or area B but who elect to test their vehicle or are required to test their vehicle pursuant to this section and who comply with the minimum emissions standards pursuant to this section or are otherwise exempt under this section shall remit a compliance form, as prescribed by the department of transportation, and proof of compliance issued at an official emissions inspection station to the department of transportation along with the appropriate fees. The department of transportation shall then issue the person an air quality compliance sticker ~~which~~ THAT shall be placed on the vehicle as prescribed by rule adopted by the department of transportation. The registering officer or the

³ Laws 2014, Ch. 89, § 2; Laws 2019, Ch. 141, § 1.

⁴ Laws 2014, Ch. 89, § 2; Laws 2019, Ch. 141, § 1.

⁵ Laws 2014, Ch. 89, § 2; Laws 2021, Ch. 116 § 1.

department of transportation shall collect an air quality compliance fee of ~~twenty-five cents \$25.~~⁶ The registering officer or the department of transportation shall deposit, pursuant to sections 35-146 and 35-147, the air quality compliance fee in the state highway fund established by section 28-6991. The department of transportation shall deposit, pursuant to sections 35-146 and 35-147, any emissions inspection fee in the emissions inspection fund. The provisions of this subsection do not apply to those vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale of vehicles between motor vehicle dealers or vehicles leased to a person residing outside of area A or area B by a leasing company whose place of business is in area A or area B.⁶

F. The director shall adopt minimum emissions standards pursuant to section 49-447 with which the various classes of vehicles shall be required to comply as follows:

1. For the purpose of determining compliance with minimum emissions standards in area B FOR MOTOR VEHICLES OTHER THAN DIESEL POWERED VEHICLES OR CONSTANT FOUR-WHEEL DRIVE VEHICLES:

(a) ~~A motor vehicle manufactured in or before the 1980 model year, other than a diesel powered vehicle, shall be required to take and pass the curb idle test condition. A diesel powered vehicle is subject to only a loaded test condition. The conditioning mode, at the option of the vehicle owner or owner's agent, shall be administered only after the vehicle has failed the curb idle test condition. On completion of such conditioning mode, a vehicle that has failed the curb idle test condition may be retested in the curb idle test condition. If the vehicle passes such retest, it shall be deemed in compliance with minimum emissions standards unless the vehicle fails the tampering inspection pursuant to subsection G of this section or the liquid fuel leak inspection pursuant to subsection Z of this section.~~

(b) ~~A motor vehicle manufactured in or after the 1981 model year, other than a diesel powered vehicle, shall be required to take and pass the curb idle test condition and the loaded test condition or an onboard diagnostic check as may be required pursuant to title II of the clean air act.~~

(a) A MOTOR VEHICLE THAT IS EQUIPPED WITH AN ONBOARD DIAGNOSTIC SYSTEM REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT SHALL BE REQUIRED TO TAKE AND PASS AN ONBOARD DIAGNOSTIC TEST OR A STEADY STATE LOADED TEST AND CURB IDLE TEST AS APPROVED BY THE DIRECTOR.

(b) A MOTOR VEHICLE WITH A MODEL YEAR OF 1981 OR LATER, OTHER THAN A VEHICLE COVERED BY SUBDIVISION (a) OF THIS PARAGRAPH, SHALL BE REQUIRED TO TAKE AND PASS A STEADY STATE LOADED TEST AND CURB IDLE TEST.

(c) A MOTOR VEHICLE, OTHER THAN A VEHICLE COVERED BY SUBDIVISION (a) OR (b) OF THIS PARAGRAPH, SHALL BE REQUIRED TO TAKE AND PASS A CURB IDLE TEST.⁷

2. For purposes of determining compliance with minimum emissions standards and functional tests in area A FOR MOTOR VEHICLES OTHER THAN DIESEL POWERED VEHICLES OR CONSTANT FOUR-WHEEL DRIVE VEHICLES:

(a) ~~Motor vehicles manufactured in or after model year 1981 with a gross vehicle weight rating of eighty-five hundred pounds or less, other than diesel powered vehicles, shall be required to take and pass a transient loaded emissions test or an onboard diagnostic check as may be required pursuant to title II of the clean air act.~~

⁶ Laws 2014, Ch. 89, § 2.

⁷ Laws 2021, Ch. 27, § 3.

~~(b) Motor vehicles other than those prescribed by subdivision (a) of this paragraph and other than diesel powered vehicles shall be required to take and pass a steady state loaded test and a curb idle emissions test.~~

~~(c) A diesel powered motor vehicle applying for registration or reregistration in area A shall be required to take and pass an annual emissions test conducted at an official emissions inspection station or a fleet emissions inspection station as follows:~~

~~(i) A loaded, transient or any other form of test as provided for in rules adopted by the director for vehicles with a gross vehicle weight rating of eight thousand five hundred pounds or less.~~

~~(ii) A test that conforms with the society for automotive engineers standard J1667 for vehicles with a gross vehicle weight rating of more than eight thousand five hundred pounds.~~

~~(a) A MOTOR VEHICLE THAT IS EQUIPPED WITH AN ONBOARD DIAGNOSTIC SYSTEM REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT SHALL BE REQUIRED TO TAKE AND PASS AN ONBOARD DIAGNOSTIC TEST OR A TRANSIENT LOADED TEST AS APPROVED BY THE DIRECTOR.~~

~~(b) A MOTOR VEHICLE WITH A MODEL YEAR OF 1981 OR LATER, OTHER THAN A VEHICLE COVERED BY SUBDIVISION (a) OF THIS PARAGRAPH, SHALL BE REQUIRED TO TAKE AND PASS A TRANSIENT LOADED TEST.~~

~~(c) A MOTOR VEHICLE, OTHER THAN A VEHICLE COVERED BY SUBDIVISION (a) OR (b) OF THIS PARAGRAPH, SHALL BE REQUIRED TO TAKE AND PASS A STEADY STATE LOADED TEST AND CURB IDLE TEST.⁸~~

~~(d) Motor vehicles by specific class or model year shall be required to take and pass any of the following tests:~~

~~(i) An evaporative system purge test.~~

~~(ii) An evaporative system integrity test.~~

~~(e) An onboard diagnostic check may be required pursuant to title II of the clean air act.~~

3. FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH MINIMUM EMISSIONS STANDARDS IN AREA A OR AREA B FOR DIESEL POWERED MOTOR VEHICLES:

~~(a) A DIESEL POWERED MOTOR VEHICLE THAT IS EQUIPPED WITH AN ONBOARD DIAGNOSTIC SYSTEM REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT SHALL BE REQUIRED TO TAKE AND PASS AN ONBOARD DIAGNOSTIC TEST OR AN OPACITY TEST AS APPROVED BY THE DIRECTOR.~~

~~(b) A DIESEL POWERED MOTOR VEHICLE, OTHER THAN A VEHICLE COVERED BY SUBDIVISION (a) OF THIS PARAGRAPH, SHALL BE REQUIRED TO TAKE AND PASS AN EMISSIONS TEST AS FOLLOWS:~~

~~(i) A LOADED, TRANSIENT OR ANY OTHER FORM OF TEST AS PROVIDED FOR IN RULES ADOPTED BY THE DIRECTOR FOR VEHICLES WITH A GROSS VEHICLE WEIGHT RATING OF EIGHT THOUSAND FIVE HUNDRED POUNDS OR LESS.~~

~~(ii) A TEST THAT CONFORMS WITH THE SOCIETY FOR AUTOMOTIVE ENGINEERS STANDARD J1667 FOR VEHICLES WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN EIGHT THOUSAND FIVE HUNDRED POUNDS.⁹~~

⁸ Laws 2021, Ch. 27, § 3.

⁹ Laws 2021, Ch. 27, § 3.

3. 4. Any A constant four wheel drive vehicle shall be required to take and pass a curb idle ~~emissions~~ test or an onboard diagnostic ~~check as required pursuant to title II of the clean air act TEST.~~¹⁰

4. 5. Fleet operators ~~in area B~~ must comply with this section, except that used vehicles, OTHER THAN DIESEL POWERED VEHICLES, sold by a motor vehicle dealer who is a fleet operator and who has been issued a permit under section 49-546 shall be tested as follows:¹¹

(a) A motor vehicle ~~manufactured in or before the 1980 WITH A model year OF 1980 OR EARLIER~~ shall take and pass ~~only the A~~ curb idle test ~~condition, except that a diesel powered vehicle is subject to only a loaded test condition.~~

(b) A motor vehicle ~~manufactured in or after the 1981 WITH A model year OF 1981 OR LATER, OTHER THAN A VEHICLE THAT IS EQUIPPED WITH AN ONBOARD DIAGNOSTIC SYSTEM THAT IS REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT,~~ shall take and pass ~~the A~~ curb idle test ~~condition~~ and a twenty-five hundred revolutions per minute unloaded test ~~condition~~.

5. 6. Vehicles owned or operated by the United States, this state or a political subdivision of this state shall comply with this subsection without regard to whether those vehicles are required to be registered in this state, except that alternative fuel vehicles of a school district that is located in area A, OTHER THAN VEHICLES EQUIPPED WITH AN ONBOARD DIAGNOSTIC SYSTEM REQUIRED BY SECTION 202(m) OF THE CLEAN AIR ACT, shall be required to take and pass the curb idle test ~~condition~~ and the loaded test ~~condition~~.¹²

~~6. Fleet operators in area A shall comply with this section, except that used vehicles sold by a motor vehicle dealer who is a fleet operator and who has been issued a permit pursuant to section 49-546 for purposes of determining compliance with minimum emission standards in area A shall be tested as follows:~~

(a) ~~A motor vehicle manufactured in or before the 1980 model year shall take and pass the curb idle test condition, except that a diesel powered vehicle is subject to only a loaded test condition.~~

(b) ~~A motor vehicle manufactured in or after the 1981 model year shall take and pass the curb idle test condition and a two thousand five hundred revolutions per minute unloaded test condition.~~¹³

7. Beginning on January 1, 2004 and ~~except for any registered owner or lessee of a fleet of less than twenty-five vehicles, a~~ A diesel powered motor vehicle with a gross vehicle weight of more than twenty-six thousand pounds and for which gross weight fees are paid pursuant to title 28, chapter 15, article 2 in area A shall not be allowed to operate in area A unless it was manufactured in or after the 1988 model year or is powered by an engine that is certified to meet or surpass emissions standards contained in 40 Code of Federal Regulations section 86.088-11 IN EFFECT ON JULY 1, 1995. This paragraph does not apply to vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.¹⁴

8. Beginning on January 1, 2006 ~~for any registered owner or lessee of a fleet of less than twenty-five vehicles, a~~ diesel powered motor vehicle with a gross vehicle weight of more than twenty-six thousand pounds and for which gross weight fees are paid pursuant to title 28, chapter

¹⁰ Laws 2021, Ch. 27, § 3.

¹¹ Laws 2021, Ch. 27, § 3.

¹² Laws 2014, Ch. 89, § 2; Laws 2021, Ch. 27, § 3.

¹³ Laws 2021, Ch. 27, § 3.

¹⁴ Laws 2014, Ch. 89, § 2; Laws 2021, Ch. 27, § 3.

~~15, article 2 in area A shall not be allowed to operate in area A unless it was manufactured in or after the 1988 model year or is powered by an engine that is certified to meet or surpass emissions standards contained in 40 Code of Federal Regulations section 86.088-11. This paragraph does not apply to vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.~~¹⁵

G. In addition to an emissions inspection, a vehicle is subject to a tampering inspection ~~on at least a biennial basis if the vehicle was manufactured after the 1974 model year and the vehicle is not subject to a transient loaded emissions test or an onboard diagnostic check as required pursuant to title II of the clean air act. The director shall adopt vehicle configuration guidelines for the tampering inspection which shall be based on the original configuration of the vehicle when manufactured. The tampering inspection shall consist of the following:~~

1. ~~A visual check to determine the presence of properly installed catalytic converters.~~
2. ~~An examination to determine the presence of an operational air pump.~~

~~3. In area A, if the vehicle was manufactured after the 1974 model year and is not subject to a transient loaded emissions test or an onboard diagnostic check as required pursuant to title II of the clean air act, a visual inspection for the presence or malfunction of the positive crankcase ventilation system and the evaporative control system.~~¹⁶

H. Vehicles required to be inspected shall undergo a functional test of the gas cap to determine if the cap holds pressure within limits prescribed by the director, ~~except for any vehicle that is subject to an evaporative system integrity test.~~ THIS SUBSECTION DOES NOT APPLY TO ANY DIESEL POWERED VEHICLE.¹⁷

I. Motor vehicles failing the initial or subsequent test are not subject to a penalty fee for late registration renewal if the original testing was accomplished before the expiration date and if the registration renewal is received by the motor vehicle division or the county assessor within thirty days ~~of AFTER~~ the original test.¹⁸

J. The director may adopt rules for purposes of implementation, administration, regulation and enforcement of the provisions of this article including:

1. The submission of records relating to the emissions inspection of vehicles inspected by another jurisdiction in accordance with another inspection law and the acceptance of such inspection for compliance with the provisions of this article.

2. The exemption from inspection of:

(a) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, a motor vehicle manufactured in or before the 1966 model year. IF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ISSUES A VEHICLE EMISSIONS TESTING EXEMPTION FOR MOTOR VEHICLES MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR FOR PURPOSES OF THE STATE IMPLEMENTATION OR MAINTENANCE PLAN FOR AIR QUALITY, A MOTOR VEHICLE MANUFACTURED IN OR BEFORE THE 1974 MODEL YEAR IS EXEMPT FROM INSPECTION.~~¹⁹

(b) New vehicles originally registered at the time of initial retail sale and titling in this state pursuant to section 28-2153 or 28-2154.

(c) Vehicles registered pursuant to title 28, chapter 7, article 7 or 8.

¹⁵ Laws 2014, Ch. 89, § 2; Laws 2021, Ch. 27, § 3.

¹⁶ Laws 2014, Ch. 89, § 2.

¹⁷ Laws 2021, Ch. 27, § 3.

¹⁸ Laws 2011 Ch. 163, § 2.

¹⁹ Laws 2011 Ch. 163, § 2.

- (d) New vehicles before the sixth registration year after initial purchase or lease.
 - (e) Vehicles which will not be available within the state during the ninety days prior to THAT ARE OUTSIDE THE STATE AT THE TIME OF registration, EXCEPT THE DIRECTOR BY RULE MAY REQUIRE TESTING OF THOSE VEHICLES WITHIN A REASONABLE PERIOD OF TIME AFTER THOSE VEHICLES RETURN TO THIS STATE.²⁰
 - (f) Golf carts.
 - (g) Electrically-powered vehicles.
 - (h) Vehicles with an engine displacement of less than ninety cubic centimeters.
 - (i) The sale of vehicles between motor vehicle dealers.
 - (j) Vehicles leased to a person residing outside of area A or area B by a leasing company whose place of business is in area A or area B.
 - (k) Collectible vehicles.
 - (l) Motorcycles.
 - (m) CRANES AND OVERSIZE VEHICLES THAT REQUIRE PERMITS PURSUANT TO SECTION 28-1100, 28-1103 OR 28-1144.
 - (n) VEHICLES THAT ARE NOT IN USE AND THAT ARE OWNED BY RESIDENTS OF THIS STATE WHILE ON ACTIVE MILITARY DUTY OUTSIDE OF THIS STATE.²¹
3. Compiling and maintaining records of emissions test results after servicing.
 4. A procedure which THAT shall allow ALLOWS the vehicle service and repair industry to compare the calibration accuracy of its emissions testing equipment with the department's calibration standards.²²
 5. Training requirements for automotive repair personnel using emissions measuring equipment whose calibration accuracy has been compared with the department's calibration standards.
 6. Any other rule which THAT may be required to accomplish the provisions of this article.²³
- K. The director, after consultation with automobile manufacturers and the vehicle service and repair industry, shall establish by rule a definition of "low emissions tune-up" "VEHICLE MAINTENANCE AND REPAIRS" for motor vehicles subject to inspection under this article. The definition shall specify repair procedures which THAT, when implemented, will reduce vehicle emissions.²⁴
- L. The director shall adopt rules which THAT specify that the estimated retail cost of all recommended maintenance and repairs shall not exceed the amounts prescribed in this subsection, except that if a vehicle fails a tampering inspection there is no limit on the cost of recommended maintenance and repairs. The director shall issue a certificate of waiver for a vehicle which has failed reinspection, if the director has determined that all recommended maintenance and repairs have been performed AND THAT THE VEHICLE HAS FAILED ANY REINSPECTION THAT MAY BE REQUIRED BY RULE. If, after reinspection, the director has determined that the vehicle is in compliance with minimum emissions standards or that all recommended maintenance and repairs for compliance with minimum emissions standards have

²⁰ Laws 2014, Ch. 89, § 2.

²¹ Laws 2021, Ch. 27, § 3.

²² Laws 2014, Ch. 89, § 2; Laws 2019, Ch. 141, § 1.

²³ Laws 2014, Ch. 89, § 2.

²⁴ Laws 2014, Ch. 89, § 2.

been performed, but that tampering discovered at a tampering inspection has not been repaired, the director may issue a certificate of waiver if the owner of the vehicle provides to the director a written statement from an automobile parts or repair business that an emissions control device ~~which THAT~~ is necessary to repair the tampering is not available and cannot be obtained from any usual source of supply before the vehicle's current registration expires. Rules adopted by the director for the purpose of establishing the estimated retail cost of all recommended maintenance and repairs pursuant to this subsection shall specify that:²⁵

1. In area A the cost shall not exceed:
 - (a) ~~Five hundred dollars \$500~~ for a diesel powered vehicle with a gross weight in excess of twenty-six thousand pounds.
 - (b) ~~Five hundred dollars \$500~~ for a diesel powered vehicle with tandem axles.
 - (c) For a vehicle other than a diesel powered vehicle with a gross weight in excess of twenty-six thousand pounds and other than a diesel powered vehicle with tandem axles:
 - (i) ~~Two hundred dollars \$200~~ for such a vehicle manufactured in or before the 1974 model year.
 - (ii) ~~Three hundred dollars \$300~~ for such a vehicle manufactured in the 1975 through 1979 model years.
 - (iii) ~~Four hundred fifty dollars \$450~~ for such a vehicle manufactured in or after the 1980 model year.
 2. In area B the cost shall not exceed:
 - (a) ~~Three hundred dollars \$300~~ for a diesel powered vehicle with a gross weight in excess of twenty-six thousand pounds.
 - (b) ~~Three hundred dollars \$300~~ for a diesel powered vehicle with tandem axles.
 3. For a vehicle other than a diesel powered vehicle with a gross weight in excess of twenty-six thousand pounds and other than a diesel powered vehicle with tandem axles:
 - (a) ~~Fifty dollars \$50~~ for such a vehicle manufactured in or before the 1974 model year.
 - (b) ~~Two hundred dollars \$200~~ for such a vehicle manufactured in the 1975 through 1979 model years.
 - (c) ~~Three hundred dollars \$300~~ for such a vehicle manufactured in or after the 1980 model year.²⁶
- M. Each person whose vehicle has failed an emissions inspection shall be provided a list of those general recommended ~~tune-up~~ REPAIR AND MAINTENANCE procedures for vehicles ~~which THAT~~ are designed to reduce vehicle emissions levels. The list shall include the following notice: "~~This test is the result of federal law. You may wish to contact your representative in the United States Congress.~~"²⁷
- N. Notwithstanding any other provisions of this article, the director may adopt rules allowing exemptions from the requirement that all vehicles must meet the minimum standards for registration or reregistration.
- O. The director of environmental quality shall establish, in cooperation with the assistant director for the motor vehicle division of the department of transportation:

²⁵ Laws 2014, Ch. 89, § 2.

²⁶ Laws 2019, Ch. 141, § 1.

²⁷ Laws 2014, Ch. 89, § 2.

1. An adequate method for identifying bona fide residents residing outside of area A or area B to ensure that such residents are exempt from compliance with the inspection program established by this article and rules adopted under this article.

2. A written notice that shall accompany the vehicle registration application forms that are sent to vehicle owners pursuant to section 28-2151 and that shall accompany or be included as part of the vehicle emissions test results that are provided to vehicle owners at the time of the vehicle emissions test. This written notice shall describe at least the following:

(a) The restriction of the waiver program to one time per vehicle and a brief description of the implications of this limit.

(b) The availability and a brief description of the vehicle repair and retrofit program established pursuant to section 49-474.03.

(c) Notice that many vehicles carry extended warranties for vehicle emissions systems, and those warranties are described in the vehicle's owner's manual or other literature.

(d) A description of the catalytic converter replacement program established pursuant to section 49-474.03.

P. Notwithstanding any other law, if area A or area B is reclassified as an attainment area, emissions testing conducted pursuant to this article shall continue for vehicles registered inside that reclassified area, vehicles owned by a person who is subject to section 15-1444 or 15-1627 and vehicles registered outside of that reclassified area but used to commute to the driver's principal place of employment located within that reclassified area.

Q. A fleet operator who is issued a permit pursuant to section 49-546 may electronically transmit emissions inspection data to the department of transportation pursuant to rules adopted by the director of the department of transportation in consultation with the director of environmental quality.

R. The director shall prohibit a certificate of waiver pursuant to subsection L of this section for any vehicle ~~which THAT~~ has failed inspection in area A **OR AREA B** due to the catalytic converter system.²⁸

S. The director shall establish provisions for rapid testing of certain vehicles and to allow fleet operators, singly or in combination, to contract directly for vehicle emissions testing.

T. Each vehicle emissions ~~control~~ **INSPECTION** station in area A shall have a sign posted to be visible to persons who are having their vehicles tested. This sign shall state that enhanced testing procedures are a direct result of federal law.²⁹

U. The initial adoption of rules pursuant to this section shall be deemed emergency rules pursuant to section 41-1026.

V. The director of environmental quality and the director of the department of transportation shall implement a system to exchange information relating to the waiver program, including information relating to vehicle emissions test results and vehicle registration information.

W. Any person who sells a vehicle that has been issued a certificate of waiver pursuant to this section after January 1, 1997 and who knows that a certificate of waiver has been issued after January 1, 1997 for that vehicle shall disclose to the buyer before completion of the sale that a certificate of waiver has been issued for that vehicle.

X. Vehicles that fail the emissions test at emission levels higher than twice the standard established for that vehicle class by the department pursuant to section 49-447 are not eligible for

²⁸ Laws 2014, Ch. 89, § 2; Laws 2019, Ch. 141, § 1.

²⁹ Laws 2014, Ch. 89, § 2.

a certificate of waiver pursuant to this section unless the vehicle is repaired sufficiently to achieve an emissions level below twice the standard for that class of vehicle.

Y. If an insurer notifies the department of transportation of the cancellation or nonrenewal of collectible vehicle or classic automobile insurance coverage for a collectible vehicle, the department of transportation shall cancel the registration of the vehicle and the vehicle's exemption from emissions testing pursuant to this section unless evidence of coverage is presented to the department of transportation within sixty days.

~~Z. In addition to an emissions inspection, a vehicle is subject to a liquid fuel leak inspection on at least a biennial basis if the vehicle was manufactured after the 1974 model year and is not a diesel vehicle. The director shall adopt rules prescribing procedures and standards for the liquid fuel leak inspection.~~³⁰

~~AA.~~ Z. For the purposes of this section, "collectible vehicle" means a vehicle that complies with both of the following:

1. Either:

- (a) Bears a model year date of original manufacture that is at least fifteen years old.
- (b) Is of unique or rare design, of limited production and an object of curiosity.

2. Meets both of the following criteria:

(a) Is maintained primarily for use in car club activities, exhibitions, parades or other functions of public interest or for a private collection and is used only infrequently for other purposes.

(b) Has a collectible vehicle or classic automobile insurance coverage that restricts the collectible vehicle mileage or use, or both, and requires the owner to have another vehicle for personal use.

³⁰ Laws 2014, Ch. 89, § 2.