

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

HOUSE BILL 2427

AN ACT

AMENDING SECTIONS 49-541, 49-542, 49-542.03, 49-542.05, 49-550 AND 49-551,
ARIZONA REVISED STATUTES; 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. 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. "AREA C" MEANS THAT PORTION OF PINAL COUNTY LYING WEST OF RANGE 11
33 EAST, EXCLUDING THAT PORTION OF THE COUNTY LYING WITHIN AREA A AND THAT
34 PORTION OF THE COUNTY WITHIN THE JURISDICTION OF ANY INDIAN TRIBE, BAND,
35 GROUP OR COMMUNITY THAT IS RECOGNIZED BY THE UNITED STATES SECRETARY OF THE
36 INTERIOR AND THAT EXERCISES GOVERNMENTAL AUTHORITY WITHIN THE LIMITS OF ANY
37 INDIAN RESERVATION UNDER THE JURISDICTION OF THE UNITED STATES GOVERNMENT,
38 NOTWITHSTANDING THE ISSUANCE OF ANY PATENT AND INCLUDING RIGHTS-OF-WAY
39 RUNNING THROUGH THE RESERVATION.

40 ~~3.~~ 4. "Certificate of inspection" means a serially numbered device or
41 symbol, as may be prescribed by the director, indicating that a vehicle has
42 been inspected pursuant to the provisions of section 49-546 and has passed
43 inspection.

1 ~~4.~~ 5. "Certificate of waiver" means a uniquely numbered device or
2 symbol, as may be prescribed by the director, indicating that the requirement
3 of passing reinspection has been waived for a vehicle pursuant to the
4 provisions of this article.

5 ~~5.~~ 6. "Conditioning mode" means either a fast idle test condition or
6 a loaded test condition.

7 ~~6.~~ 7. "Curb idle test condition" means an exhaust emissions test
8 conducted with the engine of a vehicle running at the manufacturer's
9 specified idle speed plus or minus one hundred revolutions per minute but
10 without pressure exerted on the accelerator.

11 ~~7.~~ 8. "Emissions inspection station permit" means a certificate
12 issued by the director authorizing the holder to perform vehicular
13 inspections pursuant to this article.

14 ~~8.~~ 9. "Fast idle test condition" means an exhaust emissions test
15 conducted with the engine of the vehicle running under an accelerated
16 condition to an extent prescribed by the director.

17 ~~9.~~ 10. "Fleet emissions inspection station" means any inspection
18 facility operated under a permit issued to a qualified fleet owner or lessee
19 as determined by the director.

20 ~~10.~~ 11. "Golf cart" means a motor vehicle which has not less than
21 three wheels in contact with the ground, has an unladen weight of less than
22 thirteen hundred pounds, is designed to be and is operated at not more than
23 fifteen miles an hour and is designed to carry golf equipment and persons.

24 ~~11.~~ 12. "Gross weight" has the same meaning prescribed in section
25 28-5431.

26 ~~12.~~ 13. "Independent contractor" means any person, business, firm,
27 partnership or corporation with which the director may enter into an
28 agreement providing for the construction, equipment, maintenance, personnel,
29 management and operation of official emissions inspection stations pursuant
30 to section 49-545.

31 ~~13.~~ 14. "Loaded test condition" means an exhaust emissions test
32 conducted at cruise or transient conditions as prescribed by the director.

33 ~~14.~~ 15. "Official emissions inspection station" means an inspection
34 facility, other than a fleet emissions inspection station, whether placed in
35 a permanent structure or in a mobile unit for conveyance among various
36 locations within this state, for the purpose of conducting emissions
37 inspections of all vehicles required to be inspected pursuant to this
38 article.

39 ~~15.~~ 16. "Tampering" means removing, defeating or altering an emissions
40 control device which was installed at the time a vehicle was manufactured.

41 ~~16.~~ 17. "Vehicle" means any automobile, truck, truck tractor, motor
42 bus or self-propelled or motor-driven vehicle registered or to be registered
43 in this state and used upon the public highways of this state for the purpose
44 of transporting persons or property, except implements of husbandry, road
45 rollers or road machinery temporarily operated upon the highway.

1 ~~17.~~ 18. "Vehicle emissions control area" means area A, ~~or area B OR C.~~
2 Sec. 2. Section 49-542, Arizona Revised Statutes, is amended to read:
3 49-542. Emissions inspection program; powers and duties of
4 director; administration; periodic inspection;
5 minimum standards and rules; exceptions; definition
6 A. The director shall administer a comprehensive annual or biennial
7 emissions inspection program which shall require the inspection of vehicles
8 in this state pursuant to this article and applicable administrative rules.
9 Such inspection is required in area A, ~~and area B AND C,~~ for those vehicles
10 owned by a person who is subject to section 15-1444 or 15-1627 and for those
11 vehicles registered outside of area A, ~~or area B OR C~~ but used to commute to
12 the driver's principal place of employment located within area A, ~~or area B~~
13 OR C. Inspection in other counties of the state shall commence upon
14 application by a county board of supervisors for participation in such
15 inspection program, subject to approval by the director. In all counties
16 with a population of three hundred fifty thousand or fewer persons according
17 to the most recent United States decennial census, except for the portion of
18 counties that contain any portion of area A, the director shall as conditions
19 dictate provide for testing to determine the effect of vehicle related
20 pollution on ambient air quality in all communities with a metropolitan area
21 population of twenty thousand persons or more according to the most recent
22 United States decennial census. If such testing detects the violation of
23 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 shall
27 provide for vehicle inspections at official emissions inspection stations or
28 at fleet emissions inspection stations. Each inspection station in area A
29 shall employ at least one mechanic who is available during the station's
30 hours of operation to provide technical advice and assistance for persons who
31 fail the emissions test. The director may enter into agreements with the
32 department of transportation or with county assessors for the use of official
33 emissions inspection stations for the purpose of conducting vehicle
34 registrations. An official or fleet emissions inspection station permit
35 shall not be sold, assigned, transferred, conveyed or removed to another
36 location except on such terms and conditions as the director may prescribe.
37 C. Vehicles required to be inspected and registered in this state,
38 except those provided for in section 49-546, shall be inspected, for the
39 purpose of complying with the registration or reregistration requirement
40 pursuant to subsection D of this section, in accordance with ~~the provisions~~
41 of this article no more than ninety days prior to each reregistration
42 expiration date. A vehicle may be submitted voluntarily for inspection more
43 than ninety days before the reregistration expiration date on payment of the
44 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~~ OR C 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~~ OR C 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~~ DOES not apply to
39 those vehicles registered pursuant to title 28, chapter 7, article 7 or 8,
40 the sale of vehicles between motor vehicle dealers or vehicles leased to a
41 person residing outside of area A, ~~or area B~~ OR C by a leasing company whose
42 place of business is in area A, ~~or area B~~ OR C.

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, **SHALL** be administered only after the vehicle
8 has failed the curb idle test condition. Upon completion of such
9 conditioning mode, a vehicle that has failed the curb idle test condition may
10 be retested in the curb idle test condition. If the vehicle passes such
11 retest, it shall be deemed in compliance with minimum emissions standards
12 unless the vehicle fails the tampering inspection pursuant to subsection G of
13 this section or the liquid fuel leak inspection pursuant to subsection Z of
14 this section.

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

20 2. For purposes of determining compliance with minimum emissions
21 standards and functional tests in area A **AND C**:

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

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

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

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

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

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

42 (i) An evaporative system purge test.

43 (ii) An evaporative system integrity test.

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

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

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

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

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

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

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

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

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

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

41 8. Beginning on January 1, 2006 for any registered owner or lessee of
42 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle
43 with a gross vehicle weight of more than twenty-six thousand pounds and for
44 which gross weight fees are paid pursuant to title 28, chapter 15, article 2
45 in area A OR C shall not be allowed to operate in area A OR C unless it was

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

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

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

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

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

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

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

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

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

38 2. The exemption from inspection of:

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

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

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

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

- 1 (e) Vehicles which will not be available within the state during the
2 ninety days prior to registration.
- 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 ~~OR C~~ by a leasing company whose place of business is in area A, ~~or area B~~
10 ~~OR C~~.
- 11 (k) Collectible vehicles.
- 12 (l) Motorcycles in area B.
- 13 3. Compiling and maintaining records of emissions test results after
14 servicing.
- 15 4. A procedure which shall allow the vehicle service and repair
16 industry to compare the calibration accuracy of its emissions testing
17 equipment 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 which may be required to accomplish the provisions
22 of this article.
- 23 K. The director ~~shall~~, after consultation with automobile
24 manufacturers and the vehicle service and repair industry, ~~SHALL~~ establish by
25 rule a definition of "low emissions tune-up" for motor vehicles subject to
26 inspection under this article. The definition shall specify repair
27 procedures which, when implemented, will reduce vehicle emissions.
- 28 L. The director shall adopt rules which specify that the estimated
29 retail cost of all recommended maintenance and repairs shall not exceed the
30 amounts prescribed in this subsection, except that if a vehicle fails a
31 tampering inspection there is no limit on the cost of recommended maintenance
32 and repairs. The director shall issue a certificate of waiver for a vehicle
33 which has failed reinspection, if the director has determined that all
34 recommended maintenance and repairs have been performed. If, after
35 reinspection, the director has determined that the vehicle is in compliance
36 with minimum emissions standards or that all recommended maintenance and
37 repairs for compliance with minimum emissions standards have been performed,
38 but that tampering discovered at a tampering inspection has not been
39 repaired, the director may issue a certificate of waiver if the owner of the
40 vehicle provides to the director a written statement from an automobile parts
41 or repair business that an emissions control device which is necessary to
42 repair the tampering is not available and cannot be obtained from any usual
43 source of supply before the vehicle's current registration expires. Rules
44 adopted by the director for the purpose of establishing the estimated retail

1 cost of all recommended maintenance and repairs pursuant to this subsection
2 shall specify that:

3 1. In area A OR C the cost shall not exceed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 1. An adequate method for identifying bona fide residents residing
43 outside of area A, ~~or area B~~ OR C to ensure that such residents are exempt
44 from compliance with the inspection program established by this article and
45 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 28-2151
3 and that shall accompany or be included as part of the vehicle emissions test
4 results that are provided to vehicle owners at the time of the vehicle
5 emissions test. This written notice shall describe at least the following:

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

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

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

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

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

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

26 R. The director shall prohibit a certificate of waiver pursuant to
27 subsection L of this section for any vehicle which has failed inspection in
28 area A OR C 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, to
31 contract directly for vehicle emissions testing.

32 T. Each vehicle emissions control station in area A shall have a sign
33 posted to be visible to persons who are having their vehicles tested. This
34 sign shall state that enhanced testing procedures are a direct result of
35 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 information
40 relating to the waiver program, including information relating to vehicle
41 emissions test results and vehicle registration information.

42 W. Any person who sells a vehicle that has been issued a certificate
43 of waiver pursuant to this section after January 1, 1997 and who knows that a
44 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. 3. Section 49-542.03, Arizona Revised Statutes, is amended to
35 read:

36 49-542.03. Motor vehicle dealer; emissions testing; remedies;
37 definition

38 A. In area A OR C, if a motor vehicle dealer sells a motor vehicle
39 that has less than one year remaining before it must undergo a transient
40 loaded emissions test or has not taken a transient test pursuant to section
41 49-542 and which is not covered under a current federal emissions warranty
42 and if the purchaser of the vehicle has the vehicle transient loaded tested
43 within three days, excluding holidays, of the purchase and if the vehicle
44 fails the test, the dealer shall do one of the following:

- 1 1. Rescind the purchase agreement and reimburse the purchaser for the
2 cost of the test.
- 3 2. Make repairs at the dealer's expense which bring the vehicle into
4 compliance with the transient loaded test.
- 5 3. Enter into a mutually acceptable alternative agreement with the
6 purchaser.
- 7 B. A motor vehicle dealer who sells a vehicle subject to ~~the~~
8 ~~provisions of~~ subsection A of this section shall provide the purchaser with a
9 written notice of the purchaser's rights pursuant to this section prior to
10 completing the sale transaction. A motor vehicle dealer subject to the
11 provisions of section 49-546, subsection G, ~~shall~~ shall also provide a written
12 summary of the requirements of section 49-542 to the purchaser. The notice
13 shall be available in English and in Spanish.
- 14 C. A motor vehicle dealer who meets the requirements of section
15 49-546, subsection G, ~~shall~~ shall conduct the dealer's business pursuant to this
16 section for those vehicles which are required by law to be registered in area
17 A OR C.
- 18 D. A motor vehicle dealer in area B who sells a vehicle to a resident
19 of area A OR C may comply with emissions testing requirements pursuant to
20 section 49-542, subsection F, paragraph 6 by complying with this section and
21 the tampering inspection pursuant to section 49-542, subsection
22 G, ~~paragraph 4~~.
- 23 E. ~~In~~ FOR THE PURPOSES OF this section, unless the context otherwise
24 requires, "motor vehicle dealer" means a dealer who is a fleet operator and
25 who has been issued a permit under section 49-546.
- 26 Sec. 4. Section 49-542.05, Arizona Revised Statutes, is amended to
27 read:
- 28 49-542.05. Alternative fuel vehicles
- 29 A. Except for a vehicle fueled by hydrogen, the following apply:
- 30 1. Each original equipment manufactured alternative fuel vehicle that
31 is registered in or used to commute into area A, ~~or area~~ B OR C pursuant to
32 section 49-542, subsection A is subject to the emissions inspection
33 requirements prescribed in this article including subsection C of this
34 section.
- 35 2. Each alternative fuel vehicle that is not an original equipment
36 manufactured alternative fuel vehicle and that is registered in or used to
37 commute into area A, ~~or area~~ B OR C pursuant to section 49-542, subsection A
38 is subject to the emissions inspection requirements prescribed in this
39 article.
- 40 B. Except for a vehicle fueled by hydrogen, for each vehicle that is
41 registered in or used to commute into area A, ~~or area~~ B OR C as prescribed by
42 section 49-542, subsection A and that is either an original equipment
43 manufactured alternative fuel vehicle or an alternative fuel vehicle that is
44 not an original equipment manufactured alternative fuel vehicle, the vehicle
45 shall be tested before the vehicle is registered in this state as an

1 alternative fuel vehicle both while operating on gasoline and while operating
2 on alternative fuel, if applicable. In the fourth registration year and in
3 subsequent years, the vehicle shall be tested both while operating on
4 gasoline and while operating on alternative fuel, if applicable, pursuant to
5 the requirements of section 49-542.

6 C. For all emissions inspections before the fourth registration year
7 after purchase or lease of a new original equipment manufactured alternative
8 fuel vehicle, the owner of the vehicle shall do one of the following:

9 1. Have the vehicle inspected pursuant to this article.

10 2. Pay a twenty-five dollar fee in area A, ~~and~~ a nine dollar fee in
11 area B **AND A FEE DETERMINED BY THE DIRECTOR BY RULE IN AREA C**. The owner
12 shall pay this fee together with the registration fee for the vehicle to the
13 registering officer. The registering officer shall deposit, pursuant to
14 sections 35-146 and 35-147, these fees in the air quality fund established by
15 section 49-551. The registering officer may enter into an intergovernmental
16 agreement with another department of this state to collect and deposit the
17 fee. An owner who chooses to have an emissions inspection pursuant to this
18 article is not required to pay the fee prescribed in this paragraph for that
19 emissions test cycle.

20 D. The registration renewal notice required for the second and third
21 registration year of a new original equipment manufactured alternative fuel
22 vehicle shall include a notice to the vehicle owner that even though an
23 emissions inspection test is not required pursuant to subsection B of this
24 section the owner may choose to have an emissions inspection because of
25 vehicle emissions performance warranty limitations on emissions components of
26 the vehicle.

27 E. The department of environmental quality shall compile and maintain
28 data regarding the results of emissions inspections of all alternative fuel
29 vehicles pursuant to this article.

30 Sec. 5. Section 49-550, Arizona Revised Statutes, is amended to read:

31 **49-550. Violation; classification; civil penalty**

32 A. Except as provided in subsection B of this section, any person who
33 violates any provision of this article or any rule of the director adopted
34 under this article is guilty of a class 2 misdemeanor.

35 B. Any person who makes or issues any imitation or counterfeit of an
36 official certificate or certificates of inspection or waiver is guilty of a
37 class 5 felony.

38 C. Any person who knowingly demands or collects a fee for the
39 inspection of a vehicle other than the fee fixed by the director for the
40 inspection of vehicles of the same class is guilty of a class 2 misdemeanor.

41 D. Any person who makes or provides to the director the written
42 statement required to obtain a certificate of waiver pursuant to section
43 49-542, subsection L, knowing the statement to be false, is guilty of a class
44 2 misdemeanor.

1 E. In addition to any other criminal penalty provided by law, a person
2 who owns a vehicle and whose residence is located outside of area A, ~~or area~~
3 B OR C but who commutes in that vehicle to the driver's principal place of
4 employment located within area A, ~~or area~~ B OR C without complying with this
5 article or who violates section 15-1444, subsection D or section 15-1627 is
6 subject to a civil penalty of one hundred dollars for a first violation of
7 this subsection. For a second violation of this subsection within a one year
8 period, a court shall impose a civil penalty of three hundred dollars. A
9 court shall impose a civil penalty of twenty-five dollars for a first time
10 violation of this subsection if the owner presents evidence that the vehicle
11 is in compliance with this article.

12 F. In addition to any other criminal penalty provided by law, any
13 dealer who is licensed to sell motor vehicles pursuant to title 28, chapter
14 10, whose place of business is located in area A, ~~or area~~ B OR C and who
15 delivers a vehicle that does not conform with this section is subject to a
16 civil penalty of one thousand dollars for a first violation of this
17 subsection. For the second violation of this subsection within a one year
18 period, a court shall impose a civil penalty of two thousand dollars and a
19 suspension of the dealer's license for a period of ninety days.

20 Sec. 6. Section 49-551, Arizona Revised Statutes, is amended to read:

21 49-551. Air quality fee; air quality fund; purpose

22 A. Every person who is required to register a motor vehicle in this
23 state pursuant to section 28-2153 shall pay, in addition to the registration
24 fee, an annual air quality fee at the time of vehicle registration of one
25 dollar fifty cents. Unless and until the United States environmental
26 protection agency grants a waiver for diesel fuel pursuant to section
27 211(c)(4) of the clean air act, every person who is required to register a
28 diesel powered motor vehicle in this state with a declared gross weight as
29 defined in section 28-5431 of more than eight thousand five hundred pounds
30 and every person who is subject to an apportioned fee for diesel powered
31 motor vehicles collected pursuant to title 28, chapter 7, articles 7 and 8
32 shall pay an additional apportioned diesel fee of ten dollars.

33 B. The registering officer shall collect the fees and immediately
34 deposit, pursuant to sections 35-146 and 35-147, the air quality fees in the
35 air quality fund established ~~pursuant to~~ BY subsection C of this section and
36 shall deposit the diesel fees in the voluntary vehicle repair and retrofit
37 program fund established ~~pursuant to~~ BY section 49-474.03.

38 C. An air quality fund is established consisting of monies received
39 pursuant to this section, section 49-542.05, gifts, grants and donations, and
40 monies appropriated by the legislature. The department of environmental
41 quality shall administer the fund. Monies in the fund are exempt from the
42 provisions of section 35-190 relating to the lapsing of appropriations.
43 Interest earned on monies in the fund shall be credited to the fund. Monies
44 in the air quality fund shall be used, subject to legislative appropriation,
45 for:

1 1. Air quality research, experiments and programs conducted by or for
2 the department for the purpose of bringing area A, ~~or area B OR C~~ into or
3 maintaining area A, ~~or area B OR C~~ in attainment status, improving air
4 quality in areas of this state outside area A, ~~or area B OR C~~ and reducing
5 emissions of particulate matter, carbon monoxide, oxides of nitrogen,
6 volatile organic 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 or
10 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 from
14 the air quality fund to the department of administration for the purposes
15 prescribed by section 49-588 in eight installments in each of the first eight
16 months of a fiscal year.

17 E. This section does not apply to an electrically powered golf cart or
18 an electrically powered vehicle.

19 Sec. 7. Applicability; enforcement; vehicle emissions testing
20 stations; vehicle repair programs; notice; definition

21 A. The department of environmental quality and the department of
22 transportation shall not enforce this act against owners or dealers of motor
23 vehicles until after vehicle emissions testing stations are fully operational
24 in each incorporated city or town that is located in area C and that has a
25 population of more than ten thousand persons according to the most recent
26 population statistics certified by the metropolitan planning organization for
27 the county in which area C is located. Until vehicle emissions testing
28 stations are operational as prescribed in this section, the department of
29 transportation and the department of environmental quality shall not collect
30 an emissions testing fee in area C and shall not refuse to issue or renew a
31 vehicle registration in area C on the basis of any failure or refusal to
32 comply with the emissions testing requirements in this act.

33 B. The department of environmental quality and the department of
34 transportation shall not apply or enforce section 49-542, subsection D,
35 Arizona Revised Statutes, as amended by this act, against a vehicle owner or
36 dealer in area C until after the later of either of the following:

37 1. The establishment and operation of a voluntary vehicle repair and
38 retrofit program and a catalytic converter replacement program in the county
39 in which area C is located.

40 2. Ninety days after the effective date of this act.

41 C. The director of the department of environmental quality shall
42 certify to the governor, the president of the senate and the speaker of the
43 house of representatives when vehicle emissions testing stations are
44 operational as prescribed in subsection A of this section.

1 D. The director of the department of environmental quality shall
2 certify to the governor, the president of the senate and the speaker of the
3 house of representatives when a voluntary vehicle repair and retrofit program
4 and catalytic converter replacement program are operational as prescribed in
5 subsection B of this section.

6 E. For the purposes of this section, "area C" has the same meaning
7 prescribed in section 49-541, Arizona Revised Statutes, as amended by this
8 act.