

House Engrossed

vehicle emissions; exemption

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# HOUSE BILL 2546

AN ACT

AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 27, SECTION 2 AND CHAPTER 116, SECTION 1; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 27, SECTION 3 AND CHAPTER 116, SECTION 1; AMENDING SECTIONS 49-542.04, 49-542.05 AND 49-543, 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 49-542, Arizona Revised Statutes, as amended by  
3 Laws 2021, chapter 27, section 2 and chapter 116, section 1, is amended to  
4 read:

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

8 A. The director shall administer a comprehensive annual or biennial  
9 emissions inspection program that shall require the inspection of vehicles  
10 in this state pursuant to this article and applicable administrative  
11 rules. Such inspection is required for vehicles that are registered in  
12 area A and area B ~~AND THAT WERE MANUFACTURED BEFORE THE 2018 MODEL YEAR,~~  
13 for those vehicles owned by a person who is subject to section 15-1444 or  
14 15-1627 and for those vehicles ~~THAT WERE MANUFACTURED BEFORE THE 2018~~  
15 ~~MODEL YEAR~~ registered outside of area A or area B but ~~THAT ARE~~ used to  
16 commute to the driver's principal place of employment located within area  
17 A or area B. Inspection in other counties of ~~the~~ ~~THIS~~ state shall  
18 commence on the director's approval of an application by a county board of  
19 supervisors for participation in such inspection program. In all counties  
20 with a population of three hundred fifty thousand ~~or fewer~~ persons ~~OR~~  
21 ~~LESS~~, except for the portion of counties that contain any portion of area  
22 A, the director shall as conditions dictate provide for testing to  
23 determine the effect of vehicle-related pollution on ambient air quality  
24 in all communities with a metropolitan area population of twenty thousand  
25 persons or more. If such testing detects the violation of state ambient  
26 air quality standards by vehicle-related pollution, the director shall  
27 forward a full report of such violation to the president of the senate,  
28 the speaker of the house of representatives and the governor.

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

1 program and shall include in the report a summary of the data collected  
2 during the pilot program and a certification by the director that, based  
3 on the data collected during the pilot program, a full scale  
4 implementation of a remote vehicle inspection program will increase the  
5 efficiency and reduce the costs of the vehicle emissions inspection  
6 program.

7 C. Vehicles required to be inspected and registered in this state,  
8 except those **THAT ARE** provided for in section 49-546 **AND THAT WERE**  
9 **MANUFACTURED AFTER THE 2018 MODEL YEAR**, shall be inspected, for the  
10 purpose of complying with the registration requirement pursuant to  
11 subsection D of this section, in accordance with ~~the provisions of~~ this  
12 article not more than ninety days before each registration expiration  
13 date. A vehicle may be submitted voluntarily for inspection more than  
14 ninety days before the registration expiration date on payment of the  
15 prescribed inspection fee. That voluntary inspection may be considered as  
16 compliance with the registration requirement pursuant to subsection D of  
17 this section only on conditions prescribed by the director.

18 D. A vehicle **THAT WAS MANUFACTURED BEFORE THE 2018 MODEL YEAR** shall  
19 not be registered until such vehicle has passed the emissions inspection  
20 and the tampering inspection prescribed in subsection G of this section or  
21 has been issued a certificate of waiver. A certificate of waiver shall  
22 only be issued one time to a vehicle after January 1, 1997. If any  
23 vehicle to be registered is being sold by a dealer licensed to sell motor  
24 vehicles pursuant to title 28, the cost of any inspection and any repairs  
25 necessary to pass the inspection shall be borne by the dealer. A dealer  
26 who is licensed to sell motor vehicles pursuant to title 28 and whose  
27 place of business is located in area A or area B shall not deliver any  
28 vehicle **THAT WAS MANUFACTURED BEFORE THE 2018 MODEL YEAR** to the retail  
29 purchaser until the vehicle passes any inspection required by this  
30 article, except if the vehicle is a collectible vehicle and the retail  
31 purchaser obtains collectible vehicle or classic automobile insurance  
32 coverage as prescribed in subsection Z of this section before delivery or  
33 the vehicle is otherwise exempt under subsection J of this section.

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

1 issued at an official emissions inspection station to the department of  
2 transportation along with the appropriate fees. The department of  
3 transportation shall then issue the person an air quality compliance  
4 sticker that shall be placed on the vehicle as prescribed by rule adopted  
5 by the department of transportation. The registering officer or the  
6 department of transportation shall collect an air quality compliance fee  
7 of \$.25. The registering officer or the department of transportation  
8 shall deposit, pursuant to sections 35-146 and 35-147, the air quality  
9 compliance fee in the state highway fund established by section  
10 28-6991. The department of transportation shall deposit, pursuant to  
11 sections 35-146 and 35-147, any emissions inspection fee in the emissions  
12 inspection fund. ~~The provisions of~~ This subsection ~~do~~ DOES not apply to  
13 those vehicles THAT ARE registered pursuant to title 28, chapter 7,  
14 article 7 or 8, the sale of vehicles between motor vehicle dealers, WERE  
15 MANUFACTURED AFTER THE 2018 MODEL YEAR or vehicles THAT ARE leased to a  
16 person residing outside of area A or area B by a leasing company whose  
17 place of business is in area A or area B.

18 F. The director shall adopt minimum emissions standards pursuant to  
19 section 49-447 with which the various classes of vehicles THAT WERE  
20 MANUFACTURED BEFORE THE 2018 MODEL YEAR shall be required to comply as  
21 follows:

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

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

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

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

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

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

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

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

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

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

17 (i) An evaporative system purge test.

18 (ii) An evaporative system integrity test.

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

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

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

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

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

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

40 6. Fleet operators in area A shall comply with this section, except  
41 that used vehicles sold by a motor vehicle dealer who is a fleet operator  
42 and who has been issued a permit pursuant to section 49-546 for the  
43 purposes of determining compliance with minimum emission standards in area  
44 A shall be 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, except that a diesel powered  
3 vehicle is subject to only a loaded test.

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

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

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

27 G. In addition to an emissions inspection, a vehicle is subject to  
28 a tampering inspection as prescribed by rules adopted by the director if  
29 the vehicle was manufactured after the 1974 model year **BUT BEFORE THE 2018**  
30 **MODEL YEAR.**

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

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

40 J. The director may adopt rules for purposes of implementation,  
41 administration, regulation and enforcement of the provisions of this  
42 article including:

43 1. The submission of records relating to the emissions inspection  
44 of vehicles inspected by another jurisdiction in accordance with another

1 inspection law and the acceptance of such inspection for compliance with  
2 the provisions of this article.

3 2. The exemption from inspection of:

4 (a) Except as otherwise provided in this subdivision, a motor  
5 vehicle manufactured in or before the 1966 model year. If the United  
6 States environmental protection agency issues a vehicle emissions testing  
7 exemption for motor vehicles manufactured in or before the 1974 model year  
8 for purposes of the state implementation or maintenance plan for air  
9 quality, a motor vehicle manufactured in or before the 1974 model year is  
10 exempt from inspection.

11 (b) New vehicles originally registered at the time of initial  
12 retail sale and titling in this state pursuant to section 28-2153 or  
13 28-2154.

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

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

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

22 (f) Golf carts.

23 (g) Electrically-powered vehicles.

24 (h) Vehicles with an engine displacement of less than ninety cubic  
25 centimeters.

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

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

29 (k) Collectible vehicles.

30 (l) Motorcycles.

31 (m) VEHICLES THAT WERE MANUFACTURED ON OR AFTER THE 2018 MODEL  
32 YEAR.

33 3. Compiling and maintaining records of emissions test results  
34 after servicing.

35 4. A procedure that allows the vehicle service and repair industry  
36 to compare the calibration accuracy of its emissions testing equipment  
37 with the department's calibration standards.

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

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

43 K. The director, after consultation with automobile manufacturers  
44 and the vehicle service and repair industry, shall establish by rule a  
45 definition of "vehicle maintenance and repairs" for motor vehicles subject

1 to inspection under this article. The definition shall specify repair  
2 procedures that, when implemented, will reduce vehicle emissions.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

12 O. The director of environmental quality shall establish, in  
13 cooperation with the assistant director for the motor vehicle division of  
14 the department of transportation:

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

19 2. A written notice that shall accompany the vehicle registration  
20 application forms that are sent to vehicle owners pursuant to section  
21 28-2151 and that shall accompany or be included as part of the vehicle  
22 emissions test results that are provided to vehicle owners at the time of  
23 the vehicle emissions test. This written notice shall describe at least  
24 the following:

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

27 (b) The availability and a brief description of the vehicle repair  
28 and retrofit program established pursuant to section 49-558.02.

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

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

39 Q. A fleet operator who is issued a permit pursuant to section  
40 49-546 may electronically transmit emissions inspection data to the  
41 department of transportation pursuant to rules adopted by the director of  
42 the department of transportation in consultation with the director of  
43 environmental quality.

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

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

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

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

13 V. The director of environmental quality and the director of the  
14 department of transportation shall implement a system to exchange  
15 information relating to the waiver program, including information relating  
16 to vehicle emissions test results and vehicle registration information.

17 W. Any person who sells a vehicle that has been issued a  
18 certificate of waiver pursuant to this section after January 1, 1997 and  
19 who knows that a certificate of waiver has been issued after January 1,  
20 1997 for that vehicle shall disclose to the buyer before completion of the  
21 sale that a certificate of waiver has been issued for that vehicle.

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

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

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

37 1. Either:

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

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

42 2. Meets both of the following criteria:

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

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

4 Sec. 2. Section 49-542, Arizona Revised Statutes, as amended by  
5 Laws 2021, chapter 27, section 3 and chapter 116, section 1, is amended to  
6 read:

7 49-542. Emissions inspection program; powers and duties of  
8 director; administration; periodic inspection;  
9 minimum standards and rules; exceptions; definition

10 A. The director shall administer a comprehensive annual or biennial  
11 emissions inspection program that shall require the inspection of vehicles  
12 in this state pursuant to this article and applicable administrative  
13 rules. Such inspection is required for vehicles that are registered in  
14 area A and area B **AND THAT WERE MANUFACTURED BEFORE THE 2018 MODEL YEAR**,  
15 for those vehicles owned by a person who is subject to section 15-1444 or  
16 15-1627 and for those vehicles **THAT WERE MANUFACTURED BEFORE THE 2018**  
17 **MODEL YEAR** registered outside of area A or area B but **THAT ARE** used to  
18 commute to the driver's principal place of employment located within area  
19 A or area B. Inspection in other counties of ~~the~~ **THIS** state shall  
20 commence on the director's approval of an application by a county board of  
21 supervisors for participation in such inspection program. In all counties  
22 with a population of three hundred fifty thousand ~~or fewer~~ persons **OR**  
23 **LESS**, except for the portion of counties that contain any portion of area  
24 A, the director shall as conditions dictate provide for testing to  
25 determine the effect of vehicle-related pollution on ambient air quality  
26 in all communities with a metropolitan area population of twenty thousand  
27 persons or more. If such testing detects the violation of state ambient  
28 air quality standards by vehicle-related pollution, the director shall  
29 forward a full report of such violation to the president of the senate,  
30 the speaker of the house of representatives and the governor.

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

1 of the pilot program. The director shall submit the report before the  
2 department implements any ~~full-scale~~ FULL-SCALE remote vehicle inspection  
3 program and shall include in the report a summary of the data collected  
4 during the pilot program and a certification by the director that, based  
5 on the data collected during the pilot program, a full scale  
6 implementation of a remote vehicle inspection program will increase the  
7 efficiency and reduce the costs of the vehicle emissions inspection  
8 program.

9 C. Vehicles required to be inspected and registered in this state,  
10 except those THAT ARE provided for in section 49-546 AND THAT WERE  
11 MANUFACTURED ON OR AFTER THE 2018 MODEL YEAR, shall be inspected, for the  
12 purpose of complying with the registration requirement pursuant to  
13 subsection D of this section, in accordance with ~~the provisions of~~ this  
14 article not more than ninety days before each registration expiration  
15 date. A vehicle may be submitted voluntarily for inspection more than  
16 ninety days before the registration expiration date on payment of the  
17 prescribed inspection fee. That voluntary inspection may be considered as  
18 compliance with the registration requirement pursuant to subsection D of  
19 this section only on conditions prescribed by the director.

20 D. A vehicle THAT WAS MANUFACTURED BEFORE THE 2018 MODEL YEAR shall  
21 not be registered until such vehicle has passed the emissions inspection  
22 and the tampering inspection prescribed in subsection G of this section or  
23 has been issued a certificate of waiver. A certificate of waiver shall  
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25 vehicle to be registered is being sold by a dealer licensed to sell motor  
26 vehicles pursuant to title 28, the cost of any inspection and any repairs  
27 necessary to pass the inspection shall be borne by the dealer. A dealer  
28 who is licensed to sell motor vehicles pursuant to title 28 and whose  
29 place of business is located in area A or area B shall not deliver any  
30 vehicle THAT WAS MANUFACTURED BEFORE THE 2018 MODEL YEAR to the retail  
31 purchaser until the vehicle passes any inspection required by this  
32 article, except if the vehicle is a collectible vehicle and the retail  
33 purchaser obtains collectible vehicle or classic automobile insurance  
34 coverage as prescribed in subsection Z of this section before delivery or  
35 the vehicle is otherwise exempt under subsection J of this section.

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

1 otherwise exempt under this section shall remit a compliance form, as  
2 prescribed by the department of transportation, and proof of compliance  
3 issued at an official emissions inspection station to the department of  
4 transportation along with the appropriate fees. The department of  
5 transportation shall then issue the person an air quality compliance  
6 sticker that shall be placed on the vehicle as prescribed by rule adopted  
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8 department of transportation shall collect an air quality compliance fee  
9 of \$.25. The registering officer or the department of transportation  
10 shall deposit, pursuant to sections 35-146 and 35-147, the air quality  
11 compliance fee in the state highway fund established by section  
12 28-6991. The department of transportation shall deposit, pursuant to  
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15 those vehicles THAT ARE registered pursuant to title 28, chapter 7,  
16 article 7 or 8, the sale of vehicles between motor vehicle dealers, A  
17 VEHICLE THAT WAS MANUFACTURED AFTER THE 2018 MODEL YEAR or vehicles THAT  
18 ARE leased to a person residing outside of area A or area B by a leasing  
19 company whose place of business is in area A or area B.

20 F. The director shall adopt minimum emissions standards pursuant to  
21 section 49-447 with which the various classes of vehicles THAT WERE  
22 MANUFACTURED BEFORE THE 2018 MODEL YEAR shall be required to comply as  
23 follows:

24 1. For the purpose of determining compliance with minimum emissions  
25 standards in area B for motor vehicles other than diesel powered vehicles  
26 or constant four-wheel drive vehicles:

27 (a) A motor vehicle that is equipped with an onboard diagnostic  
28 system required by section 202(m) of the clean air act shall be required  
29 to take and pass an onboard diagnostic test or a steady state loaded test  
30 and curb idle test as approved by the director.

31 (b) A motor vehicle with a model year of 1981 or later, other than  
32 a vehicle covered by subdivision (a) of this paragraph, shall be required  
33 to take and pass a steady state loaded test and curb idle test.

34 (c) A motor vehicle, other than a vehicle covered by subdivision  
35 (a) or (b) of this paragraph, shall be required to take and pass a curb  
36 idle test.

37 2. For the purposes of determining compliance with minimum  
38 emissions standards and functional tests in area A for motor vehicles  
39 other than diesel powered vehicles or constant four-wheel drive vehicles:

40 (a) A motor vehicle that is equipped with an onboard diagnostic  
41 system required by section 202(m) of the clean air act shall be required  
42 to take and pass an onboard diagnostic test or a transient loaded test as  
43 approved by the director.

1 (b) A motor vehicle with a model year of 1981 or later, other than  
2 a vehicle covered by subdivision (a) of this paragraph, shall be required  
3 to take and pass a transient loaded test.

4 (c) A motor vehicle, other than a vehicle covered by subdivision  
5 (a) or (b) of this paragraph, shall be required to take and pass a steady  
6 state loaded test and curb idle test.

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 3. For the purpose of determining compliance with minimum emissions  
12 standards in area A or area B for diesel powered motor vehicles:

13 (a) A diesel powered motor vehicle that is equipped with an onboard  
14 diagnostic system required by section 202(m) of the clean air act shall be  
15 required to take and pass an onboard diagnostic test or an opacity test as  
16 approved by the director.

17 (b) A diesel powered motor vehicle, other than a vehicle covered by  
18 subdivision (a) of this paragraph, shall be required to take and pass an  
19 emissions test as follows:

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

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

26 4. A constant four-wheel drive vehicle shall be required to take  
27 and pass a curb idle test or an onboard diagnostic test.

28 5. Fleet operators must comply with this section, except that used  
29 vehicles, other than diesel powered vehicles, sold by a motor vehicle  
30 dealer who is a fleet operator and who has been issued a permit under  
31 section 49-546 shall be tested as follows:

32 (a) A motor vehicle with a model year of 1980 or earlier shall take  
33 and pass a curb idle test.

34 (b) A motor vehicle with a model year of 1981 or later, other than  
35 a vehicle that is equipped with an onboard diagnostic system that is  
36 required by section 202(m) of the clean air act, shall take and pass a  
37 curb idle test and a twenty-five hundred revolutions per minute unloaded  
38 test.

39 6. Vehicles owned or operated by the United States, this state or a  
40 political subdivision of this state shall comply with this subsection  
41 without regard to whether those vehicles are required to be registered in  
42 this state, except that alternative fuel vehicles of a school district  
43 that is located in area A, other than vehicles equipped with an onboard  
44 diagnostic system required by section 202(m) of the clean air act, shall  
45 be required to take and pass the curb idle test and the loaded test.

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

10           G. In addition to an emissions inspection, a vehicle is subject to  
11 a tampering inspection as prescribed by rules adopted by the director if  
12 the vehicle was manufactured after the 1974 model year **BUT BEFORE THE 2018**  
13 **MODEL YEAR.**

14           H. Vehicles required to be inspected shall undergo a functional  
15 test of the gas cap to determine if the cap holds pressure within limits  
16 prescribed by the director. This subsection does not apply to any diesel  
17 powered vehicle.

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

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

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

30           2. The exemption from inspection of:

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

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

- 1 (e) Vehicles that are outside of this state at the time of  
2 registration, except the director by rule may require testing of those  
3 vehicles within a reasonable period of time after those vehicles return to  
4 this state.
- 5 (f) Golf carts.
- 6 (g) Electrically-powered vehicles.
- 7 (h) Vehicles with an engine displacement of less than ninety cubic  
8 centimeters.
- 9 (i) The sale of vehicles between motor vehicle dealers.
- 10 (j) Vehicles leased to a person residing outside of area A or area  
11 B by a leasing company whose place of business is in area A or area B.
- 12 (k) Collectible vehicles.
- 13 (l) Motorcycles.
- 14 (m) Cranes and oversize vehicles that require permits pursuant to  
15 section ~~28-1100~~, 28-1103 or 28-1144.
- 16 (n) Vehicles that are not in use and that are owned by residents of  
17 this state while on active military duty outside of this state.
- 18 (o) VEHICLES THAT WERE MANUFACTURED ON OR AFTER THE 2018 MODEL  
19 YEAR.
- 20 3. Compiling and maintaining records of emissions test results  
21 after servicing.
- 22 4. A procedure that allows the vehicle service and repair industry  
23 to compare the calibration accuracy of its emissions testing equipment  
24 with the department's calibration standards.
- 25 5. Training requirements for automotive repair personnel using  
26 emissions measuring equipment whose calibration accuracy has been compared  
27 with the department's calibration standards.
- 28 6. Any other rule that may be required to accomplish the provisions  
29 of this article.
- 30 K. The director, after consultation with automobile manufacturers  
31 and the vehicle service and repair industry, shall establish by rule a  
32 definition of "vehicle maintenance and repairs" for motor vehicles subject  
33 to inspection under this article. The definition shall specify repair  
34 procedures that, when implemented, will reduce vehicle emissions.
- 35 L. The director shall adopt rules that specify that the estimated  
36 retail cost of all recommended maintenance and repairs shall not exceed  
37 the amounts prescribed in this subsection, except that if a vehicle fails  
38 a tampering inspection there is no limit on the cost of recommended  
39 maintenance and repairs. The director shall issue a certificate of waiver  
40 for a vehicle if the director has determined that all recommended  
41 maintenance and repairs have been performed and that the vehicle has  
42 failed any reinspection that may be required by rule. If the director has  
43 determined that the vehicle is in compliance with minimum emissions  
44 standards or that all recommended maintenance and repairs for compliance  
45 with minimum emissions standards have been performed, but that tampering



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13           (b) The availability and a brief description of the vehicle repair  
14 and retrofit program established pursuant to section 49-558.02.

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

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

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

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

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

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

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

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

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

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

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

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

21           1. Either:

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

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

26           2. Meets both of the following criteria:

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

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

33           Sec. 3. Section 49-542.04, Arizona Revised Statutes, is amended to  
34 read:

35           49-542.04. Off-road vehicle and engine standards

36           A. The department may adopt rules for air pollution emission  
37 standards for off-road vehicles and engines marketed in ~~the~~ THIS state  
38 ~~beginning with~~ ON OR AFTER the 1999 model year AND BEFORE THE 2018 MODEL  
39 YEAR.

40           B. The standards may include the following categories:

41           1. Heavy-duty diesel vehicles rated at 175-750 horsepower.

42           2. Small utility and lawn and garden equipment engines rated at  
43 less than twenty-five horsepower.

44           3. Recreational vehicles rated at less than twenty-five horsepower.

1 4. Specialty engines and go-carts rated at greater than twenty-five  
2 horsepower.

3 5. Off-road motorcycles and all terrain vehicles.

4 C. In a county with a population of more than one million two  
5 hundred thousand persons, the department may adopt rules for air pollution  
6 emission standards for golf cart engines.

7 Sec. 4. Section 49-542.05, Arizona Revised Statutes, is amended to  
8 read:

9 49-542.05. Alternative fuel vehicles

10 A. Except for a vehicle fueled by hydrogen AND ANY VEHICLE  
11 MANUFACTURED AFTER THE 2018 MODEL YEAR, the following apply:

12 1. Each original equipment manufactured alternative fuel vehicle  
13 that is registered in or used to commute into area A or area B pursuant to  
14 section 49-542, subsection A is subject to the emissions inspection  
15 requirements prescribed in this article.

16 2. Each alternative fuel vehicle that is not an original equipment  
17 manufactured alternative fuel vehicle and that is registered in or used to  
18 commute into area A or area B pursuant to section 49-542, subsection A is  
19 subject to the emissions inspection requirements prescribed in this  
20 article.

21 B. Except for a vehicle fueled by hydrogen AND ANY VEHICLE  
22 MANUFACTURED AFTER THE 2018 MODEL YEAR, for each vehicle that is  
23 registered in or used to commute into area A or area B as prescribed by  
24 section 49-542, subsection A and that is either an original equipment  
25 manufactured alternative fuel vehicle or an alternative fuel vehicle that  
26 is not an original equipment manufactured alternative fuel vehicle, the  
27 vehicle shall be tested before the vehicle is registered in this state as  
28 an alternative fuel vehicle both while operating on gasoline and while  
29 operating on alternative fuel, if applicable. In the sixth registration  
30 year and in subsequent years, the vehicle shall be tested both while  
31 operating on gasoline and while operating on alternative fuel, if  
32 applicable, pursuant to the requirements of section 49-542.

33 C. The registration renewal notice required for the fourth and  
34 fifth registration year of a new original equipment manufactured  
35 alternative fuel vehicle shall include a notice to the vehicle owner that  
36 even though an emissions inspection test is not required pursuant to  
37 subsection B of this section, the owner may choose to have an emissions  
38 inspection because of vehicle emissions performance warranty limitations  
39 on emissions components of the vehicle.

40 D. The department ~~of environmental quality~~ shall compile and  
41 maintain data regarding the results of emissions inspections of all  
42 alternative fuel vehicles pursuant to this article.

1           Sec. 5. Section 49-543, Arizona Revised Statutes, is amended to  
2 read:

3           49-543. Emissions inspection costs; disposition; fleet  
4                                   inspection; certificates

5           A. The director shall fix, regulate and alter in accordance with  
6 this section the fees required to be paid for the full costs of the  
7 vehicle emissions inspection program pursuant to this article, including  
8 administration, implementation and enforcement.

9           B. Except as provided in section 49-542.05, the registration  
10 renewal notice required for ~~the second through fifth registration year of~~  
11 a new vehicle shall include a notice to the vehicle owner that even though  
12 an emissions inspection test is not required pursuant to section 49-542,  
13 ~~subsection J, paragraph 2, subdivision (d)~~ the owner may choose to have an  
14 emissions inspection because of vehicle emissions performance warranty  
15 limitations on emissions components of the vehicle.

16           C. The fees charged for official emissions inspection shall be  
17 uniform as applied to each class of vehicle, which shall be defined by the  
18 director. Except for fees collected by the director pursuant to section  
19 49-546, the inspection fees required to be paid pursuant to this article  
20 may be collected with the registration fee by the registering officer at  
21 the time and place of motor vehicle registration pursuant to title 28,  
22 chapter 7, article 5 and deposited, pursuant to sections 35-146 and  
23 35-147, in the emissions inspection fund in accordance with the rules  
24 adopted by the director or may be collected by the independent contractor  
25 at the time of inspection.

26           D. Any person, except a person who has been issued a certificate of  
27 waiver pursuant to section 49-542, subsection L, whose vehicle has been  
28 inspected at an official emissions inspection station, if the vehicle was  
29 not found to comply with the minimum standards, shall have the vehicle  
30 repaired, including recommended repair or replacement of emissions control  
31 devices as a result of tampering, and have the right within sixty  
32 consecutive calendar days but not thereafter to return the vehicle for one  
33 reinspection without charge. The department may provide for additional  
34 reinspections without charge. A vehicle shall not be deemed to pass a  
35 reinspection unless the tampering discovered during the tampering  
36 inspection is repaired with new or reconditioned emissions control  
37 devices.

38           E. The department shall issue certificates of inspection to owners  
39 of fleet emissions inspection stations. Each certificate shall be  
40 validated by the fleet emissions inspection stations in a manner required  
41 by the director at the time that each owner's fleet vehicle has been  
42 inspected or has passed inspection. The validated certificate of  
43 inspection shall indicate at the time of registration that the owner's  
44 fleet vehicle has been inspected and that the vehicle has passed  
45 inspection.

1 F. The director shall fix an emissions inspection fee before  
2 inspection certificates may be issued to the owner of any fleet emissions  
3 inspection station. Such fee shall be uniform for each inspection  
4 certificate issued and shall be based on the director's estimated costs to  
5 ~~the~~ THIS state of administering and enforcing this article as it applies  
6 to fleet emissions inspection stations and the vehicles inspected in fleet  
7 emissions inspection stations. The director shall deposit, pursuant to  
8 sections 35-146 and 35-147, all such monies collected by the director  
9 pursuant to this article in the emissions inspection fund.

10 Sec. 6. Conditional enactment; notice

11 A. Section 49-542, Arizona Revised Statutes, as amended by Laws  
12 2021, chapter 27, section 2 and chapter 116, section 1 and this act, does  
13 not become effective unless on or before July 1, 2027 the United States  
14 environmental protection agency approves the proposed modifications to the  
15 vehicle emissions testing program protocols as part of the state  
16 implementation plan for air quality.

17 B. Section 49-542, Arizona Revised Statutes, as amended by Laws  
18 2021, chapter 27, section 3 and chapter 116, section 1 and this act, does  
19 not become effective unless the condition prescribed by Laws 2021, chapter  
20 27, section 9, as amended by Laws 2023, chapter 78, section 1, is met and  
21 on or before July 1, 2027 the United States environmental protection  
22 agency approves the proposed modifications to the vehicle emissions  
23 testing program protocols as part of the state implementation plan for air  
24 quality.

25 C. Sections 49-542.04, 49-542.05 and 49-543, Arizona Revised  
26 Statutes, as amended by this act, do not become effective unless on or  
27 before July 1, 2027 the United States environmental protection agency  
28 approves the proposed modifications to the vehicle emissions testing  
29 program protocols as part of the state implementation plan for air  
30 quality.

31 D. The director of the department of environmental quality shall  
32 notify in writing the director of the Arizona legislative council on or  
33 before September 1, 2027 either:

- 34 1. Of the date on which the condition was met.  
35 2. That the condition was not met.