

1 **Diesel Emissions Reduction Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill creates a voluntary registry for certain non-road diesel engines.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ directs the Division of Air Quality (division) to create a voluntary registry for certain
- 10 non-road diesel engines;
- 11 ▶ prevents the division from paying a replacement incentive to an owner of a non-road
- 12 diesel engine not on the registry;
- 13 ▶ requires a registrant of a non-road diesel engine to pay a registration fee;
- 14 ▶ requires the division to deposit registration fees into the Environmental Mitigation and
- 15 Response Fund;
- 16 ▶ grants the division rulemaking authority to implement the provisions; and
- 17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **19-1-603**, as enacted by Laws of Utah 2017, Chapter 246

25 ENACTS:

26 **19-2-401**, Utah Code Annotated 1953

27 **19-2-402**, Utah Code Annotated 1953

28 **19-2-403**, Utah Code Annotated 1953

29 **19-2-404**, Utah Code Annotated 1953

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **19-1-603** is amended to read:

33 **19-1-603 . Environmental Mitigation and Response Fund.**

- 34 (1) There is created an expendable special revenue fund known as the Environmental
35 Mitigation and Response Fund.
- 36 (2) The fund consists of:
- 37 (a) public and private funding sources made under [~~Subsections (3) and (4)~~] this section;
- 38 (b) funding from the non-road diesel engine registration fee and any money collected by
39 the Division of Air Quality in accordance with Section 19-2-403;
- 40 [~~(b)~~] (c) legally binding bankruptcy, financial assurance, or natural resource damage
41 claim settlements; and
- 42 [~~(e)~~] (d) interest earnings on cash balances.
- 43 (3) The department may accept contributions for deposit into the fund from public and
44 private sources, including from a source as a condition of a consent decree, settlement
45 agreement, stipulated agreement, or court order.
- 46 (4) If funds are deposited as part of a consent decree, settlement agreement, stipulated
47 agreement, or court order, the source of the funding may specify terms and conditions in
48 which the funds may be used, in accordance with the consent decree, settlement
49 agreement, stipulated agreement, or court order.
- 50 (5) Unless mandated by court order, the department may refuse funds if the department
51 determines it is incapable of meeting the terms and conditions of the agreement to obtain
52 the funds, including covering the costs to administer the fund and oversee the
53 implementation of the specific mitigation or response action.
- 54 (6) The fund may account for assets held by the state for:
- 55 (a) an individual;
- 56 (b) a private or public entity;
- 57 (c) another governmental unit, including a local or federal agency;
- 58 (d) a state agency; or
- 59 (e) a Native American tribe.

60 Section 2. Section **19-2-401** is enacted to read:

61 **Part 4. Non-road Diesel Engine Voluntary Inventory**

62 **19-2-401 . Definitions.**

- 63 (1)(a) "Designated nonattainment county" means a county in the state partially or wholly
64 included in a nonattainment area.

- 65 (b) "Designated nonattainment county" includes:
 66 (i) Box Elder County;
 67 (ii) Cache County;
 68 (iii) Davis County;
 69 (iv) Salt Lake County;
 70 (v) Tooele County;
 71 (vi) Utah County; and
 72 (vii) Weber County.
- 73 (2) "Nonattainment area" means an area that does not meet the primary or secondary air
 74 quality standards for particulate matter under the National Ambient Air Quality
 75 Standards, 42 U.S.C. Sec. 7407(d), as amended.
- 76 (3)(a) "Non-road diesel engine" means an engine that is:
 77 (i) diesel-fueled or alternative diesel-fueled;
 78 (ii) powered by an internal combustion engine;
 79 (iii) not subject to standards promulgated under Section 111 or Section 202 of the
 80 Clean Air Act, as amended, 42 U.S.C. Sec. 7401 et seq.; and
 81 (iv)(A) not designed for use in transporting persons or property on a street or
 82 highway; or
 83 (B) not used solely for competition.
- 84 (b) "Non-road diesel engine" does not include an engine in:
 85 (i) an airplane;
 86 (ii) a farm tractor as that term is defined in Section 41-1a-102;
 87 (iii) a farm truck as that term is defined in Section 41-1a-102;
 88 (iv) an implement of husbandry as that term is defined in Section 41-1a-102;
 89 (v) an off-highway implement of husbandry as that term is defined in Section 41-22-2;
 90 (vi) an off-highway vehicle as that term is defined in Section 41-22-2; or
 91 (vii) a railroad locomotive.
- 92 (4) "Replacement incentive" means any division program that offers a grant, exchange,
 93 rebate, or other cost-reducing incentive to encourage the replacement of a non-road
 94 diesel engine.
- 95 (5) "Voluntary registry" means the voluntary registry for non-road diesel engines created in
 96 Subsection 19-2-402(1).

97 Section 3. Section **19-2-402** is enacted to read:

98 **19-2-402 . Voluntary registry -- Application requirements -- Limitation on**

99 **replacement incentives.**

100 (1) The division shall create a voluntary registry for non-road diesel engines operating in
101 this state.

102 (2)(a) An owner of a non-road diesel engine may place the non-road diesel engine on the
103 division's voluntary registry by:

104 (i) submitting an application in accordance with Subsection (2)(b); and

105 (ii) paying a registration fee described in Subsection 19-2-403(2).

106 (b) An application to register a non-road diesel engine in the voluntary registry shall
107 include:

108 (i) evidence of ownership;

109 (ii) a statement regarding the county in which the non-road diesel engine operates;

110 (iii) a description of the use of the non-road diesel engine;

111 (iv) characteristics of the non-road diesel engine, including:

112 (A) make and model;

113 (B) horsepower or displacement;

114 (C) engine type;

115 (D) fuel consumption; and

116 (E) serial number; and

117 (v) any information required by division rule under this part.

118 (3) The division may not offer a replacement incentive to an owner of a non-road diesel
119 engine for a non-road diesel engine not listed on the voluntary registry.

120 Section 4. Section **19-2-403** is enacted to read:

121 **19-2-403 . Registration -- Deposit of fees.**

122 (1)(a) The division shall establish a fee for registering a non-road diesel engine on the
123 voluntary registry as described in Subsection 19-2-402(2).

124 (b) The division shall establish the fee in accordance with:

125 (i) Section 63J-1-504;

126 (ii) Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

127 (iii) Subsection (2).

128 (2) An owner of a non-road diesel engine, other than the state or a political subdivision of
129 the state, that registers the non-road diesel engine under this section, shall pay a
130 registration fee of not more than \$50.

131 (3)(a) The division shall deposit registration fees collected by the division into the
132 Environmental Mitigation and Response Fund described in Section 19-1-603.

133 (b) The division may pay from the money collected under Subsection (3)(a) costs
134 incurred by the division under this part.

135 Section 5. Section **19-2-404** is enacted to read:

136 **19-2-404 . Division rulemaking.**

137 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
138 division shall make rules as necessary to implement this part.

139 Section 6. **Effective Date.**

140 This bill takes effect on May 7, 2025.