

Weber-Morgan Health Department

Regulation for

Motor Vehicle Inspection and Maintenance Program

Adopted by the Weber-Morgan Board of Health

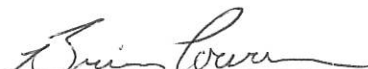
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Utah Code Annotated, 1953, as amended

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Weber-Morgan Health Department

By 

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By 

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**MOTOR VEHICLE
INSPECTION AND MAINTENANCE PROGRAM**

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1.0 TITLE AND DEFINITIONS

These standards shall be known as the Motor Vehicle Inspection and Maintenance Program Regulation, hereinafter referred to as “this Regulation”.

For the purpose of this Regulation, the following words and phrases, when used herein, except as otherwise required by the context, have the following meanings.

- 1.1 “**Accreditation**” means Certification that the Analyzer and Analyzer manufacturer meet the operating criteria, specifications and requirements of Weber County and the Department;
- 1.2 “**Accuracy**” means the degree by which an instrument is able to determine the true concentration of pollutants of interest. Also means freedom from error especially as a result of care;
- 1.3 “**Air Intake Systems**” means systems that allow for the induction of ambient air, including preheated air into the engine combustion chamber for the purpose of mixing with a fuel for combustion;
- 1.4 “**A.I.R. (Air Injection Reaction System)**” means a system for providing supplementary air into a vehicle’s exhaust system to promote further oxidation of hydrocarbons (HC) and carbon monoxide (CO) gases and to assist catalytic reaction;
- 1.5 “**Analyzer**” See definition for UTAH 2011 Analyzer;
- 1.6 “**Audit**” means a procedure performed by Department personnel that includes but is not limited to, inspection of the Station, review of Station records, inspection of the Analyzer and related I/M equipment, and review of personnel working knowledge and records. The audit procedure is intended to ensure compliance with this Regulation and Department policies and procedures;
- 1.7 “**Basic Engine Systems**” means parts or assemblies that provide efficient conversion of a compressed air/fuel charge into useful power, including but not limited to valve train mechanisms, cylinder head to block integrity, piston ring-cylinder sealing integrity and post-combustion emissions control device integrity meeting OEM Standards;
- 1.8 “**Board of Health**” means the Weber-Morgan Board of Health;
- 1.9 “**Carbon Monoxide**” A colorless, odorless, asphyxiating gas produced by the incomplete burning of fuels. Carbon monoxide may be referred to in these Regulations as CO;
- 1.10 “**Catalytic Converter**” A post-combustion device that oxidizes HC and CO gases and/or reduces oxides of nitrogen gases;
- 1.11 “**Certificate of Compliance**” means a serially numbered document issued to the vehicle upon passing an inspection or reinspection and is evidence that the

motor vehicle complies with the standards and criteria of this Regulation and other requirements as adopted by the Board of Health. Beginning January 1, 2019 or another date as determined by the Department, all Certificates of Compliance will only be issued electronically and will be submitted by the Department directly to the Utah Division of Motor Vehicles and/or the Utah State Tax Commission;

1.12 “**Certificate of Compliance Numbers**” means numbers issued to Stations and entered into the approved Analyzer for the purpose of issuing Certificates of Compliance;

1.13 “**Certificate of Waiver or Waiver**” means a document issued by the Department used to verify that the vehicle for which it was issued has met the waiver requirements of this Regulation. Beginning January 1, 2019 or another date as determined by the Department, all Certificates of Waiver will only be issued electronically and will be submitted by the Department directly to the Utah Division of Motor Vehicles and/or the Utah State Tax Commission;

1.14 “**Certification**” means assurance by an authorized source, whether it is a laboratory, the manufacturer, the state, or the Department, that a specific product or statement is in fact true and meets all requirements;

1.15 “**Certified Emissions Inspection and Repair Technician or Technician**” means an individual who has successfully completed all permit requirements and has been issued a current, valid Emission Inspection and Repair Technician Permit by the Department. A person permitted by the Department who inspects vehicles, diagnoses emission related faults, and performs emissions related repairs and adjustments to bring vehicles into compliance with the requirements of this Regulation;

1.16 “**Certified Emissions Inspection Only Technician or Tester**” means an individual who has successfully completed all permit requirements and has been issued a current, valid Emission Inspection Only Technician Permit by the Department;

1.17 “**CO**” means Carbon Monoxide;

1.18 “**Compliance**” means verification that certain data and hardware submitted by a manufacturer for accreditation consideration, meets all Department requirements; Also meeting the requirements of this Regulations;

1.19 “**County**” means Weber County, Utah;

1.20 “**Department**” means the Weber-Morgan Health Department, Division of Environmental Health;

1.21 “**Diesel Oxidation Catalyst (DOC)** ” means a catalyst which promotes the oxidation process in diesel exhaust to reduce emissions.

1.22 “**Diesel Particulate Filter (DPF)**” means a system which is designed to capture diesel exhaust particulate matter. The DPF must be cleaned at specific intervals.

1.23 “**Director**” means the Environmental Health Division Director of the Weber-Morgan Health Department or for the purpose of program administration means the I/M Program Manager or I/M Auditor.

1.24 “**Domiciled**” means County in which primary residence is located;

1.25 “**E.G.R. System (Exhaust Gas Recirculation System)**” means an emissions control system that recycles or recirculates a portion of the exhaust gases back to the engine combustion chambers;

1.26 “**Emissions**” means substances expelled into the atmosphere from a motor vehicle; particularly, air contaminants produced by combustion and/or incomplete combustion, hydrocarbon evaporation from the fuel system and/or the crankcase, and particulate matter from the crankcase;

1.27 “**Emission Control Systems**” means any device or combination of parts, originally installed by the manufacturer to control the emissions of a motor vehicle;

1.28 “**Emissions Inspection or Inspection**” means a motor vehicle inspection performed for the purpose of determining whether the vehicle qualifies for issuance of a Certificate of Compliance or Certificate of Waiver, carried out in compliance with this Regulation;

1.29 “**Emissions Repair or Repair**” means repair of a motor vehicle for the purpose of such vehicle passing or attempting to pass an emissions inspection;

1.30 “**Emissions Inspection and Repair Technician Permit or Technician Permit**” means a permit issued by the Department authorizing an individual to conduct emission inspections, repair failed vehicles and issue Certificates of Compliance while under the auspices of a Station;

1.31 “**Emissions Inspection Only Technician Permit or Tester Permit**” means a permit issued by the Department authorizing an individual to perform emission inspections and issue certificates of compliance while under the auspices of a Station;

1.32 “**Emissions Test**” means the process dictated by the official test mode of the Utah 2011 Analyzer;

1.33 “**Engine Switching**” means an engine is removed from a vehicle and is replaced by an engine that is not identical to the original engine;

1.34 “**EPA**” means the United States Environmental Protection Agency;

1.35 “**Evaporative Control System**” means an emission control system that prevents the escape of fuel vapors from the fuel system and/or air cleaner and stores them to be burned in the combustion chamber;

1.36 “**Federal Installation**” means any property or facility subject to the jurisdiction of any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal government;

1.37 “**Fleet Facility**” means a corporation or other business entity permitted by the Department to perform the functions of the inspection program for a privately owned fleet of ten or more motor vehicles;

1.38 “**Fuel Control Systems**” means the mechanical, electro mechanical, galvanic or electronic parts or assemblies that regulate the air/fuel ratio in an engine to provide a combustible charge;

1.39 “**Gaseous Fuel**” means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms;

1.40 “**HC**” means hydrocarbons;

1.41 “**Heavy Duty Vehicles**” means a vehicle 1978 and older with a weight of more than 6000 pounds or 1979 and newer with a weight of more than 8501 pounds GVW (gross vehicle weight);

1.42 “**Hydrocarbons**” means unburned fuel;

1.43 “**Idle Mode**” means a condition where the vehicle’s engine is at proper operating temperature and running at the rate specified by the manufacturer’s curb idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position. This condition achieved without placing a load on the vehicle to decrease its RPM to the specified rate;

1.44 “**Ignition Systems**” the means parts or assemblies that are designed to cause and time the ignition of a compressed air/fuel charge;

1.45 “**I/M Clearance**” means a stamp placed on the motor vehicle registration form by an employee of the Utah State Motor Vehicle Office or the Department indicating that the motor vehicle represented by the registration form is in compliance with the inspection program requirements in that the motorist has presented a valid Certificate of Compliance or Certificate of Waiver for the motor vehicle and paid applicable fees;

1.46 “**I/M Program**” means the Vehicle Emissions Inspection and Maintenance Program established by the Board of Health and this Regulation;

1.47 “**I/M Program Test and Repair Station**” means a business permitted by the Department which engages in emissions testing and emissions related repairs to motor vehicles, and which meets the requirements of this Regulation for test and repair facilities;

1.48 “**I/M Program Test Only Station**” means a business permitted by the Department which engages only in emissions related inspections of motor vehicles, and which meets the requirements of this Regulation for test only facilities;

1.49 “**Inspection Area**” means the Department approved area that is occupied by the Analyzer, sample hose, and the vehicle being inspected;

1.50 “**Inspection Report**” means a document used to record information generated by the Tester/Technician during an emissions inspection other than a Certificate of Compliance;

1.51 “**Light Duty Motor Vehicle**” means all passenger vehicles, 1978 and older; light duty trucks 6000 GVW rating or less; 1979 trucks and newer 8500 pounds GVW rating or less;

1.52 “**Lock-Out**” means when the UTAH 2011 Analyzer automatically prohibits access to the testing portion of the UTAH 2011 Analyzer;

1.53 “**Motor Vehicle or Vehicle**” means any equipment or mechanical device propelled primarily on land by an internal combustion powered engine that is driven on public roads and/or streets. Motor vehicles exempted from the inspection requirements of this Regulation are listed in Section 6.4 of this Regulation;

1.54 “**Motorcycle**” means every motor vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground, but excluding a farm tractor;

1.55 “**Non-Permitted Person**” means any person who has not been certified by the Department to perform official emissions inspections;

1.56 “**OBD**” means Vehicle On-Board Diagnostics;

1.57 “**OBDII**” means the On-Board Diagnostics Generation II Standard effective in 1996 and newer light duty car and light duty trucks sold in the United States;

1.58 “**OEM**” means Original Equipment Manufacturer;

1.59 “**Off-Highway Vehicles**” means a vehicle licensed to operate exclusively off public highways and roads;

1.60 “**Original Condition**” means the condition of the emission control system(s) as installed by the manufacturer, but not necessarily to the original level of effectiveness;

1.61 “**Other Entity**” may include Fleet Facilities, I/M Technical Centers, and reciprocity agreements with EPA approved I/M Programs;

1.62 “**PCV System (Positive Crankcase Ventilation System)**” means an emissions control system that returns crankcase vapors and blowby gases to the combustion chamber to be burned;

1.63 “**Person**” means an individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the state or any agency thereof, or the federal government or any agency thereof;

1.64 “**Prompts**” means instructions and/or data fields, requiring data input to the Analyzer from a Tester/Technician performing an emission inspection;

1.65 “**Publicly-Owned Vehicles**” means a motor vehicle owned by a government entity, including but not limited to the federal government or any agency thereof, the State of Utah or any agency or political subdivision thereof;

1.66 “**Readiness**” means an indicator that identifies when the related emission control system’s operational status has been determined;

1.67 “**Registered or Registration**” means the process by which a motor vehicle receives a license so that it can be legally operated on public streets and highways;

1.68 “**Reinspection**” means any emissions inspection performed on a motor vehicle after it has undergone an initial emissions inspection that did not qualify the motor vehicle for a Certificate of Compliance;

1.69 “**Selective Catalyst Reduction (SCR)**” is a means of reducing NOx in diesel exhaust gases by introducing nitrogen containing compounds such as urea;

1.70 “**Smoking Vehicle**” means a motor vehicle emitting visible emissions after the engine has reached normal operating temperature;

1.71 “**Station**” means an I/M Program Station including all station personnel, employees, and owner(s);

1.72 “**Station Permit**” means the document issued by the Department that authorizes a person to operate a Station;

1.73 “**Tampering**” means the intentional or accidental altering of or removal of emission control systems, and/or emissions-related equipment. Also, the use of fuels other than those required by the manufacturer’s specification as found in the motor vehicle’s owner’s manual. Also, engine modification which may include, but is not limited to, exhaust systems, air intake systems, ignition systems, internal engine modifications, engine switching, etc.;

1.74 “**Technical Bulletin**” means a document issued to Tester/Technicians and Stations by the Department to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emissions Inspection and Maintenance Program;

1.75 “**Tester/Technician**” means a Department Certified and Permitted Emissions Tester or Department Certified and Permitted Emissions Repair Technician;

1.76 “**Training Program**” means a formal program administered, conducted, or approved by the Department for the education of Testers/Technicians in basic emission control technology, inspection procedures, diagnosis and repair of emission related problems, Vehicle Emissions Inspection and Maintenance Program policies, procedures and this Regulation; it may also include the promotion of training for all mechanics;

1.77 “**TSI**” means Two Speed Idle Test Procedure;

1.78 “**UTAH 2011 Analyzer or Analyzer**” means the official computerized engine exhaust analyzer and associated test equipment approved by the Department for use in the areas of Utah requiring inspections as specified in Section 41-6a-1642, Utah Code Annotated, 1953, as amended;

1.79 “**Vehicle Emissions Inspection and Maintenance Program**” means the program established by the Board of Health pursuant to Section 41-6a-1642, Utah Code Annotated 1953, as amended and Weber County Ordinance Section 28-1-4;

1.80 “**Waiver**” see Certificate of Waiver.

2.0 PURPOSE

It is the purpose of this Regulation to reduce air pollution levels in Weber County by requiring inspection of in-use motor vehicles and by requiring emission related repairs and adjustments for those vehicles that fail to meet prescribed standards so as to:

2.1 Protect and promote the public health, safety and welfare;

2.2 Improve air quality;

2.3 Comply with Federal Regulations contained in the Clean Air Act of 1970, and amendments to the Act;

2.4 Comply with the law enacted by the Legislature of the State of Utah, Sections 41-6a-1642 and 41-6a-1643 Utah Code Annotated, 1953, as amended; and

2.5 Comply with Weber County Ordinance 28 Chapter 1. – Motor Vehicle Emissions Inspection

3.0 AUTHORITY AND JURISDICTION OF THE DEPARTMENT

3.1 Under Section 28-1-3 of the Weber County Ordinance the Weber County Commission authorizes and directs the Weber-Morgan Board of Health and the Director of Health to adopt and promulgate rules and regulations to ensure

compliance with EPA and State requirements with respect to Emissions Standards and delegates its authority as an administrative body 41-6a-1642 Utah Code Annotated, 1953, as amended, to the Weber-Morgan Board of Health, to address all issues pertaining to the adoption and administration of the Vehicle Emissions I/M Program, and authorizes a fee to be assessed upon every motorized vehicle registered in Weber County at the time of registration, to be known as the Air Pollution Control Fee.

3.2 Section 28-1-4 of the Weber County Ordinance, directs the Weber-Morgan Health Department to adopt regulations and set fees for I/M Stations and Mechanic Permits and Emission and Waiver Certificates as necessary to sustain and operate an I/M Program.

3.3 The Weber-Morgan Board of Health is authorized to make standards and regulations pursuant to Section 26A-1-121(1) of the Utah Code Annotated, 1953 as amended.

3.4 The Weber-Morgan Board of Health is authorized to establish and collect fees pursuant to Section 26A-1-114(1)(h)(i) of the Utah Code Annotated, 1953 as amended.

3.5 All aspects of the Vehicle Emissions Inspections and Maintenance Program within Weber County enumerated in Section 2.0 shall be subject to the direction and control of the Weber-Morgan Health Department.

4.0 POWERS AND DUTIES

4.1 General Powers and Duties. The Department shall be responsible for the enforcement and administration of this Regulation and any other powers vested in it by law and shall:

4.1.1 Require the submission of information reports, plans and specifications from Stations as necessary to implement the provisions and requirements of this Regulation;

4.1.2 Issue permits, certifications and charge fees as necessary to implement this Regulation;

4.1.3 Perform audits of any Station and Tester/Technician and issue orders and/or notices, hold hearings, levy administrative penalties and negotiate consent agreements as necessary to effect the purposes of this Regulation;

4.1.4 When necessary take samples and make analysis to ensure that the provisions of this Regulation are met; and

4.1.5 Adopt policies and procedures necessary to ensure that the provisions of this Regulation are met and that the purposes of this Regulation are accomplished.

4.2 Suspension, Revocation, or Denial of Station Permits. The Department may suspend, revoke or deny a Station Permit of a Station and/or negotiate a monetary penalty in lieu of suspending a permit under a consent agreement, and/or require the surrender of the Station Permit and unused Certificates of Compliance and other official documents of such Station upon showing that:

4.2.1 A Tester/Technician or other individual at the Station is in violation of this regulation and:

4.2.2 A vehicle was inspected and issued a Certificate of Compliance by Station personnel who did not, at the time of inspection, comply with all applicable policies, procedures, Technical Bulletins, and this Regulation;

4.2.3 A vehicle was inspected and rejected by the Station when, it can be demonstrated, as determined by the Department that the vehicle was in such condition that it did comply with the requirements of this Regulation;

4.2.4 A vehicle was inspected and issued a Certificate of Compliance when it can be proven, as determined by the Department that the vehicle did not at the time of inspection comply with the requirements of Section 9.10 regarding tampering inspection;

4.2.5 A vehicle was passed and issued a Certificate of Compliance without being present for inspection or substituting a vehicle other than the vehicle entered into the test record;

4.2.6 The Station is not open and available to perform Inspections during a major portion of the normal business hours of 8:00 a.m. to 5:00 p.m., Mondays through Fridays, (except Fleet Facilities);

4.2.7 The Station has violated any provisions of this Regulation, or any Rule, Regulation, or Department policy properly promulgated for the operation of a Station;

4.2.8 The Station was or is not equipped as required by Section 8.0 of this Regulation;

4.2.9 The Station is not operating within the property boundaries of the location specified on the Permit;

4.2.10 A Non-Permitted Person has gained access to the official testing portion of the analyzer, conducted any portion of an official inspection, or signed an Inspection Report;

4.2.11 The approved analyzer has been tampered with or altered in any way contrary to the certification and maintenance requirements of the Analyzer;

4.2.12 The Station denies access to a representative of the Department to conduct an audit or other necessary business during regular business hours;

4.2.13 The Station denies access to or conceals pertinent information from a representative of the Department during an audit or while conducting other necessary business during regular business hours;

4.2.14 The Station performed unnecessary repairs not justified by the results of the inspection;

4.2.15 In accordance with 41-6a-1642 and 41-6a-1643 Utah Code Annotated, 1953, As amended, an emissions inspection for a Salt Lake, Utah, Davis, Cache, or Weber County resident was performed but not as required by the Regulations adopted by the applicable county and/or the UTAH 2011 Analyzer prompts.

4.2.16 The vehicle being tested has been altered or tampered with in any way so that it will either pass or fail the emissions test when it would not otherwise.

4.2.17 In accordance with 40 CFR § 51.364(b)(2), The Weber-Morgan Health Department shall have the authority to impose penalties against the licensed Station, as well as the Tester/Technician, even if the Station had no direct knowledge of the violation but was found to be careless in oversight of Tester/Technicians or has a history of violations. Stations shall be held fully responsible for Tester/Technician performance in the course of duty.

4.3 Suspension, Revocation, or Denial of Tester/Technician Permit. The Department may suspend, revoke, or deny the Permit of a Tester/Technician and require the surrender of the Tester/Technician Permit upon showing that:

4.3.1 The Tester/Technician caused any of the violations listed in section 4.2 to occur;

4.3.2 The Tester/Technician issued or caused a Certificate of Compliance to be issued to an owner/operator without an approved inspection being made;

4.3.3 The Tester/Technician denied the issuance of a Certificate of Compliance to the owner/operator of a vehicle that, at the time of the inspection, complied with the law for issuance of said certificate;

4.3.4 The Tester/Technician issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with this Regulation;

4.3.5 The Tester/Technician inspected, recorded and passed the tampering inspection, for a vehicle that did not, at the time of inspection,

comply with the tampering requirements of the tampering inspection detailed in Section 9.10, regardless of whether a Certificate of Compliance was issued or not;

4.3.6 Inspections were performed by the Tester/Technician but not in accordance with applicable policies, procedures, technical bulletins, and this Regulation;

4.3.7 The Tester/Technician allowed a Non Permitted Person to perform any portion of an inspection or gain access to the official testing portion of the Analyzer;

4.3.8 The Tester/Technician signed an inspection report stating that he/she had performed the emissions test when, in fact, he/she did not;

4.3.9 The Tester/Technician falsified any inspection or official document of the Vehicle Emissions Inspection and Maintenance Program;

4.3.10 The Tester/Technician performed unnecessary repairs not justified by the results of the inspection; or

4.3.11 In accordance with Sections 41-6a-1642 and 41-6a-1643 Utah Code Annotated, 1953, as amended, an emissions inspection for a Weber, Salt Lake, Davis, Cache or Utah County resident was performed but not as required by the Regulations/Ordinances adopted by the applicable county.

4.4 Administrative Penalty: in lieu of suspending a Permit under Sections 4.2 and 4.3, the Department may agree to an administrative monetary settlement such as a negotiated consent agreement.

4.5 The Department shall respond according to policies, procedures and this regulation, to public complaints regarding the fairness and integrity of inspections they receive. The Department shall provide a method for inspection results to be challenged if there is a reason to believe them to be inaccurate. To challenge the results of an inspection or reinspection, a motorist must present his or her vehicle within 2 days (excluding Saturday, Sunday and Holidays) of the inspection being challenged for another emissions inspection at the Weber-Morgan Health Department Emissions Technical Center.

5.0 SCOPE

It shall be unlawful for any person not to comply with any policy, procedure, technical bulletin, regulation or ordinance promulgated by the County and/or the Department unless expressly waived by this Regulation.

6.0 GENERAL PROVISIONS

Subject to the exemptions described in Section 6.4 and pursuant to the schedule in Section 6.1, motor vehicles of model years 1996 and newer that are owned and/or

operated by a person domiciled in Weber County, shall be subject to an annual or biennial emission inspection performed by a Station or Other Entity approved by the Department. Registration of a vehicle owned and operated by a Weber County resident in a County other than Weber is a violation of this Regulation. Fraudulent registration of a vehicle as a farm truck, diesel, or other exempted vehicle is also a violation of this Regulation.

6.1 Beginning 1 January 1992 a Certificate of Compliance, Certificate of Waiver or evidence that the motor vehicle is exempt from the Inspection and Maintenance Program requirements (as defined in section 6.4) shall be presented to the Weber County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee paid (See section 6.8.2) as conditions precedent to annual registration or annual renewal of registration of a motor vehicle. Certificates of Compliance from other EPA approved I/M Programs may be accepted, if approved by the Director, provided those I/M Programs are equally effective in reducing emissions.

6.2 A Certificate of Compliance issued to a dealer licensed with the State of Utah and issued in the dealer's name, shall be valid for registration purposes for a period of eleven months as specified in Section 14-6a-1642 (10) b-ii Utah Code Annotated, 1953, as amended. The purchaser's name, address, and phone number shall be recorded by the dealer on the back of the Certificate.

6.3 Publicly-Owned Vehicles. Owners of publicly-owned vehicles shall comply with the Vehicle Emissions Inspections/Maintenance program requirements in accordance with this Regulation on an annual or biennial basis pursuant to a schedule determined by the Department. Federally-owned vehicles and vehicles of employees regularly operated on a federal installation located in the county that do not require registration in the State of Utah shall comply with the emissions testing requirements on an annual or biennial basis pursuant to a schedule determined by the Department and as required by Section 118 of the Clean Air Act (1990 amendment).

6.4 Vehicle Exemption. The following vehicles are exempt from the annual or biennial emissions inspection:

6.4.1 Any motor vehicle of model year 1995 or older;

6.4.2 All agricultural implements of husbandry and any motor vehicle that qualifies for an exemption under Section 41-6a-1642, Utah Code Annotated, 1953, as amended;

6.4.3 Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;

6.4.4 Any motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a motorcycle);

6.4.5 Any vehicle that operates exclusively on electricity;

6.4.6 Any new motor vehicle being sold for the first time that has a valid Manufacturer's Statement of Origin form;

6.4.7 Any vehicle with an engine smaller than forty (40) cubic inch displacement (655 cc); and

6.4.8 Tactical military vehicles.

6.4.9 Any diesel fueled vehicle 1997 and older.

6.4.10 Any vehicle with a GVW greater than 14,000 pounds.

6.4.11 Any 1996-2007 gasoline or CNG powered vehicle with a GVW between 8501-14,000 pounds.

6.5 It shall be the responsibility of the Tester/Technician to determine if a motor vehicle is exempted from Section 6.4 of this Regulation when presented to the Tester/Technician for an inspection. It shall be the Tester/Technician's responsibility to inform the owner/operator of the vehicle that the vehicle is not required to have an inspection for vehicle registration purposes.

6.6 Official Signs.

6.6.1 All Stations, except fleet facilities, shall display in a conspicuous location on the premises;

6.6.1.1 An official sign provided and approved by the Department;

6.6.1.2 The emissions standards, as promulgated under authority of Section 13.0, and

6.6.1.3 The fees charged by that station for performing an emissions inspection.

6.7 Equipment Available for Inspection

6.7.1 Required tools, materials, publications (see Section 8.1.8.3.c) supplies, records, unused Certificates of Compliance, other required forms, records of completed inspections, and a complete copy of this Regulation, shall be kept at the station at all times and shall be available for inspection and collection by the Department at any time the station is open for business.

6.7.2 A periodic inspection and audit shall be made by a representative of the Department to verify compliance with this Regulation for each Station.

6.7.2.1 During the time of the inspection and audit, the Department representative shall have exclusive access to the approved testing Analyzer(s).

6.8 Fees

6.8.1 The fees assessed Stations and Testers/Technicians shall be determined according to a fee schedule adopted by the Board of Health. The fee schedule is referenced in Appendix B of this Regulation.

6.8.2 The following fee is hereby assessed upon every motor vehicle registered in Weber County annually at the time of registration of the vehicle:

6.8.2.1 Air Pollution Control Fee -- See Appendix B of this Regulation.

6.8.2.2 This fee assessment is included upon all motorized vehicles unless exempted by Utah State Rule.

6.8.2.2.a This includes the vehicles that are exempted from the inspection requirements of this Regulation by Section 6.4.

6.8.2.3 Additional fees may be assessed on motor vehicles by other Health Regulations.

6.8.3 Stations may charge a fee for the required service. The fee may not exceed, for each vehicle inspected, the amount set by the Board of Health and referenced in Appendix B of this Regulation:

6.8.3.1 The inspection fee pays for a complete inspection regardless of test results. The owner is entitled to two (2) free reinspections if the vehicle requires an OBD test if he/she returns to the station that performed the original inspection within thirty (30) days from the date of the initial inspection. The emissions inspection fee shall be the same regardless of the test results.

6.9 These fees are subject to change and may be amended as deemed necessary by the Board of Health to accomplish the purposes of this Regulation.

7.0 STANDARDS AND SPECIFICATIONS FOR ANALYZERS

7.1 Approval of Analyzers

7.1.1 No emissions inspection or emissions test required by this Regulation shall be performed after January 31, 2012 unless the type of instrument used for determining compliance with this Regulation is the UTAH2011Analyzer. The Analyzer shall meet the requirements of the Analyzer specifications referenced in Appendix A of this Regulation.

7.1.2 Analyzer Registration

Any Analyzer used by a Station shall be registered with and approved by the Department and shall be issued an analyzer identification number. Identification numbers are not transferable. Any new or used Analyzer put in use after station approval must be approved by the Department before use.

7.1.3 Running Changes

Any changes to the design characteristics or component specifications that may affect the performance of an Analyzer to be used as an official test instrument in the Vehicle Emissions Inspection and Maintenance Program shall be approved by the Department. It shall be the Analyzer manufacturer's responsibility to verify that the changes have no detrimental effect on the performance of the Analyzer.

7.1.3.1 It shall be a violation of this Regulation for any person to alter or modify the hardware or software of an approved Analyzer without written application and formal written approval by the Department.

7.1.3.2 It shall be a violation of this Regulation for any person to gain access to any Department controlled portions of an approved Analyzer without written approval by the Department.

7.1.4 Documentation, Logistics, and Warranty Requirements

7.1.4.1 Instrument Manual

An instrument manual shall be provided by the Analyzer manufacturer. The instruction manual shall be conveyed to the purchaser at the time of sale and shall contain at least the following information for the Analyzer:

- (a) A complete technical description;
- (b) The accessories and options that are included and/or available;
- (c) The location of the model number and identification markings;
- (d) Operating maintenance schedule including daily, weekly, and monthly accommodations and procedures for maintaining sample system integrity including, but not limited to, leak check, hang up, calibration and filters. The services to be performed only by the manufacturer shall be clearly identified;

7.1.4.2 Analyzer Maintenance.

The Analyzer shall be maintained in accordance with the manufacturer's recommended maintenance schedule and records of this maintenance service shall be maintained for examination by the Department.

7.1.4.3 Analyzer printers shall be maintained in such a manner that the printing of the Certificates, inspection reports and documents are accurate and legible. If any printer fails to properly function, then the Station shall discontinue testing until the required repairs have been performed or a replacement printer is installed.

7.1.4.4 No person may engage in repair of the Analyzer unless approved by the Department.

8.0 PERMIT REQUIREMENTS OF THE VEHICLE EMISSIONS STATION

8.1 Permit Required.

8.1.1 No person shall operate a Station without a valid Permit issued by the Department. A person desiring to operate a Station shall submit to the Department a written application for a Permit on a form provided by the Department. To qualify for a Permit, an applicant shall:

8.1.1.1 Be an owner of the proposed Station or an officer of the legal ownership;

8.1.1.2 Comply with the requirements of this Regulation;

8.1.1.3 Agree to allow Department access to the Station and to provide required information;

8.1.1.4 Pay the permit application fee at the time the application is submitted;

8.1.1.5 Present a copy of a current business license relating to the Station; and

8.1.1.6 Other information required by the Department.

8.1.2 The application shall Include:

8.1.2.1 The name, mailing address, telephone number, and signature of the person applying for the Permit and the name, mailing address, and permanent location of the Station;

8.1.2.2 Information specifying whether the Station is owned by an association, corporation, individual, partnership, or other legal entity;

8.1.2.3 The name, title, address, and telephone number of the person directly responsible for the Station;

8.1.2.4 The name, title, address, and telephone number of the person who functions as the immediate supervisor of the person specified under 8.1.2.3 of this section such as zone, district, or regional supervisor;

8.1.2.5 A statement signed by the applicant that attests to the accuracy of the information provided in the application, and affirms that the applicant will comply with this Regulation, and allow the Department access to the Station; and

8.1.2.6 Other information required by the Department.

8.1.3 No person shall in any way represent any place as a Station unless the Station is operated under a valid Permit issued by the Department.

8.1.4 The Department is authorized to issue or deny Permits for Stations.

8.1.5 A Permit may not be transferred from one person to another person, from one Station to another Station or from one type of operation to another, unless approved in writing by the Department.

8.1.6 The Permit shall be posted in a conspicuous place within public view on the premises.

8.1.7 The Department may renew a Permit for an existing Station or may issue a Permit to a new owner of an existing Station after a properly completed renewal form is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the Station is in compliance with this Regulation.

8.1.7.1 The Department shall not approve any application for issuance or renewal of a Permit for an existing Station that is under suspension until the date that the suspension has expired.

8.1.7.2 The Department shall not issue a Permit to a new owner of any Station where a Permit has been revoked prior to twelve months from the date of revocation.

8.1.7.3 If the property referenced in 8.1.7.1 or 8.1.7.2 is sold or leased to a new person that wants to open as an approved Station, the new owner or lessee may follow the Adjudicative Procedures in Section 15.0 to seek a waiver from Sections 8.1.7.1 or 8.1.7.2 above based on a Departmental approved consent agreement. If a waiver is recommended the new owner or lessee may negotiate a consent agreement with the Department for the remainder of the suspension referenced in 8.1.7.1 or the twelve month waiting period as required in Section 8.1.7.2.

8.1.8 No Permit shall be issued unless the Department finds that the facilities, tools, and equipment of the applicant comply with the requirements of this Regulation and that competent personnel, certified under the provisions of Section 12.0, are employed and available to make inspections and adjustments, and the operation thereof will be properly conducted in accordance with this Regulation.

8.1.8.1 A Station shall immediately notify the Department if the station does not have a Tester/Technician employed.

8.1.8.2 A Station shall comply with all terms stated in the permit application and all the requirements of this Regulation.

8.1.8.3 As a condition for permitting all Stations, the following tools and materials shall be available for performance of the inspection and maintenance of motor vehicles unless specifically exempted by the Department:

(a) A Department approved Analyzer and connection to the Vehicle Information Database;

(b) An ignition timing light (test and repair only);

(c) Reference manuals approved by the Department that are readily accessible to the emissions Tester/Technician at any time that an emissions test is conducted. Reference manuals shall contain information covering the emissions control systems for the model years and makes of vehicles involved in the Vehicle Emissions Inspection and Maintenance Program;

(d) Sufficient hand tools for proper performance of the inspection and minimum repairs and maintenance as required by the Department;

(e) The Analyzer manufacturer's maintenance and calibration manual;

(f) All forms, technical bulletins, a copy of this Regulation, and other information materials provided by the Department;

(g) Suitable tools to interface with onboard vehicle computers for computer controlled vehicles which are intended to receive official repairs.

8.2 Duties of Testers/Technicians Working in Permitted Stations:

8.2.1 All facets of the Vehicle Emissions Inspection and Maintenance Program shall be performed by the Tester/Technicians including, but not limited to:

8.2.1.1 Analyzer preparation, calibration checks;

8.2.1.2 Preparation of reports, forms, and certificates;

8.2.1.3 Accessing the official emissions testing section of the Analyzer; and

8.2.1.4 All other aspects of the official emissions test, including but not limited to, the tampering inspection, hooking up the OBDII data link connector, entering data into the Analyzer, verifying that the engine is at normal operating temperature, ensuring that accessories are off, preconditioning the vehicle, and signing Inspection Reports, etc., unless otherwise approved in writing by the Director.

8.3 Safety. A Station facility shall be kept in good repair, free of obstructions and hazards and in a safe condition for inspection purpose. No inspection shall be conducted if unsafe conditions exist.

8.3.1 All applicable Occupation Safety and Health Administration (OSHA), and other applicable health and safety rules and regulations must be followed in the station.

8.4 Fleet Facility.

A person may establish a fleet facility that is exempt from conducting business at regular hours, or displaying program signs as long as only vehicles owned or controlled by the fleet facility owner are inspected at the station. All other requirements of this Regulation apply.

8.5 Permit Duration and Renewal.

8.5.1 The Permit for Stations shall be issued annually and shall expire on December 31st of each year. The Permit is renewable within sixty (60) days prior to the date of expiration.

8.5.2 It is the responsibility of the owner/operator of the Station to pursue the Permit renewal through appropriate channels,

8.5.3 The Station Permit fee shall be paid annually to the Department by the billing due date set by the Department.

8.5.4 Prior to the date on which the Station Permit fee is due the Department shall attempt to notify each regulated Station of the amount of the fee. Fees unpaid after the billing due date will be assessed a late fee which shall be added to the original fee amount.

8.6 Station Permit Revocation and Suspension.

8.6.1 Station Permits may be suspended by the Department for violations of this Regulation.

8.6.2 Station Permits may be revoked by the Department for severe and/or repeated violations of this Regulation.

8.6.3 Suspension or Revocation of Station Permits shall follow the provisions of Appendix C of this Regulation.

8.6.4 Station Permits are and remain the property of the Department, only their use and the license they represent is tendered.

8.6.5 A Station Permit may be suspended or revoked by the Department because of returned checks and may not be reinstated until repayment is confirmed. All returned checks will be charged a returned check handling fee (referenced in Appendix B).

8.6.6 Failure to pay the Station Permit fee and any additional charges after the due date may result in suspension and/or revocation of the Permit and the right to operate as a Station.

8.7 Reinstatement of Revoked Station Permit. The Department may issue a Station Permit to a station operator that has had a Permit revoked after the following conditions have been met:

8.7.1 A minimum of five years has passed since the date of revocation for the previous Permit;

8.7.2 The station operator has not previously had 2 or more Permits revoked. Operators with 2 or more revoked permits are not eligible to make application for a Station Permit;

8.7.3 The station operator agrees to a 2 year probationary period.

8.7.3.1 During the probationary period, the operator agrees to surrender their permit should any violations occur that result in suspension or revocation. Failure to surrender the Permit will result in immediate revocation of the Permit by the Department;

8.7.3.2 During the probationary period, the operator agrees to an increased frequency of overt and covert audits as deemed necessary by the department;

8.7.4 The station operator will pay a non-refundable, Revoked Station Reinstatement Fee of \$2,500.00 to the department.

8.8 The Station shall hold the Department harmless in making application for a Permit or for its renewal, such action shall constitute a declaration by the applicant that the Department shall be held harmless from liability incurred due to action or inaction of the Station owner or their employees.

9.0 INSPECTION PROCEDURE

9.1 The official emission inspection shall be solely performed by a Tester/Technician who has been permitted at the station where the inspection is being performed and Department approved inspection procedures are being followed.

9.2 If the Tester/Technician is unable, unqualified, or unwilling to make the required repairs or adjustments, should the vehicle fail the inspection, he shall notify the owner/operator of the vehicle before the inspection is administered.

9.3 Prior to conducting any portion of the inspection, the Tester/Technician shall log into the official testing portion of the analyzer and the vehicle shall be located within full view of the analyzer camera unless a one-time-use camera bypass code has been issued by the department;

9.4 The temperature of the inspection area shall be between 41⁰ Fahrenheit and 110⁰ Fahrenheit (2⁰ Celsius and 43⁰ Celsius) during the inspection.

9.5 The Analyzer shall be kept in an area that provides adequate protection from the weather, wind, moisture, and extreme temperatures or any other damaging environmental exposure.

9.6 The electrical supply to the Analyzer shall be able to meet the Analyzer manufacturer's requirements for voltage and frequency stability.

9.7 The Tester/Technician shall not inspect or test any motor vehicle with a mechanical condition which may cause injury to personnel or damage to the Station or test equipment or which may affect the validity of the inspection, until such condition is corrected. Such conditions included but are not limited to: coolant, oil, or fuel leaks, low oil or low fluid levels, carburetor gas overflow, vehicle electronic instrument panel malfunction.

9.8 The Tester/Technician shall not inspect or test any motor vehicle with visible emissions and the vehicle shall be reported to the Department. Smoking Vehicles must be deemed by the Department to be in compliance with the Department Regulation for Visible Exhaust Emission Enforcement Program prior to testing.

9.9 The Tester/Technician shall verify the vehicle license plate and Vehicle Identification Number (VIN) on the vehicle and shall enter them in the Analyzer at the appropriate prompt.

9.9.1 The Tester/Technician shall enter completely and accurately all the information required as part of the data entry procedure for the official

vehicle Emission Test on the approved Analyzer at the appropriate prompt sequence.

9.9.2 All data entries to the Analyzer during the inspection shall be true and factual.

9.10 The Tester/Technician shall:

9.10.1 Conduct the inspection in accordance with the prompts from the Analyzer and the requirements of this Regulation.

9.10.2 Examine the emissions/tune-up specification decal (sticker) and/or the Vehicle Emission Control Information (VECI) label under the hood and/or check an approved reference manual to determine if the vehicle was manufactured with the following Emission Control Systems:

- Catalytic Converter(s)
- Air Injection Reaction System (AIR System)
- Exhaust Gas Recirculation System (EGR System)
- Evaporative Control System (EVAP System)
- Positive Crankcase Ventilation System (PCV System)
- On-Board Diagnostics System (OBD System)
- Diesel Particulate System (DPF System)
- Urea System
- Gas cap

etc., as prompted by the Analyzer.

9.10.3 On 1996 and newer model year vehicles follow the OBD IM test procedures in accordance with Appendix D.

9.10.4 2001 and older gasoline vehicles require a functional gas cap test following department approved procedures.

9.10.5 All diesel fueled vehicles 14,000 GVW and under and model year 1998 and newer shall be tested as specified in Appendix E, Diesel Test Procedures.

9.11 The inspection shall be performed with the transmission in 'park' or 'neutral' and with all accessories off, the emergency brake applied and the vehicle in Idle Mode (the vehicle may not be placed in gear to drop idle speed, headlights may be turned on).

9.12 A Certificate of Compliance shall be issued if:

9.12.1 For OBDII vehicles, the vehicle passes the visual inspection described in Section 9.10 and the On-Board Diagnostics (OBD) test requirements as specified in Appendices D and E of this Regulation.

9.13 If the vehicle does not pass the initial Inspection, the owner shall have thirty (30) days to have repairs or adjustments made and return the vehicle to the Station that performed the initial Inspection for two (2) free reinspections for a OBD test. The vehicle that did not pass the initial inspection shall then be issued a Certificate of Compliance only when all of the following are met:

9.13.1 The vehicle is reinspected;

9.13.2 The vehicle passes the On-Board Diagnostics (OBD) test requirements as specified in Appendices D and E of this Regulation.

9.14 The Inspection Report shall be signed and provided to the customer.

9.15 When a vehicle owner requests an Inspection, the Tester/Technician shall perform the inspection in the testing mode of the approved Analyzer. Performing a screening test (or pre-test) in the manual mode of the approved Analyzer or on a non-approved analyzer shall be a violation of this Regulation if the vehicle owner requested an emissions inspection. Adjustments or repairs shall not be made prior to a requested inspection.

9.16 If a vehicle fails the inspection and is within the time and mileage requirements of the federal emissions warranty contained in the Federal Clean Air Act, the Tester/Technician shall inform the owner/operator that he may qualify for warranty coverage of emission related repairs as provided by the vehicle manufacturer and mandated by the Federal Environmental Protection Agency.

10.0 CERTIFICATE OF WAIVER

10.1 Prior to referring the vehicle owner/operator to the Department for a Certificate of Waiver, the tester/technician or Station shall verify the repair and eligibility requirements of this Section have been met.

10.2 A Certificate of Waiver shall be issued only under the following conditions;

10.2.1 For all vehicles, an initial inspection was performed that did not pass,

10.2.2 For all vehicles, a second inspection was performed that did not pass after completion of any qualifying repair work.

10.2.3 For all vehicles, air pollution control devices applicable and specified for the make, model and year of the vehicle as specified in Section 9.10 of this Regulation are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted.

10.2.4 For 1996 and newer model year vehicles, at least four hundred fifty dollars (\$450) of acceptable emissions related repairs have been performed by a Certified and Permitted Emissions Repair Technician as

part of the four hundred fifty dollars (\$450) in emissions related repairs. Proof of repair costs, for that specific vehicle, shall be provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emissions related parts and labor are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid Emissions Repair Technician Permit, or is not an ASE Master Technician Certificate, or a manufacturer specific master technician certificate holder, employed by an I/M Program Inspection and Repair Station, the cost of labor may not be included in the four hundred fifty dollars (\$450). Any repair costs eligible under the federal emissions warranties shall not be eligible to be applied to the repair cost waiver limits.

10.2.5 As used in this section acceptable emissions related repairs:

10.2.5.1 Refers to repairs and maintenance of the following systems, if done according to manufacturer's specifications, to the extent that the purpose is to reduce emissions:

- (a) Air Intake Systems;
- (b) Ignition Systems;
- (c) Fuel Control Systems;
- (d) Emission Control Systems
- (e) Basic Engine Systems; and
- (f) Repair of problems identified by On-Board Diagnostic (OBD) fault codes.

10.2.6 Does not include adjustments, maintenance, or repairs performed 60 days prior to the official emissions inspection.

10.2.7 Does not include the fee paid for the inspection.

10.2.8 Does not include costs associated with the repairs or replacement required by Section 9.10 or the replacement, and/or repair of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, tampering with, or abuse of the emissions control systems, or costs incurred due to engine switching and/or modifications.

10.2.9 Does not include any diagnostics performed or any chemical additives.

10.2.10 A Certificate of Waiver shall only be issued once to any vehicle that qualifies, throughout the lifetime of the vehicle.

10.3 Information regarding all performed repairs shall be entered into the appropriate data base of the Analyzer when prompted.

10.4 A Certificate of Waiver shall only be issued by the Department. A Waiver shall only be issued after determining that the vehicle complies with the requirements of this section.

10.5 A Waiver shall not be issued to a vehicle with an inoperable check engine light.

11.0 ENGINE SWITCHING

11.1 All vehicles which qualify for testing under this section shall be tested by the Department.

11.2 Vehicles qualifying for testing under this Section shall not be eligible for a Certificate of Waiver.

11.3 Engine switching shall be allowed only in accordance with EPA policy, referenced in Appendix F.

11.4 Vehicles not meeting the requirements of Section 11.0 shall be deemed as tampered and dealt with in accordance with the tampering provisions of this Regulation.

11.5 All vehicles with switched engines shall be verified to meet EPA requirements by the Department prior to issuance of a Certificate of Compliance.

12.0 CERTIFIED EMISSIONS INSPECTION AND REPAIR TECHNICIAN / CERTIFIED EMISSIONS INSPECTION ONLY TECHNICIAN PERMIT

12.1 Certified Emissions Inspection and Repair Technician or Certified Emissions Inspection Only Permit is required.

12.1.1 Inspection for the issuance of a Certificate of Compliance shall only be performed by a person possessing a valid Certified Emissions Inspection and Repair Technician or a Certified Emissions Inspection Only Technician Permit issued by the Department.

12.1.2 Application for permit shall be made upon an application form prescribed by the Department. No Permit shall be issued unless:

12.1.2.1 For a Certified Emissions Inspection and Repair Technician Permit, the applicant shall show evidence of an associate degree or equivalent in automotive technology, or an ASE Master Technician Certificate or other Department approved prerequisites.

12.1.2.2 The applicant has shown adequate competence by successfully completing the written and practical portions of the Tester/Technician Permit requirements as specified in this Regulation.

12.1.2.3 The applicant has paid the required permit fees as set by the Board of Health (reference in Appendix B).

12.1.3 An applicant shall comply with all of the terms stated in the permit application and with all the requirements of this Regulation.

12.1.4 An applicant shall complete a Department approved training course and shall demonstrate knowledge and skill in the performance of Inspections and use of the approved Analyzer. Such knowledge and skill shall be shown by passing:

12.1.4.1 A written qualification test including but not limited to the following:

- (a) Operation and purposes of emission control systems;
- (b) Inspection procedures as outlined in this Regulation and prompted by the Analyzer;
- (c) Operation of the Analyzer;
- (d) The provisions of Section 207(b) Warranty provisions of the Federal Clean Air Act; and
- (e) The provisions of this Regulation and other applicable Department policies and procedures.

12.1.4.2 A performance qualification test including but not limited to the following:

- (a) Visual inspection and knowledge of the required emission control equipment;
- (b) Demonstration of proper use of the Analyzer;

12.1.5 A signed Hands-on Performance check sheet shall be necessary for successful completion of the performance qualification test. The hands-on Performance check sheet shall be signed by an instructor or other person approved by the Department.

12.1.6 The Department shall issue a Tester/Technician Permit to an applicant upon successful completion of the requirements of this Section.

12.1.7 The Tester/Technician Permit shall be valid only at the Station where the Tester/Technician is presently employed. If the

Tester/Technician transfers from one Station to another, they shall notify the Department of the location change. The Permit shall be transferred by the Department prior to the Tester/Technician performing any inspections. The Permit will expire on the same date as the original. A transfer fee or duplicate fee will be charged, as set by the Board of Health and referenced in Appendix B of this Regulation.

12.1.8 Tester/Technician Permits are and remain the property of the Department, only their use and the license they represent is tendered.

12.2 Tester/Technician Permit Suspension and Revocation.

12.2.1 Tester/Technician Permit may be suspended by the Department for violations of this Regulation.

12.2.2 Tester/Technician Permit may be revoked by the Department for severe and/or repeated violations of this Regulation.

12.2.3 Suspension or revocation of Tester/Technician Permit shall follow the provisions of Appendix C of this Regulation.

12.2.4 Tester/Technician Permit may be suspended or revoked by the Department because of returned checks and may not be reinstated until repayment is confirmed. All returned checks will be charged a returned check handling fee (referenced in Appendix B).

12.3 Re-Qualification Requirements for all Tester/Technician Permits.

12.3.1 Tester/Technician Permits shall not be transferred from one person to another person. Tester/Technician Permits may not be transferred from one Station to another or from one status to another, i.e., from test and repair to test only, without a written request and Department approval.

12.3.2 The Department may renew a permit for an existing Tester/Technician after the permit renewal requirements have been completed, the fees are paid and the Tester/Technician has complied with this Regulation.

12.3.3 Upon determination by the Department of the necessity of updating the qualification for Tester/Technician, they shall be required to re-qualify.

12.3.4 The Tester/Technician shall be required to re-qualify within a specified time period determined by the Department (from the date of written notification by the Department). The notice shall be mailed to the address of record in the office of the Department. Failure to re-qualify within the required period of time shall result in suspension or revocation of the Tester/Technician Permit as described in this Regulation.

12.4 Tester/Technician Permit Expiration.

12.4.1 The Tester/Technician Permit shall be issued annually and shall expire one year from the date of issuance. The Permit shall be renewable within sixty (60) days prior to the date of expiration.

12.4.2 It is the responsibility of the Tester/Technician to pursue the renewal of the Tester/Technician Permit.

12.4.3 Permits that have expired for more than 90 days are not renewable.

12.5 Reinstatement of Revoked Tester/Technician Permit. The Department may issue a Tester/Technician Permit to a Tester/Technician that has had a permit revoked after the following conditions have been met:

12.5.1 A minimum of five years has passed since the date of revocation for the previous Tester/Technician Permit;

12.5.2 The Tester/Technician has not previously had 2 or more Permits revoked. Tester/Technicians with 2 or more revoked Permits are not eligible to make application for a Tester/Technician Permit;

12.5.3 A complete review of the Tester/Technician testing history will be conducted. A finding of 25 or more test records that indicate a failure to inspect or substitution of a vehicle other than the vehicle on the test record will result in the denial of the application.

12.5.4 The Tester/Technician agrees to a 2 year probationary period.

12.5.4.1 During the probationary period, the Tester/Technician agrees to surrender their Permit should any violations occur that result in suspension or revocation. Failure to surrender the permit will result in immediate revocation of the permit by the Department;

12.5.4.2 During the probationary period, the Tester/Technician agrees to participate in a testing record and overt testing procedure review once a quarter for the first year, and on six month intervals the second year;

12.5.4.3 During the probationary period, the Tester/Technician agrees to participate in additional trainings or audit procedures deemed necessary by the Department;

12.5.5 The Tester/Technician will pay a Revoked Tester/Technician Permit reinstatement fee of \$400.00 to the Department.

12.5.5.1 The fee will include tuition costs and associated materials for required trainings.

13.0 EMISSIONS STANDARDS FOR MOTOR VEHICLES

13.1 In order to obtain a valid Certificate of Compliance, a motor vehicle subject to an Emissions Inspection shall pass an approved OBD test.

13.2 The Board of Health may establish more stringent Emissions Standards. Any change in Emissions Standards shall be effective upon the first day of any calendar month designated by the Board of Health. The Board of Health shall consider the following factors before establishing more stringent Emissions Standards:

13.2.1 The existing ambient air quality;

13.2.2 The required stringency necessary to meet air quality standards;

13.2.3 The requirements for air quality programs currently in effect as promulgated by the EPA, the Utah Department of Environmental Quality, the County and the Board of Health; The Cut-Points established shall be part of an overall program, in accordance with EPA guidelines, to achieve the required tailpipe reductions, of CO and HC from motor vehicles measured from the date this program is implemented;

13.2.4 The general level of emission control technology on vehicles registered in the County;

13.2.5 Population growth and other factors which may reasonably be expected to impact CO and HC concentrations in the atmosphere;

13.2.6 The likelihood of a particular Cut-Point to achieve desired air quality goals; and

13.2.7 The ability to ensure compliance with the requirements of Section 41-6a-1642 and Section 41-6a-1643, Utah Code Annotated, 1953, as amended.

13.3 The Board of Health shall notify the Utah Department of Environmental Quality of any change to the Emissions Standards within 30 days of adopting changes.

13.4 Notwithstanding the foregoing, the Board of Health understands and acknowledges that following EPA approval of this regulation as part of the Utah State Implementation Plan.

14.0 CERTIFICATE OF COMPLIANCE, CERTIFICATE OF COMPLIANCE NUMBERS AND CERTIFICATE OF WAIVER

14.1 No person shall make, issue or knowingly use any imitation or counterfeit of a Certificate of Compliance, Certificate of Compliance Numbers or Certificate of Waiver.

14.1.1 No person shall use a stolen Certificate of Compliance.

14.2 Certificate of Compliance Numbers shall be obtained only from the Department.

14.3 No refund or credit shall be allowed for unused certificates/numbers, except as provided in Section 14.7.

14.4 Certificate of Compliance Numbers shall be issued in lots to be determined by the Department.

14.4.1 Certificates of Compliance Numbers shall not be sold, loaned, transferred, or given to any other Station, or any unauthorized individual.

14.5 Certificates of Compliance shall not be issued until an inspection has been performed as required by this Regulation.

14.6 Completion of Certificates of Compliance by other means than the Analyzer by any person or station other than the Department is strictly prohibited.

14.7 Upon final cancellation, or revocation of the Permit, the Station owner, manager or other responsible person shall immediately surrender all unused Certificates of Compliance Numbers to the Department. The Department may receipt and refund the fee paid for unused certificates of Compliance Numbers to the Station owner according to the Weber County Clerk/Auditor's procedures. Upon transfer or termination of business ownership, the Station Permit and all Certificate of Compliance Numbers shall be immediately surrendered to the Department. Any person acquiring a business that has been permitted as an official Station, is prohibited from using any Permit, Certificate of Compliance Numbers or emissions documents issued to the former business; and

14.7.1 Any Analyzer manufacturer or their authorized representative who repossesses or otherwise removes an Analyzer from a Station shall immediately notify the Department and shall immediately surrender any Certificate of Compliance Numbers to the Department.

15.0 ADJUDICATIVE PROCEEDINGS

In accordance with the Weber-Morgan Health Department Adjudicative Proceedings, a Departmental Conference may be requested in writing within ten (10) days of any action in which a party is aggrieved.

16.0 PENALTY

16.1 Any person who is found guilty of violating any of the provisions of this Regulation, either by failing to do those acts required herein or by doing a prohibited act, shall be guilty of a class B misdemeanor pursuant to Section 26a-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he shall be guilty of a class A

misdemeanor pursuant to Section 26a-1-123, Utah Code annotated, 1953, as amended.

16.2 Each day that a violation is committed or permitted to continue shall constitute a separate violation. Also, each improperly issued Certificate of Compliance constitutes a separate violation.

16.3 The County Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of this Regulation.

16.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of this Regulation shall be liable for all expenses incurred by the Department in prosecuting and/or abating the violation.

16.5 The Penalty Schedule for Permits warning, Permits suspension, Permits revocation, and/or negotiated consent agreements as adopted by the Board of Health shall be referenced in Appendix C of this Regulation and may be changed and updated by the Board of Health as deemed necessary to accomplish the purposes of this Regulation.

16.6 Enforcement of any criminal penalties does not preclude imposition of administrative or civil penalties and vice-versa.

17.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this Regulation or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Regulation. The valid part of any clause, sentence, or paragraph of this Regulation shall be given independence from the invalid provisions or application and to this end the provisions of this Regulation are hereby declared to be severable.

18.0 EFFECTIVE DATE

This Regulation including Appendices shall become effective the day of its adoption by the Board of Health. Appendices may be modified by the Board of Health without affecting the rest of this Regulation. Appendices when amended by the Board shall become effective on the day of adoption of amendments by the Board of Health.

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APPENDIX A

ANALYZER SPECIFICATIONS

1 EQUIPMENT SPECIFICATIONS

1.1 Computer.

Each workstation will be equipped with the same computer. The computer will be selected to minimize the obsolescence nature of personal computers. It will contain the following components as a minimum. Newer or faster components may be substituted if they become available and the older components can no longer be obtained.

- Windows 7 Professional.
- Intel Core 2 Duo E7500 processor.
- 2 GB RAM
- Onboard graphics controller capable of supporting 1024x768 resolution.
- Onboard LAN Ethernet controller.
- I/O ports: 6 USB 2.0/1.1 ports, 1 RJ45 LAN port, 3 DB-9 serial ports, 1 DB-15 VGA port, 1 DB-25 parallel port, audio jacks: line-out, line in, and mic in.

1.2 Printer

Each workstation will contain a monochrome laser printer (or equivalent) including a paper tray with a 250 sheet capacity loaded with normal letter sized paper capable of printing 27 pages per minute and first pages within 5 seconds.

1.3 OBD Interface

The OBD interface shall be a full OBD, SAE J1978, SAE J1979, SAE HS-3000 Scan Tool Compliant device that reads emission related codes on model year 1996 and newer vehicles. It supports all protocols including CAN, VPW, PWN, ISO, and KEYWORD (KWP). The hardware interface itself will be mounted inside the enclosure. It will be connected to a 5 meter heavy duty cable which will run from the cabinet to the connector used to plug into the vehicle's DLC. The OBD system will meet the following requirements:

- The interface cable has a plug that conforms to the J1962 Diagnostic Connector specification.
- Capable of communicating with the standard data link connector (DLC) of vehicles with certified OBD systems.
- Capable of checking for the monitors supported by the on-board diagnostic system and the evaluation status of supported monitors (test complete/test not complete) in Mode \$01 PID \$01, as well as be able to request the diagnostic trouble codes, as specified in SAE J1979.

In addition, the OBD system will have the ability to capture other information such as PID counts, PCM IDs, and OBD VINs if they are available which can be used to perform OBD “fingerprinting”.

The enclosure containing the hardware interface will supply the interface with an alternate power supply and ground. This will be used to successfully test vehicles which have either power or grounding issues.

1.4 Gas Cap Tester

The gas cap tester used for pressure testing the vehicle gas caps will be mounted inside of the cabinet. The tester uses a 20 foot coiled hose connected to the outside of the cabinet. The gas cap tester will meet the following specifications:

- Measurement:
 - Flow Rate Method: Comparative reference
 - Test Pressure Regulation: 30" H₂O gauge +/- 1"
 - Flow Rate Pass/Fail Point 60 cc/minute +/- 3 cc/minute
- Operating Conditions:
 - Temperature Range: 15-110° F
 - Altitude Range: - 60–7000'
 - Humidity Range: 0-100% (non-condensing)
- PASS/FAIL Adapter:
 - Pass Setting Flow Range: 52–56 cc/min.
 - Fail Setting Flow Range: 64–68 cc/min.

1.5 Gas and OBDII Units

1.5.1 Gas Analyzer

The system used for the TSI exhaust test will contain heavy duty sample and water filtration system designed to handle high throughput and a durable pump for rapid flow rate and sample delivery. The analyzer will meet the following specifications:

- Measurement Method is NDIR (non-dispersive infrared) for HC, CO, CO₂, electrochemical cell for O₂
- Measured Gases
 - HC, as either n-hexane or propane
 - CO, carbon monoxide
 - CO₂, carbon dioxide

- O₂, oxygen
- Measurement Range
 - HC: 0 to 30,000 ppm, (n-hexane)
 - CO: 0 to 15%
 - CO₂: 0 to 20%
 - O₂: 0 to 25%
- Operating Environment
 - 0° to 50°C (32° to 122°F)
 - 5 to 95% humidity
 - -300 to 3,000 m (-1,000 to 9,750 ft)
- Measurement Resolution
 - HC: 1 ppm
 - CO: 0.001%
 - CO₂: 0.01%
 - O₂: 0.01%
- Measurement Accuracy shall meet or exceed BAR97 accuracy standards.

The analyzer system will be contained in the standard cabinet. The cabinet will contain the following items on it for the analyzer:

- A fused AC power inlet.
- A connector for the sample probe.
- Three external ports for calibration.

1.5.2 Tachometer

The tachometer used for RPM pickup will make use of existing RPM measurement technologies. It will have a resolution of +/-1 RPM and will be connected to the vehicle using the following methods:

- Number one cylinder using inductive probe.
- Primary circuit using inductive probe.
- Battery tachometer using battery clamps or cigarette lighter.

The tachometer leads will hang on a hook on the outside of the cabinet and the tachometer boards themselves will be mounted inside the cabinet.

1.6 Optional Components

1.6.1 Barcode Scanner

The workstation will contain a barcode scanner capable of reading both 1D and 2D barcodes. The barcode scanner will meet the following specifications:

- IP54-rated sealing protects against elements, industrial design withstands multiple 6.5 foot (2 meter) drops to concrete, reducing downtime and costs for maintenance and repairs.
- Ability to read both 1D and 2D barcodes.
- Omni-directional scanning.
- UPC, EAN, Code 39, Code 128, Codabar, Interleaved 2 of 5, Code 93
- PDF417, microPDF417, MaxiCode, DataMatrix (ECC 2000), Composite Codes, QR Code

The barcode scanner will be connected to the cabinet via a USB cable and will be powered by the same cable.

1.6.2 Camera

The workstation will contain one or more USB cameras to be used for taking video recordings during an inspection.

2 FUNCTIONAL SPECIFICATION

2.1 Analyzer System.

This section describes the equipment functional specifications for the Utah Analyzer System. These specifications include the maintenance functions to be performed by the analyzers and the operating conditions.

2.1.1 Operating Conditions

The gas analyzer shall operate in a temperature range from 40 °F to 110 °F. Within this range, the analyzer must operate within the performance specification described above. A proper environment will be created in order to keep the analyzer operation within these ranges except under the most extreme circumstances. Proper air flow to the gas analyzer will be provided to prevent overheating and condensation of water vapor which could reduce the reliability and durability of the analyzer.

The input power required for proper operation of the analyzer will be 115 VAC at 60 Hz. External fuses or circuit breakers will be used to protect the analyzer from power fluctuations. The operation of the analyzer should not be affected by

electrical noise or voltage surges which would be found in a typical garage environment.

2.1.2 Warm-up

The gas analyzer shall be stable and ready for operation within 35 seconds of being turned on when at normal operating temperatures. If a test is started while the analyzer is in warm-up, a message will be displayed stating the analyzer is not ready and the test will not be able to proceed.

2.1.3 Sampling System

The sampling system will consist of a tailpipe probe attached to a flexible sample line at least 25 feet long, a water removal system, a particulate trap, sample pump, and other flow control components. A second probe and sampling line will be available to test vehicles with dual exhaust systems. The sampling system will be durable to withstand a heavy use system, be free from leaks, and be able to be easily maintained. The system must be able to resist corrosive elements it comes in contact with and be able to withstand typical vehicle exhaust temperatures.

2.1.4 Analyzer Response Time

The response time from the probe to the display shall not exceed eight seconds to ninety percent (90%) of a step change in input nor shall it exceed twelve seconds of a ninety-five percent (95%) step change in input. The response time for the O₂ sensor may be as long as fifteen seconds to ninety percent (90%) of full scale.

2.1.5 Gas Calibration

The gas analyzer will automatically require a gas calibration for HC, CO, CO₂, and O₂ every 72 hours (this time will be configurable). If the gas analyzer does not pass the calibration, the system will automatically lock out any more TSI emissions tests from being run.

The gas calibration will ensure that accuracy specifications are satisfied and that linearity is correct at both of the required span points. The gases used for the calibration must use BAR97 approved gases and they will be introduced into the analyzer through calibration ports on the gas analyzer enclosure. These gases will be within 2% of the required span points.

The calibration procedure will be designed to minimize the amount of calibration gas used. The procedure will not use more than two liters per span point. In addition, the procedure will be designed to take less than five minutes.

The span points used for the gas analyzer calibration will be as close as possible to the following gases.

Low Point	High Point
Propane – 200 ppm	Propane – 3200 ppm
CO – 0.5%	CO – 8.0%

CO2 – 6.0%	CO2 – 12.0%
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2.1.6 Single-Point Calibration Check / Audit

A single-point calibration check will be required as recommended by the manufacturer. This calibration check will use any pre-approved gas values in order to verify the calibration curve. The analyzer enclosure will be designed to allow hooking up the additional calibration gases/bottles but they will not be a permanent part of the analyzer and may be brought in as needed.

2.1.7 Leak Check

The gas analyzer will automatically require a leak check for the sampling system at a frequency determined by the department. If the gas analyzer does not pass the leak check, the system will automatically lock out any more TSI emissions tests from being run. A probe tip cap will be provided in order to perform the vacuum decay method of leak check.

2.1.8 Hang-up Check

Before every idle test performed by the system, a HC hang-up check will be performed. This check will be done immediately prior to the actual emission testing portion of the test. During the check, the HC value will be monitored and will automatically complete when the HC value is 20 PPM or less. If the HC value does not drop below this limit within 2 minutes, the inspector will be asked to verify the probe is not in the tailpipe. If the HC value continues to remain high, the test will abort. This check should be performed in the background while the vehicle information is being verified in order to minimize the length of the test.

2.1.9 Dilution Check

While the test is being performed, the readings will be monitored to verify that excessive dilution is not being introduced to the system. This is done by adding the CO and CO2 readings and verifying that they are greater than or equal to 6%. If the sum falls below 6%, too much oxygen is entering the system and the test will need to be restarted after verifying that the probe has not fallen out of the vehicle's tailpipe.

2.1.10 Gas Cap Tester Check

The analyzer will automatically require a check for the gas cap tester every 72 hours or at a frequency determined by the department. If the analyzer does not pass the gas cap tester check, the system will automatically lock out any more TSI and OBD emissions tests from being run if the gas cap test would be applicable for the vehicle being tested. A pass/fail standard device will be provided in order to perform the check.

2.1.11 Information Display

The software will contain a location(s) where the following information is displayed to the inspector:

- Date of last calibration

- Date of last leak check
- Date of next required calibration check
- Gas analyzer related lockout

2.2 OBDII System

2.2.1 Operating Conditions

The OBD interface and associated components shall operate in a temperature range from 40 °F to 110 °F. Within this range, the OBD interface must operate within the performance specification described above. A proper environment will be created in order to keep the OBDII system operation within these ranges except under the most extreme circumstances. The input power required for proper operation of the OBDII enclosure will be 12 VDC. External fuses or circuit breakers will be used to protect the analyzer from power fluctuations. The operation of the OBDII system should not be affected by electrical noise or voltage surges which would be found in a typical garage environment.

2.2.2 DLC Connector

The OBDII connector will be compliant with the SAE J1978 specification and will allow the inspector the ability to connect to a vehicle easily. The attached cable will allow the system to connect to a vehicle located 15 feet away from the OBDII system.

2.2.3 General

The OBDII system will be compatible with most types of automotive service operating environments. The analyzer shall operate under the conditions and performance requirements listed here and in 40 CFR 51. The equipment design and operation must meet all Federal requirements (contained in 40 CFR 85.2207-2231) and recommended SAE practices (i.e., J1962, J1978 and J1979) for OBDII system inspections.

APPENDIX B

FEE SCHEDULE

The fees for implementing the requirements of the Vehicle Emission Inspection and Maintenance Program are contained in the current Weber-Morgan Health Department Fee Schedule available at 477 23rd Street, Ogden, Utah or online at the Department Web Page: www.webermorganhealth.gov

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APPENDIX C

PENALTY SCHEDULE

VIOLATION *	1 ST OCCURRENCE *	2 ND OCCURRENCE *	3 RD OCCURRENCE *	4 TH OCCURRENCE *
Failure to inspect or substituting a vehicle or vehicle simulator other than the vehicle entered in test record.	6 Month Suspension Station	9 Month Suspension Station	Revocation Station if within 2 years of 1 st occurrence	
	6 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician if within 2 years of 1 st occurrence		
Non-permitted Tester/Technician performing inspection or gained access to the official testing portion of the Analyzer.	2 Month Suspension Station	6 Month Suspension Station	Revocation Station if within 2 years of 1 st occurrence	
	2 Month Suspension Tester/Technician	6 Month Suspension Tester/Technician	Revocation Tester/Technician if within 2 years of 1 st occurrence	
Pass a Failing Vehicle (including tampering portion of inspection).	15 Day Suspension Stations	1 month Suspension Station	2 month Suspension Station	Revocation Station if within 2 years of 1 st occurrence
	1 month Suspension and mandatory training Tester/Technician	2 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician if within 2 years of 1 st occurrence	
Failure to Comply with Proper Test Procedures.	Formal Warning Station	15 Day Suspension Station	45 Day Suspension Station	Revocation Station if within 2 years of 1 st occurrence
	Formal Warning and mandatory training Tester/Technician	30 Day Suspension and mandatory training Tester/Technician	90 Day Suspension and mandatory training Tester/Technician	Revocation Tester/Technician if within 2 years of 1 st occurrence
Passing Covert Audit Vehicle † (see Covert Audit – Station Responsibility) †† (Covert Audit Occurrence Reset)	Formal Warning and mandatory training Tester/Technician	3 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician	
The station was or is not equipped as required by Section 8.0 of the Regulation.	Formal Warning Station	Suspension Station until properly equipped		
Performing Unnecessary or Unrelated Repairs.	Formal Warning Station	3 Month Suspension Station	Revocation Station if within 2 years of 1 st occurrence	
	Formal Warning and mandatory training Tester/Technician	3 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician	

Falsifying any inspection or official document of the Vehicle Emissions Inspection and Maintenance Program or Fail a Passing Vehicle.	6 Month Suspension Station	9 Month Suspension Station	Revocation Station if within 2 years of 1 st occurrence	
	6 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician if within 2 years of 1 st occurrence		
The Station or Technician denies access to a representative of the Department to conduct an audit or other necessary business during regular business hours.	6 Month Suspension Station	Revocation Station		
	6 Month Suspension Tester/Technician	Revocation Tester/Technician		
Station or Tester/Technician has violated any other provisions of the I/M Regulation, any State Rule or Law, County Ordinance or Department policy dealing with the I/M Program.	Up to 6 Month Suspension Station	6 Month Suspension Station	Revocation Station if within 2 years of 1 st occurrence	
	Up to 6 Month Tester/Technician	6 Month Suspension Tester/Technician	Revocation Tester/Technician if within 2 years of 1 st occurrence	
Inaccurate or Incomplete Data.	Formal Warning Station	15 Day Suspension Station	45 Day Suspension Station	Revocation Station if within 2 years of 1 st occurrence
	Formal Warning and mandatory training Tester/Technician	1 Month Suspension and mandatory training Tester/Technician	3 Month Suspension Tester/Technician	Revocation Tester/Technician if within 2 years of 1 st occurrence

*Other appropriate warnings, suspensions, negotiated consent agreements, and/or revocations as deemed necessary and prudent by the department. Violations that have been determined to be intentional or flagrant shall result in the maximum penalties.

Negotiated Consent Agreements

Initial Tester/Technician and/or Station suspensions may be reduced in length by a Negotiated Consent Agreement that may substitute monetary settlements for part or all of the suspension time for each violation incurred under the penalty schedule. Consent Agreements for stations shall be based on 50% of the maximum emission inspection fee multiplied by the actual number of Certificates of Compliance issued during the equivalent suspension time frame prior to the violation. Consent agreements shall not exceed \$1,667.00 for every 30 day period contained within a suspension, and shall have a maximum amount of \$10,000.00 for a six month suspension. Consent agreements for the tester/technician shall be based on \$100 increments for any 7 day period or portion thereof up to a maximum of 180 days. Negotiated Consent Agreements are only applicable in relation to suspension.

Subsequent violations under each violation category are not eligible for negotiated consent agreements.

†Covert Audit – Station Responsibility

The owner/operator has a responsibility to provide a working environment to the tester/technician conducive to performing complete and thorough emissions tests as required in sections 4.3.5 and 9.0. Owner/Operators whose technicians fail to perform correctly on covert audit inspections will receive a written warning for each violation and will receive a three month suspension after three written warnings. Subsequent violations may result in additional suspensions or revocation.

††Resets Based on Successful Completion of Covert Audits

A covert audit violation occurrence will be removed from a station record when two sequential covert audits are completed successfully and without deficiencies.

A covert audit violation occurrence will be removed from a technician record when two sequential covert audits are completed successfully and without deficiencies by that technician.

Explanation of Occurrence Resets Based on Time Allowance

The penalty schedule allows for some types of violations to be removed from a Station record 2 years after the date of that occurrence. When an occurrence is removed, subsequent occurrences will be moved back on the penalty schedule in the appropriate category (i.e. second occurrence now becomes the first occurrence). A Station will clear its' record in a specified category by going two consecutive years without committing any of that type of violation.

Section 4.2

The Department encourages each I/M Station to develop a Quality Assurance Program within their organization. This program should implement a process designed to minimize the station's exposure under the penalty schedule by providing oversight of the Tester/Technician's activities and verifying that each emissions test is conducted according to this regulation.

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APPENDIX D

OBD IM TEST PROCEDURES

The following test procedure is to be followed for 1996 model year vehicles or newer with a GVWR of less than 8,501 pounds and 2008 and newer vehicles with a GVWR less than 14,001:

1. Verify vehicle information;
2. Accurately enter information into analyzer at the required prompts;
3. Review the information entered into data review screens and make corrections if needed;
4. **Perform Visual Tampering Inspection of all emission control systems;**
5. Turn ignition key to the off position;
6. Locate the Diagnostic Link Connector (DLC) and connect the OBD lead from the analyzer;
7. **Check for the correct operation of the Malfunction Indicator Light (MIL);**
8. Follow analyzer prompts and continue test;
9. The analyzer will communicate with the vehicle and read fault codes and readiness status;
10. When prompted, turn off the engine, put ignition in the off position, and remove OBD lead;
11. If the MIL is functioning correctly and the readiness monitors are set correctly, the vehicle passes the OBDII test.
12. If the MIL is not functioning the vehicle fails the OBDII test and requires repair;
13. If the MIL is commanded **ON** the vehicle fails. The vehicle has a problem and has stored a Diagnostic Trouble Code (DTC). This DTC needs to be diagnosed for repairs.
14. If the test results say **Not Ready**, the vehicle needs to complete one or more drive cycles to reset and run the readiness monitors.

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APPENDIX E

DIESEL FUELED VEHICLE TEST PROCEDURE

1.0 All diesel fueled vehicles 2007 and newer shall be tested in accordance with the following procedure;

- 1.1 Verify vehicle information;
- 1.2 Accurately enter information into analyzer at the required prompts;
- 1.3 Review the information entered into data review screens and make corrections if needed;
- 1.4 **Perform Visual Tampering Inspection of all emission control systems**
- 1.5 Turn ignition key to the off position;
- 1.6 Locate the Diagnostic Link Connector (DLC) and connect the OBD lead from the analyzer;
- 1.7 **Check for the correct operation of the Malfunction Indicator Light (MIL)**
- 1.8 Follow analyzer prompts and continue test;
- 1.9 The analyzer will communicate with the vehicle and read fault codes and readiness status;
- 1.10 When prompted, turn off the engine, put ignition in the off position, and remove OBD lead;
- 1.11 If the MIL is functioning correctly and the readiness monitors are set correctly, the vehicle passes the OBDII test.
- 1.12 If the MIL is not functioning the vehicle fails the OBDII test and requires repair;
- 1.13 If the MIL is commanded **ON** the vehicle fails. The vehicle has a problem and has stored a Diagnostic Trouble Code (DTC). This DTC needs to be diagnosed for repairs.
- 1.14. If the test results say **Not Ready**, the vehicle needs to complete one or more drive cycles to reset and run the readiness monitors.

2.0 All diesel powered vehicles 1998-2006 shall be subject to a visual anti-tampering inspection. The emission control systems identified in the emissions decal shall be in place and apparently operable on the vehicle.

2.1 The emission control systems listed on the emissions decal must be present and apparently operable to pass the emissions inspection.

2.2 If the OBDII system is identified in the emissions decal, the procedure in Section 1.1 through 1.10 shall be followed.

2.3 If the emissions decal is missing the Tester/Technician shall check an approved reference manual to determine what emission control systems the vehicle was manufactured with.

2.4 If the emissions decal is missing and the vehicle meets the requirements of Section 2.3, the following emissions control systems shall be present and apparently operable if factory equipped:

- Catalyst;
- Exhaust Gas Recirculation System (EGR);
- Diesel Particulate System (DPF);
- Air Injection Reaction System (AIR);
- Urea System (SCR); and
- OBD II System.

2.5 A Certificate of Compliance shall be issued if the emissions control devices are in place and apparently operable. An inspection of the OBD II system as referenced in Section 2.2 shall be for informational purposes only and will not determine whether a vehicle passes or fails the emission inspection.

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APPENDIX F



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

ENGINE SWITCHING FACT SHEET

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
March 13, 1991
OFFICE OF AIR AND RADIATION

Pursuant to frequent requests for information received by the U.S. Environmental Protection Agency (EPA) regarding the legality and effects of engine switching, this document will summarize federal law and policy pertaining to this matter, and will discuss other related issues.

A. Federal Law

The federal tampering prohibition is contained in section 203(a)(3) of the Clean Air Act (Act), 42 U.S.C. 7522(a)(3). Section 203(a)(3)(A) of the Act prohibits any person from removing or rendering inoperative any emission control device or element of design installed on or in a motor vehicle or motor vehicle engine prior to its sale and delivery to an ultimate purchaser and prohibits any person from knowingly removing or rendering inoperative any such device or element of design after such sale and delivery, and the causing thereof. The maximum civil penalty for a violation of this section by a manufacturer or dealer is \$25,000; for any other person, \$2,500. Section 203(a)(3)(B) of the Act prohibits any person from manufacturing or selling, or offering to sell, or installing, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine, and where the person knows or should know that such part or component is being offered for sale or is being installed for such use. The maximum civil penalty for a violation of this section is \$2,500.

EPA received many questions regarding the application of this law to a situation where one engine is removed from a vehicle and another engine is installed in its place. EPA's policy regarding "engine switching" is covered under the provisions of Mobile Source Enforcement Memorandum No. 1A (Attachment 1). This policy states that EPA will not consider any modification to a "certified configuration" to be a violation of federal law if there is a reasonable basis for knowing that emissions are not adversely affected. In many cases, proper emission testing according to the Federal Test Procedure would be necessary to make this determination.

A "certified configuration" is an engine or engine chassis design which has been "certified" (approved) by EPA prior to the production of vehicles with that design. Generally, the manufacturer submits an application for certification of the designs of each engine or vehicle it proposes to manufacture prior to production. The application includes design requirements for all emission related parts, engine calibrations, and other design parameters for each different type of engine (in heavy-duty vehicles), or engine chassis combination (in light-duty vehicles). EPA then "certifies" each acceptable design for use, in vehicles of the upcoming model year.

For light-duty vehicles, installation of a light-duty engine into a different light-duty vehicle by any person would be considered tampering unless the resulting vehicle is identical (with regard to all emission related parts, engine design parameters, and engine calibrations) to a certified configuration of the same or newer model year as the vehicle chassis, or if there is a reasonable basis for knowing that emissions are not adversely affected as described in Memo 1A. The appropriate source for technical information regarding the certified configuration of a vehicle of a particular model year is the vehicle manufacturer.

For heavy-duty vehicles, the resulting vehicle must contain a heavy-duty engine which is identical to a certified configuration of a heavy-duty engine of the same model year or newer as the year of the installed engine. Under no circumstances, however, may a heavy-duty engine ever be installed in a light-duty vehicle.

The most common engine replacement involves replacing a gasoline engine in a light-duty vehicle with another gasoline engine. Another type of engine switching which commonly occurs, however, involves diesel powered vehicles where the diesel engine is removed and replaced with a gasoline engine. Applying the above policy, such a replacement is legal only if the resulting engine-chassis configuration is equivalent to a certified configuration of the same model year or newer as the chassis. If the vehicle chassis in question has been certified with gasoline, as well as diesel engines (as is common), such a conversion could be done legally.

Another situation recently brought to EPA's attention involves the offering for sale of used foreign-built engines. These engines are often not covered by a certified configuration for any vehicle sold in this country. In such a case, there is no way to install such an engine legally. EPA has recently brought enforcement actions against certain parties who have violated the tampering prohibition by performing illegal engine switches.

It should be noted that while EPA's policy allows engine switches as long as the resulting vehicle matches exactly to any certified configuration of the same or newer model year as the chassis, there are some substantial practical limitations to performing such a replacement. Vehicle chassis and engine designs of one vehicle manufacturer are very distinct from those of another, such that it is generally not possible to put an engine into a chassis of a different manufacturer and have it match up to a certified configuration. Therefore, practical considerations will generally limit engine switches to installation of another

engine which was certified to be used in that same make and model (or a "twin" of that make and model, e.g., Pontiac Grand Am and Oldsmobile Calais). In addition, converting a vehicle into a different certified configuration is likely to be very difficult, and the cost may prove prohibitive.

B. State Laws

Many states also have statutes or regulations prohibiting tampering in general. Most of these laws specifically prohibit tampering by individuals. A few specifically prohibit engine switching, using provisions similar to those stated in EPA's policy. To determine the state law in any given state, the state's Attorney General's office should be contacted. In addition, many states have state or local antitampering inspection programs which require a periodic inspection of vehicles in that area, to determine the integrity of emission control systems. Many programs have established policies for vehicles which have been engine switched. While EPA does not require these programs to fail engine switched vehicles which are not in compliance with federal policy, the Agency does strongly recommend that these programs set their requirements so as to be consistent with the federal law. State or local programs which pass illegally engine switched vehicles may mislead federally regulated parties into believing that engine switching is allowed by federal law.