



Regulation No. 2013-1

## **VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM**

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Under Authority of Section 26A-1-121  
Utah Code Annotated, 1953, as amended

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## 1.0 DEFINITIONS

For the purpose of this Regulation, the following terms, phrases, and words shall have the following meanings, unless otherwise defined:

**Alternative Fuel:** A fuel that is derived from resources other than petroleum. This includes but is not limited to: natural gas, propane, ethanol, and bio-diesel.

**Bi-fuel Vehicle:** A vehicle that has two separate fueling systems that enables the vehicle to run on one or the other (ex. Gasoline and natural gas). These vehicles may be switchable or non-switchable.

**Board:** See Board of Health.

**Board of Health:** The Bear River Board of Health.

**Cache County Council:** The elected Cache County Council representatives.

**Certificate of Compliance:** Proof that a vehicle meets all applicable requirements of the I/M Program. This proof may be sent in an electronic format to the Utah State Tax Commission.

**Certification:** Assurance by an authorized source, whether it be a laboratory, the manufacturer, the State, or the Department, that a specific product or statement is in fact true and meets all required requirements.

**Certified Emissions Inspector:** A person who has successfully completed all certification requirements and has been issued a current, valid Certified Emissions Inspector Certification by the Department.

**Certified Testing Equipment:** An official test instrument that has been approved by the Department to test motor vehicles for compliance with this Regulation.

**Compliance:** Verification that certain submission data and hardware submitted by a manufacturer for accreditation consideration, meets all required accreditation requirements.

**Compliance Assurance Inspection:** A more detailed emissions inspection performed at the I/M Technical Center. Details of this inspection are found in Appendix D, Test Procedures.

**Compliance Assurance List:** A list created and maintained by the Department that identifies vehicles for Compliance Assurance Inspections. Vehicles placed on this list, as required in Section 6.8 and Appendix D, Test Procedures, shall be inspected at the I/M Technical Center.

**Contractor:** The emission inspection system contractor selected by the Department to provide specialized services related to the I/M Program in Cache County.

**Council:** See Cache County Council.

**County:** Cache County, Utah.

**Department:** The Bear River Health Department.

**Director:** The Director of the Bear River Health Department or his authorized representative.

**DLC:** Data Link Connector used in OBD applications is a 16 pin connector used by scan tools and other emission diagnostic equipment to communicate with the vehicle's computer for the purpose of collecting emissions related data.

**DTC:** Diagnostic Trouble Code is a standardized 5 digit code that is used to identify a specific fault that has occurred or is occurring in a vehicle.

**Dual Fuel Vehicle:** See Flexible Fuel Vehicle.

**Emissions Control Systems:** Parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the sole or primary purpose of reducing emissions.

**EPA:** The United States Environmental Protection Agency.

**Flexible Fuel Vehicle:** Also called Flex-Fuel Vehicle. A vehicle that is designed to run on more than one fuel, usually gasoline blended with ethanol (0-85%), and both fuels are stored in the same common tank.

**I/M Program:** See Vehicle Emissions Inspection and Maintenance Program.

**I/M Program Station:** A stationary Vehicle Emissions Inspection and Maintenance Station that qualifies and has a valid permit, issued by the Department, to operate as an emissions inspection and maintenance station in the I/M Program.

**I/M Technical Center:** A facility operated by the Department for technical or administrative support of the I/M Program.

**Inspection:** An official vehicle emissions test performed for the purpose of issuing a Certificate of Compliance or Waiver.

**Inspector:** A Certified Emissions Inspector.

**MIL:** Malfunction Indicator Light is an indicator located on the instrument panel that notifies the operator of an emissions fault.

**Motor Vehicle:** A self-propelled motorized vehicle with an internal combustion powered engine which is licensed for operation 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.

**Non-certified Inspector:** Any person who has not been certified by the Department to perform official emissions tests.

**OBD:** On Board Diagnostic refers to a vehicle's monitoring and diagnostic capabilities of its emissions systems.

**Publicly-owned Vehicles:** 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.

**Readiness:** Readiness is used to identify the state of a vehicle's emissions monitors as they are tested. Readiness does not indicate whether the monitors passed or failed the test, it only indicates whether or not the test has been run for any particular monitor.

**Referee Inspection:** An emissions inspection performed at the I/M Technical Center for the purpose of resolving disputes or overriding inspection criteria for cause.

**Regulation:** A regulation of the Bear River Health Department for a vehicle emissions inspection and maintenance program.

**Rejection:** A condition where a vehicle subject to an OBD inspection has not met the Readiness requirements as set forth by this Regulation. The vehicle has not failed the inspection but it must be driven additional miles until Readiness monitors are set "ready" or repairs have been made allowing readiness flags to set ready.

**Station:** An I/M Program Station.

**Training Program:** A formal program administered, conducted, or approved by the Department for the education of emission inspectors in basic emission control technology, inspection procedures, I/M Program policies, procedures, and this Regulation.

Vehicle Emission Control Information Label (VECI Label): An EPA required label found on a vehicle that contains the manufacturer's name and trademark, and an unconditional statement of compliance with EPA emission regulations. The label often contains a list of emissions control devices found on the vehicle.

Vehicle Emissions Inspection and Maintenance Program: The program established by the Department pursuant to Section 41-6a-1642 Utah Code Annotated, 1953, as amended, and Cache County Code Chapter 10.20.

Waiver: Documentation of proof that a vehicle which has not been able to meet applicable test requirements, has met the applicable repair and/or adjustment requirements of Section 9.5 of this Regulation.

## 2.0 PURPOSE

It is the purpose of this Regulation to reduce air pollution levels in Cache County by requiring inspections of in-use motor vehicles and by requiring emission related repairs and/or adjustments for those vehicles that fail to meet the 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 the applicable federal requirements for I/M Programs as defined in 40 CFR Part 51, Subpart S;
- 2.4 Comply with the law enacted by the Legislature of the State of Utah, Sections 41-6a-1642 Utah Code Annotated, 1953, as amended; and
- 2.5 Comply with Cache County Code Chapter 10.20, Vehicle Emissions and Maintenance Program, as amended.

## 3.0 AUTHORITY AND JURISDICTION OF THE DEPARTMENT

3.1 Under Chapter 10.20.020(C) of Cache County Code, the Cache County Council (hereafter, Council) delegates its authority as an administrative body under Section 41-6a-1642, Utah Code Annotated, 1953, as amended, to the Bear River Board of Health (hereafter Board), to address all issues pertaining to the adoption and administration of the Vehicle Emissions Inspection and Maintenance Program (hereafter I/M Program).

3.2 Under Chapter 10.20.020(D) of Cache County Code, the Council directs the Board to adopt and promulgate regulations to ensure compliance with State Implementation Plan requirements with respect to an I/M Program.

3.3 The Board 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 Board 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 I/M Program within Cache County enumerated in Section 2.0 of this Regulation shall be subject to the direction and control of the Bear River Health Department (hereafter Department).

## 4.0 POWERS AND DUTIES

4.1 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 Make policies and procedures necessary to ensure that the provisions of this Regulation are met and that the purposes of this Regulation are accomplished;

4.1.2 Require the submission of information, reports, plans, and specifications from I/M Program Stations as necessary to implement the provisions, requirements, and standards of this Regulation;

4.1.3 Issue permits, certifications, and charge fees as necessary to implement the provisions, requirements, and standards of this Regulation; and

4.1.4 Perform audits of any I/M Program Station, issue orders and/or notices, hold hearings, and levy administrative penalties, as necessary to effect the purposes of this Regulation.

4.2 The Department may suspend, revoke, or deny a permit, subject to the Penalty Schedule in Appendix C, of an I/M Program Station and/or require the surrender of the permit of such I/M Program Station upon showing that:

4.2.1 A vehicle was inspected and issued a Certificate of Compliance by the station personnel that did not, at the time of inspection, comply with all applicable policies, procedures, and this Regulation;

4.2.2 A vehicle was inspected and failed by the I/M Program Station when, in fact, the vehicle was determined by the Department to be in such condition that it did comply with the requirements of this Regulation;

4.2.3 The I/M Program Station has violated any provisions of this Regulation, or any rule, regulation, or Department policy properly promulgated for the operation of an I/M Program Station;

4.2.4 The I/M Program Station is not operating from a location specified on the permit;

4.2.5 An official inspection was done by a Non-certified Inspector or a Non-certified Inspector has gained access to the official testing portion of the Certified Testing Equipment;

4.2.6 The Certified Emissions Inspector logged in to the official testing portion of the Certified Testing Equipment did not perform the inspection;

4.2.7 The Certified Testing Equipment has been tampered with or altered in any way contrary to the certification and maintenance requirements of the Certified Testing Equipment;

4.2.8 The I/M Program Station denies access to a representative of the Department to conduct an audit or other necessary business during regular business hours;

4.2.9 The I/M fee has been determined by the Department to be discriminatory in that different fees are assessed dependent upon vehicle ownership, vehicle make or model, owner residence, etc; or

4.2.10 The I/M Program Station that also contracts with the State of Utah as an On the Spot Station renewed a vehicle registration without a valid Certificate of Compliance for that vehicle. This is considered an intentional pass.

4.3 The Department may suspend, revoke, or deny the certificate of a Certified Emissions Inspector, subject to the Penalty Schedule in Appendix C, and require the surrender of this certificate upon showing that:

4.3.1 The Certified Emissions Inspector caused a Certificate of Compliance to be issued without an approved inspection being made;

4.3.2 The Certified Emissions Inspector denied the issuance of a Certificate of Compliance to a vehicle that, at the time of inspection, complied with the law for issuance of said certificate;

4.3.3 The Certified Emissions Inspector issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such a condition that it did not comply with this Regulation;

4.3.4 Inspections were performed by the Certified Emissions Inspector, but not in accordance with applicable policies, procedures, and this Regulation;

4.3.5 The Certified Emissions Inspector allowed a Non-certified Inspector to perform an official Inspection or gain access to the official testing portion of the Certified Testing Equipment;

4.3.6 The Certified Emissions Inspector logged in to the official testing portion of the Certified Testing Equipment did not perform the inspection;

4.3.7 The Certified Emissions Inspector signed an inspection form or certificate stating that he had performed the emissions test when, in fact, he did not; or

4.3.8 The Certified Emissions Inspector employed at an I/M Program Station that also contracts with the State of Utah as an On the Spot Station renewed a vehicle registration without a valid Certificate of Compliance for that vehicle. This is considered an intentional pass.

4.4 The Department shall respond, according to the policies and procedures of the Department, to public complaints regarding the fairness and integrity of the inspections they receive and shall provide a method that inspection results may be challenged if there is a reason to believe them to be inaccurate.

## 5.0 SCOPE

It shall be unlawful for any person to fail to comply with any policy, procedure, or regulation promulgated by the Department, unless expressly waived by this Regulation.

## 6.0 GENERAL PROVISIONS

Subject to the exceptions in Section 6.4 and pursuant to the schedule in Section 6.1, motor vehicles that are registered in Cache County, or principally operated within Cache County shall be subject to an emission inspection. Owners of vehicles that meet the requirements of Section 6.2 or 6.3 shall comply with the inspection requirements regardless of the county of registration.

6.1 Motor vehicles are subject to a biennial emissions inspection. Emissions inspections will be required in odd-numbered years for a vehicle with an odd-numbered model year. Emissions inspections will be required in even-numbered years for a vehicle with an even-numbered model year.

6.1.1 A Certificate of Compliance, or evidence that the motor vehicle is exempt from the I/M Program requirements (as defined in Section 6.4) shall be presented to the Cache County Assessor or the Utah State Tax Commission as conditions

precedent to registration or renewal of registration of a motor vehicle in odd-numbered years for a vehicle with an odd-numbered model year. Persons who register a vehicle without meeting the requirements listed may be subject to the penalties referenced in Section 14 of this Regulation.

6.1.2 A Certificate of Compliance, or evidence that the motor vehicle is exempt from the I/M Program requirements (as defined in Section 6.4) shall be presented to the Cache County Assessor or the Utah State Tax Commission as conditions precedent to registration or renewal of registration of a motor vehicle in even-numbered years for a vehicle with an even-numbered model year. Persons who register a vehicle without meeting the requirements listed may be subject to the penalties referenced in Section 14 of this Regulation.

6.1.3 The Air Pollution Control Fee shall be paid annually, as per Chapter 10.20.040(E) of Cache County Code, (see also Section 6.7 of this Regulation) as conditions precedent to registration or renewal of registration of a motor vehicle.

6.1.4 A Certificate of Compliance shall be valid for a period of time in accordance with Section 41-6a-1642(10) Utah Code Annotated, 1953, as amended.

6.2 Publicly-Owned Vehicles. Owners of publicly-owned vehicles shall comply with the inspection program requirements. Federally-owned vehicles and vehicles of employees operated on a federal installation that do not require registration in the State of Utah shall comply with the emissions testing requirements.

6.3 Vehicles of employees and/or students parked at a college or university that do not require registration in Cache County shall comply with the emissions testing requirements as authorized by 41-6a-1642(5)(a) Utah Code Annotated, 1953, as amended.

6.3.1 College or university parking areas that are metered or for which payment is required per use are not subject to the requirements in Section 6.3.

6.4 Vehicle Exemption. The following vehicles are exempt from these emissions testing requirements:

6.4.1 An implement of husbandry as provided in Section 41-1a-102 Utah Code Annotated, 1953, as amended;

6.4.2 A motor vehicle that meets the definition of a farm truck as provided in Section 41-1a-102 Utah Code Annotated, 1953, as amended, and has a gross vehicle weight rating of 12,001 pounds or more;

6.4.3 A vintage vehicle as defined in Section 41-21-1 Utah Code Annotated, 1953, as amended;

6.4.4 A custom vehicle as defined in Section 41-6a-1507 Utah Code Annotated, 1953, as amended;

6.4.5 A pickup truck, as defined in Section 41-1a-102 Utah Code Annotated, 1953, as amended, with a gross vehicle weight rating of 12,000 pounds or less that meets the requirements provided in Section 41-6a-1642(4)(f) Utah Code Annotated, 1953, as amended;

6.4.6 A motorcycle as defined in Section 41-1a-102 Utah Code Annotated, 1953, as amended;

6.4.7 A motor vehicle powered solely by electric power;

6.4.8 Any gasoline or non-diesel based Alternative Fuel powered vehicle of model year 1995 or older;

6.4.9 Any gasoline or non-diesel based Alternative Fuel powered vehicle, with a gross vehicle weight rating greater than 8,500 pounds, and of model year 2007 or older;

6.4.10 Any gasoline or non-diesel based Alternative Fuel powered vehicle, with a gross vehicle weight rating greater than 14,000 pounds, and of model year 2008 or newer;

6.4.11 Any vehicle that is less than six years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer;

6.4.12 Any diesel or diesel based Alternative Fuel powered vehicle 1997 and older;

6.4.13 Any diesel or diesel based Alternative Fuel powered vehicle with a gross vehicle weight rating greater than 14,000 pounds; and

6.4.14 Any vehicle that qualifies for exemption under Section 41-6a-1642 Utah Code Annotated, 1953, as amended.

6.5 If a vehicle exempted by Section 6.4 of this Regulation is brought to the Certified Emissions Inspector for an official Inspection it shall be the responsibility of the Certified Emissions Inspector to inform the owner/operator of the vehicle that the vehicle is not required to have an official Inspection.

6.6 Official Signs.

6.6.1 All I/M Program Stations shall display in a conspicuous location on the premises an official sign provided and approved by the Department;

6.6.2 The readiness requirements for an OBD test as referenced in Appendix D shall be posted in a conspicuous place on the station's premises;

6.6.3 The station shall post on a clear and legible sign and in a conspicuous place at the station, the fees charged by that station for the performance of the emissions inspection;

6.6.4 The free re-inspection policy as referenced in Section 9.4 shall be posted in a conspicuous place on the station's premises;

6.6.5 The signs required by Sections 6.6.1 through 6.6.4 shall be located so as to be easily in the public view.

## 6.7 Fees.

6.7.1 The fees assessed upon I/M Program Stations and Certified Emissions Inspectors shall be determined according to a fee schedule adopted by the Board. The fee schedule is referenced in Appendix A to this Regulation and may be amended by the Board as necessary.

6.7.2 An Air Pollution Control Fee is hereby assessed upon every motor vehicle registered in Cache County as per Chapter 10.20.040 of Cache County Code. The fee will be assessed annually at the time of registration of the vehicle.

6.7.2.1 This fee assessment is included upon all motorized vehicles including those that are exempted from the inspection requirements of this Regulation by Section 6.4.

6.7.2.2 A motor vehicle that is exempt from the registration fee, and a commercial vehicle with an apportioned registration shall be exempt from this fee as per Section 41-1a-1223, Utah Code Annotated, 1953, as amended and Chapter 10.20.040 of Cache County Code.

6.7.3 I/M Program Stations may charge a fee for the required service. The fee may not exceed, for each vehicle inspected, the amount set by the Board and referenced in Appendix A of this Regulation.

6.7.3.1 The inspection fee pays for a complete inspection leading to a Certificate of Compliance, a Rejection, or a failure. If a vehicle fails, or is rejected from an inspection, the owner/operator is entitled to one free re-inspection if he returns to the I/M Program Station that performed the original inspection within fifteen (15) calendar days from

the date of the initial inspection. The I/M Program Station shall extend the fifteen day free re-inspection to accommodate the vehicle owner/operator if the I/M Program Station is unable to schedule the retest of the vehicle within the fifteen day time period. The inspection fee shall be the same whether the vehicle passes or fails the emission test.

6.7.4 If a vehicle fails the inspection and is within the time and mileage requirements of the federal emissions warranty contained in section 207 of the Federal Clean Air Act, the Certified Emissions Inspector 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 (see 40 CFR Part 85, Subpart V).

## 6.8 Compliance Assurance List.

6.8.1 The Department reserves the right to recall a vehicle and perform a Compliance Assurance Inspection at the I/M Technical Center for the following reasons:

6.8.1.1 Suspected fraudulent registration;

6.8.1.2 Suspected fraudulent emissions inspection;

6.8.1.3 Suspected tampering of emissions control devices;

6.8.1.4 Violations of Section 41-6a-1626, Utah Code Annotated, 1953, as amended, regarding visible emissions; and

6.8.1.5 Any item listed in Appendix D, Test Procedures, that cause the vehicle to be flagged during an emissions inspection.

6.8.2 The Department shall create and maintain a list of vehicles that are subject to a Compliance Assurance Inspection at the I/M Technical Center.

6.8.2.1 The Compliance Assurance Inspection criteria listed in Appendix D, Test Procedures, shall be followed.

6.8.2.2 A vehicle that passes the Compliance Assurance Inspection may be removed from the Compliance Assurance List by Department personnel.

6.8.2.3 A vehicle that fails the Compliance Assurance Inspection may be subject to penalties as described in Section 14 of this regulation.

## 7.0 PERMIT REQUIREMENTS OF THE VEHICLE EMISSIONS I/M PROGRAM STATION

### 7.1 Permit Required.

7.1.1 No person shall in any way represent any place as an official I/M Program Station unless the station is operated under a valid permit issued by the Department.

7.1.2 The Department is authorized to issue or deny permits for I/M Program Stations.

7.1.3 No permit for any official I/M Program Station may be assigned, transferred, or used by any person other than the original owner identified on the permit application for that specific I/M Program Station.

7.1.4 The permit shall be posted in a conspicuous place within public view on the premises.

7.1.5 Application for an I/M Program Station permit shall be made to the Department upon a form provided by the Department. No permit shall be issued unless the Department finds that the facilities, and equipment of the applicant comply with the requirements of this Regulation and that competent personnel, certified under the provisions of Section 8.0, are employed and will be available to make inspections, and the operation thereof will be properly conducted in accordance with this Regulation.

7.1.5.1 An I/M Program Station shall notify the Department and cease any emission testing if the station does not have a Certified Emissions Inspector employed.

7.1.5.2 An I/M Program Station shall notify the Department upon termination and/or resignation of any Certified Emissions Inspector employed by the station.

7.1.5.3 An I/M Program Station shall comply with all the terms stated in the permit application and all the requirements of this Regulation.

7.1.5.4 An I/M Program Station shall provide a dedicated internet connection for the Certified Testing Equipment. A wireless internet connection may be required by the Contractor.

## 7.2 Permit Duration and Renewal

7.2.1 The permit for I/M Program Stations shall be issued annually and shall expire on the last day of the month, one year from the month of issue. The permit shall be renewable sixty days prior to the date of expiration.

7.2.2 It is the responsibility of the owner/operator of the I/M Program Station to pursue the permit renewal through appropriate channels.

## 7.3 I/M Program Station to hold Department Harmless

7.3.1 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 I/M Program Station's owners or their employees.

7.4 An I/M Program Station shall be kept in good repair and in a safe condition for inspection purposes free of obstructions and hazards.

# 8.0 TRAINING AND CERTIFICATION OF INSPECTORS

## 8.1 Certified Emissions Inspector Certification Required.

8.1.1 No person shall perform any part of the inspection for the issuance of a Certificate of Compliance unless the person possesses a valid Certified Emissions Inspector Certification issued by the Department.

8.1.2 Applications for a Certified Emissions Inspector Certification shall be made upon an application form prescribed by the Department. No certification shall be issued unless:

8.1.2.1 The applicant has shown adequate competence by successfully completing all portions of the Certified Emissions Inspector Certification requirements as specified in this Regulation; and

8.1.2.2 The applicant has paid the required permit fees as set by the Board and referenced in Appendix A of this Regulation.

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

8.1.4 An applicant shall complete a Department approved training course and shall demonstrate knowledge and skill in the performance of emission testing and

use of the Certified Testing Equipment. Such knowledge and skill shall be shown by passing at minimum:

- 8.1.4.1 Operation and purposes of emission control systems;
- 8.1.4.2 Inspection procedures as outlined in this Regulation and prompted by the Certified Testing Equipment ;
- 8.1.4.3 Operation of the Certified Testing Equipment;
- 8.1.4.4 The provisions of Section 207(b) warranty provisions of the Federal Clean Air Act, and other federal warranties;
- 8.1.4.5 The provisions of this Regulation and other applicable Department policies and procedures; and
- 8.1.4.6 A performance qualification test including but not limited to the following:
  - (a) Demonstration of skill in proper use, care, and maintenance, of the Certified Testing Equipment;
  - (b) Demonstration of ability to conduct the inspection; and
  - (c) Demonstration of ability to accurately enter data in the Certified Testing Equipment.

8.1.5 The Department shall issue a Certified Emissions Inspector Certificate to an applicant upon successful completion of the requirements of this section.

8.1.6 The Certified Emissions Inspector Certificates are and remain the property of the Department, only their use and the license they represent is tendered.

8.1.7 Certified Emissions Inspector Certifications shall not be transferred from one person to another person.

## 8.2 Recertification Requirements for Certified Emissions Inspectors

8.2.1 The Department may renew certifications for an existing Certified Emissions Inspector after a properly completed renewal form is submitted, reviewed, and approved, the recertification requirements have been completed, the fees are paid and the Certified Emissions Inspector has complied with this Regulation.

8.2.2 Certified Emissions Inspectors shall be required to recertify annually. Failure to recertify shall result in suspension or revocation of the Certification as described in this Regulation.

8.2.3 Certified Emissions Inspectors shall complete a Department approved refresher course every 2 years. Applicants for recertification shall complete a Department approved refresher course no more than sixty days prior to the date of expiration.

### 8.3 Certification Expiration

8.3.1 The Certified Emissions Inspector Certification shall be issued annually and shall expire on the last day of the month one year from the month of issue. The certification shall be renewable sixty days prior to the date of expiration.

8.3.2 It is the responsibility of the Certified Emissions Inspector to pursue the renewal of the Certification.

### 8.4 Certified Emissions Inspector Certification Denial, Suspension and Revocation

8.4.1 Certified Emissions Inspector Certifications may be suspended or revoked by the Department for violations of this Regulation.

8.4.2 Suspension or revocation of Certified Emissions Inspector Certifications shall follow the provisions of Appendix C of this Regulation.

8.4.3 The Department may deny issuance of a Certified Emissions Inspector Certification to an individual that works as an emissions inspector in another county in Utah and is currently under suspension or revocation in that program.

## 9.0 INSPECTION PROCEDURE

9.1 The official emissions inspection shall be solely performed by a Certified Emissions Inspector at an I/M Program Station, and Department approved inspection procedures, as referenced in this section and Appendix D, Test Procedures, are to be followed.

9.2 A complete official test must be performed any time an inspection is requested. The Certified Emissions Inspector shall not perform any part of the inspection without initiating an official test on the Certified Testing Equipment.

9.3 The Certified Emissions Inspector shall perform the official vehicle emissions test using the proper testing procedure.

9.3.1 All gasoline, and non-diesel based Alternative Fuel powered vehicles, including Bi-Fuel vehicles, model year 1996 and newer, with a gross vehicle weight rating 8,500 pounds or less, shall be tested as specified in Appendix D, OBDII Test Procedures, unless specifically exempted by this Regulation.

9.3.2 All gasoline and non-diesel based Alternative Fuel powered vehicles, including Bi-Fuel vehicles, model year 2008 and newer with a gross vehicle weight rating greater than 8,500 pounds and less than 14,001 pounds shall be tested as specified in Appendix D, OBDII Test Procedures, unless specifically exempted by this Regulation.

9.3.3 All diesel and diesel based Alternative Fuel powered vehicles model year 1998 and newer with a gross vehicle weight rating less than 14,001 pounds shall be tested as specified in Appendix D, Diesel Test Procedures, unless specifically exempted by this Regulation.

#### 9.4 Retesting Procedures

9.4.1 If the vehicle fails the initial emissions inspection, the owner/operator shall have fifteen calendar days in which to have repairs or adjustments made and return the vehicle to the I/M Program Station that performed the initial inspection for one (1) free re-inspection.

9.4.2 If the vehicle is Rejected from the initial emissions inspection for failure to complete Readiness requirements, the owner/operator shall have fifteen calendar days in which to return the vehicle to the I/M Program Station that performed the initial inspection for one (1) free re-inspection.

9.4.3 If the vehicle owner/operator does not return to the I/M Program Station that performed the initial inspection within fifteen calendar days the I/M Program Station is under no obligation to offer a free re-inspection.

#### 9.5 Waivers

9.5.1 A Waiver may be granted and a Certificate of Compliance issued for 1996 and newer model year vehicles if all of the following requirements are met:

9.5.1.1 Air pollution control devices identified in the VECI Label are in place and apparently operable on the vehicle. If the VECI Label is missing, the Department may use reference material to identify the air pollution control devices required for the vehicle. If the devices have been removed

or rendered inoperable, they shall be replaced or repaired before a Waiver is granted;

9.5.1.2 The vehicle continues to fail the inspection after \$200.00 has been spent on acceptable emissions related repair costs for that specific vehicle, and proof of repair costs for that specific vehicle have been provided to the Department in the form of an itemized bill, invoice, work order, manifest, or statement in which emissions related parts are specifically identified. If repairs are made at a repair station that employs individuals with current ASE L1, ASE A8, or another certification approved by the Department, the cost of labor may be included in the \$200.00;

9.5.1.3 The vehicle is not within the time and mileage requirements of the federal emissions warranties. Any vehicle that is within time and mileage requirements of the federal emissions warranties shall not be eligible for a Waiver, but shall be repaired to pass the testing requirements; and

9.5.1.4 A vehicle that is Rejected from the OBD Inspection may qualify for a Waiver if it meets requirements set forth in Appendix F, Waivers for “Not Ready” Vehicles.

9.5.2 As used in 9.5.1, acceptable emissions related repairs:

9.5.2.1 May include repairs performed up to 60 days prior to the official emissions test, provided appropriate documentation is supplied to the Department;

Diagnostic work performed, including Diagnostic Trouble Codes if applicable, must be properly documented to justify any repairs performed;

9.5.2.2 Does not include the fee paid for the test;

9.5.2.3 Does not include costs associated with the repairs or replacements 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;

- 9.5.2.4 Refers to repairs, maintenance, and diagnostic evaluations done in accordance with manufacturer's specifications, to the extent that the purpose is to reduce emissions;
- 9.5.2.5 Repairs performed on OBD compliant vehicles should be directly related to the diagnostic trouble codes identified by the vehicle and by further diagnostic tests on the vehicle;
- 9.5.2.6 Does not include parts replaced on OBD compliant vehicles that cannot be justified through diagnostic trouble codes or further diagnostic tests on the vehicle.

9.5.3 A 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.

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

9.5.5 A vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a Waiver.

9.6 The Department shall explore new technologies related to emissions inspections. As part of this exploration the Department may perform studies, run pilot projects, collect and analyze data, and make recommendations to the Board. If a new technology can be shown to be as effective as current technologies in reducing emissions and preventing fraud, the Department shall present these findings to the EPA. The Department shall then work with the EPA, the Board, and the Council to seek approval to incorporate the new technology as a testing method.

## 10.0 ENGINE SWITCHING

10.1 Engine switching shall be allowed only in accordance with EPA policy, as detailed in EPA's Engine Switching Fact Sheet, dated March 13, 1991, and EPA's Addendum to Mobile Source Enforcement Memorandum 1A, dated September 4, 1997.

10.2 Vehicles subject to an emissions inspection, as referenced in Section 6.0 of this Regulation, that do not meet the requirements of Section 10.1 shall be deemed as tampered and are not eligible for a Waiver, unless they are restored to the original engine and emission control configuration.

## 11.0 SPECIFICATIONS FOR CERTIFIED TESTING EQUIPMENT

### 11.1 Approval of Certified Testing Equipment

11.1.1 Certified Testing Equipment shall meet the specifications as detailed in Appendix E.

11.1.2 It shall be illegal for any person to modify the hardware or software of Certified Testing Equipment without approval by the Department and/or Contractor.

11.1.3 It shall be illegal for any person to gain access to any Department or Contractor controlled portions of Certified Testing Equipment without approval by the Department and/or Contractor.

## 12.0 QUALITY ASSURANCE

12.1 A quarterly inspection shall be made by a representative of the Department to verify compliance with this Regulation for each I/M Program Station. During the time of the inspection by the Department, the Department's representative shall have exclusive access to the Certified Testing Equipment. Inspections may be performed utilizing technology integrated into the Certified Testing Equipment.

12.2 An annual covert inspection and audit shall be made by a representative of the Department to verify compliance with this Regulation for each I/M Program Station.

12.3 The Department may increase the frequency of inspections for I/M Program Stations and/or Certified Emissions Inspectors if the Department receives information of a violation of this Regulation.

12.4 The Department shall regularly monitor I/M Program Stations and/or Certified Emissions Inspectors through inspection records and/or technology integrated into the Certified Testing Equipment.

## 13.0 DISCIPLINARY PENALTIES AND RIGHT TO APPEAL

13.1 When the Department, or its representative(s), receives information of a violation of any regulation contained herein which may result in a permit denial, revocation, or suspension, the Department shall notify the affected entity, in writing, informing the entity of the violation and penalties to be enforced. The affected entity may request a hearing within ten calendar days of the Department giving notice of the potential permit denial, revocation, or suspension. Only a written request for a hearing shall be honored by the Department. No appeal may be made on a formal warning.

13.1.1 In considering the appropriate administrative action to be taken as indicated in Appendix C, the Director shall consider the following:

- 13.1.1.1 whether the violation was unintentional or careless;
- 13.1.1.2 the frequency of the violation or violations;
- 13.1.1.3 the inspection and covert inspection history of the I/M Program Station and the Certified Emissions Inspector;
- 13.1.1.4 whether the fault lies with the I/M Program Station or the Certified Emissions Inspector.

13.1.2 After consideration of the factors in Section 13.1.1 the Director may take appropriate administrative action as indicated in Appendix C against either the I/M Program Station, the Certified Emissions Inspector, or both.

## 13.2 Appeals Hearing Procedure:

13.2.1 An appeals hearing shall be held at the request of the affected entity in order to determine the accuracy of information obtained by the Department and whether there are mitigating factors which would justify a reduction of the imposed penalties.

13.2.2 The requesting party may bring to the hearing any witnesses and any evidence believed to be pertinent to the disciplinary action.

13.2.3 The appeal shall be heard by the Vehicle Inspection and Maintenance Appeal Board, hereafter I/M Board, consisting of at least three persons, who are not employees of Bear River Health Department, appointed by the Board. The I/M Board shall have the discretion to determine which witnesses shall be heard and what evidence is relevant.

13.2.4 Violations determined to be intentional or flagrant shall result in the maximum enforcement of the penalty schedule pursuant to Appendix C.

13.2.5 In considering whether to reduce a penalty indicated by Appendix C, the I/M Board and the Department shall consider the following:

- 13.2.5.1 whether the violation was unintentional or careless;
- 13.2.5.2 the frequency of the violation or violations;
- 13.2.5.3 the inspection and covert inspection history of the I/M Program Station and the Certified Emissions Inspector;

13.2.5.4 whether the fault lies with the I/M Program Station, the Certified Emissions Inspector, or both.

13.3 Written notice of the final determination of the I/M Board, including the I/M Board's finding under Section 14.2.5, shall be made within ten calendar days after the conclusion of the appeals hearing.

## 14.0 PENALTY

14.1 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.

14.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.

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

14.4 In addition to other penalties imposed by a court of competent jurisdictions, any person(s) found guilty of violating any of this Regulation shall be liable for all expenses incurred by the Department.

14.5 A Penalty Schedule for permit warning, suspension, or revocation is adopted as Appendix C and may be amended by the Board as the Board deems necessary to accomplish the purposes of this Regulation.

14.6 The Department shall request that the Utah Division of Motor Vehicles suspend or revoke a registered vehicle's registration if the vehicle is unable to meet emissions standards or if the vehicle has not complied with the required emission testing requirements pursuant to Section 41-1a-110(6), Utah Code Annotated, 1953, as amended.

## 15.0 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.

## 16.0 EFFECTIVE DATE

This Regulation shall become effective on January 1, 2021 as adopted by the Bear River Board of Health.

Approved and Adopted this 10<sup>th</sup> day of April, 2019.



James Swit, Chair

Bear River Board of Health



Lloyd Berentzen, M.B.A.

Executive Director

Bear River Health Department

## APPENDIX A - FEE SCHEDULE

Permitting of an official I/M Program Station	\$250.00
Annual Renewal of I/M Program Station	\$50.00
Expired I/M Program Station Renewal	\$75.00
I/M Program Station Re-location	\$75.00
Permitting of a Certified Emissions Inspector	\$25.00
Renewal of Certified Emissions Inspector	\$15.00
Expired Certified Emissions Inspector Renewal	\$25.00
Official Station Sign	Cost
APC Fee for 12 month registration	\$3.00
APC Fee for 6 month registration	\$2.25
Emissions Inspection Fee – OBD Test	Market
Emissions Inspection Fee –Tampering	Market

APPENDIX B - RESERVED

## APPENDIX C - PENALTY SCHEDULE

<b>Violation</b> (resets after 2 years of no similar violations unless revoked)	<b>1<sup>st</sup> Occurrence</b>	<b>2<sup>nd</sup> Occurrence</b>	<b>3<sup>rd</sup> Occurrence</b>	<b>4<sup>th</sup> Occurrence</b>
<b>Failure to inspect or substituting a vehicle other than the vehicle on the test record – Registering a failing vehicle</b> <i>(intentional pass)</i>	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of inspection station permit for up to 5 years	
<b>Passing a failing vehicle or recording pass for tampering on a tampered vehicle</b> <i>(gross negligence)</i>	Tech: 30 day suspension and mandatory retraining	Tech: 60 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years	
	Station: 15 day suspension	Station: 30 day suspension	Station: 60 day suspension	Station: Revocation of permit for up to 5 years
<b>Falsifying an inspection record or emissions certificate or Failing a passing vehicle</b> <i>(intentional)</i>	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of inspection station permit for up to 5 years	
<b>Non-certified person performing test – Using another inspector’s access</b> <i>(gross negligence table)</i>	Tech: 60 day suspension	Tech: 180 day suspension	Tech: Revocation of permit for up to 5 years	
	Station: 60 day suspension	Station: 180 day suspension	Station: Revocation of inspection station permit for up to 5 years	
<b>Inaccurate or incomplete data entry</b> <i>(incompetence)</i>	Tech: Formal warning and mandatory retraining	Tech: 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of inspection station permit for up to 5 years
<b>Failure to follow proper test procedures – Other regulation violations</b> <i>(incompetence)</i>	Tech: Formal warning and mandatory retraining	Tech: 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of inspection station permit for up to 5 years

## APPENDIX D - TEST PROCEDURES

### **OBDII Test Procedures for gasoline and non-diesel based Alternative Fuel powered vehicles**

- 1 The Certified Emissions Inspector shall verify the following items from the vehicle and accurately record them in the Certified Testing Equipment:
  - 1.1 Vehicle Identification Number (VIN)
  - 1.2 Gross Vehicle Weight Rating (GVWR)
  - 1.3 Model year
  - 1.4 Make
  - 1.5 Model
  - 1.6 Fuel Type
  - 1.7 Engine size
  - 1.8 Number of cylinders
  - 1.9 Certification standard (EPA or California)
  
- 2 The Certified Emissions Inspector shall visually examine the instrument panel to determine if the Malfunction Indicator Light (MIL) illuminates, at least briefly, when the ignition key is turned to the “key on, engine off” (KOEO) position. The visual result shall be accurately recorded in the Certified Testing Equipment.
  
- 3 The Certified Emissions Inspector shall locate the Diagnostic Link Connector (DLC) on the vehicle being tested. The vehicle should be connected to the Certified Testing Equipment when prompted.
  - 3.1 If the DLC is missing, has been tampered with, or is otherwise inoperable, the vehicle fails the test and shall be repaired.
  - 3.2 If the DLC is inaccessible, the problem must be remedied before the test can continue.
  
- 4 When prompted by the Certified Testing Equipment the Certified Emissions Inspector should start the engine so the vehicle is in the “key on, engine running” (KOER) condition and follow the screen prompts until the test is complete.
  
- 5 For 1996-2000 model year vehicles two (2) supported readiness monitors are allowed to be “not ready”. For 2001 and newer vehicles one (1) supported readiness monitor is allowed to be “not ready”. If the “not ready” status exceeds these numbers the vehicle must be driven additional miles or have appropriate repairs made.
  - 5.1 A vehicle that fails the initial inspection for a catalyst related fault (i.e., P0420-P0439) must have the catalyst monitor set to “ready” upon re-inspection.

- 6 If the MIL is commanded on while the engine is running, regardless of the presence of Diagnostic Trouble Codes (DTC), the vehicle will fail the test and will require repairs.
- 7 Certain vehicles have been determined to be OBDII deficient. The Certified Testing Equipment software will maintain a list of these vehicles and perform a modified OBDII test.
- 8 A vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a Certificate of Compliance.
- 9 Certain vehicles will be flagged by the testing software during the inspection and may be recalled to the I/M Technical Center for a Compliance Assurance Inspection. Vehicles will be flagged for the following items:
  - 9.1 Mismatch between entered VIN and OBD VIN;
  - 9.2 Any of the following readiness monitors being unsupported: Misfire, fuel system, component, catalyst, and/or oxygen sensor;
  - 9.3 A change in supported readiness monitors since the last inspection;
  - 9.4 A change in communication protocol since the last inspection;
  - 9.5 A change in OBD VIN since the last inspection;
  - 9.6 The presence of an OBD VIN in a vehicle that does not support OBD VINs;
  - 9.7 The absence of an OBD VIN in a vehicle that supports OBD VINs; or
  - 9.8 A change in PID count since the last inspection.
- 10 Certain vehicles might not communicate with the Certified Testing Equipment. These vehicles will be referred to the I/M Technical Center for a Referee Inspection.
- 11 A vehicle owner/operator that challenges the results of an official emissions inspection may request a Referee Inspection at the I/M Technical Center.

## **Diesel and diesel based Alternative Fuel Powered Vehicles Test Procedures**

All diesel powered vehicles 2007 and newer, with a gross vehicle weight rating less than 14,001 pounds, shall be tested as follows:

- 1 The Certified Emissions Inspector shall verify the following items from the vehicle and accurately record them in the Certified Testing Equipment:
  - 1.1 Vehicle Identification Number (VIN)
  - 1.2 Gross Vehicle Weight Rating (GVWR)
  - 1.3 Model year
  - 1.4 Make
  - 1.5 Model
  - 1.6 Fuel Type
  - 1.7 Engine size
  - 1.8 Number of cylinders
  - 1.9 Certification standard (EPA or California)
- 2 The Certified Emissions Inspector shall visually examine the instrument panel to determine if the Malfunction Indicator Light (MIL) illuminates, at least briefly, when the ignition key is turned to the “key on, engine off” (KOEO) position. The visual result shall be accurately recorded in the Certified Testing Equipment.
- 3 The Certified Emissions Inspector shall locate the Diagnostic Link Connector (DLC) on the vehicle being tested. The vehicle should be connected to the Certified Testing Equipment when prompted.
  - 3.1 If the DLC is missing, has been tampered with, or is otherwise inoperable, the vehicle fails the test and shall be repaired.
  - 3.2 If the DLC is inaccessible, the problem must be remedied before the test can continue.
- 4 When prompted by the Certified Testing Equipment the Certified Emissions Inspector should start the engine so the vehicle is in the “key on, engine running” (KOER) condition and follow the screen prompts until the test is complete.
- 5 Two supported readiness monitors are allowed to be “not ready”. If the “not ready” status exceeds these numbers the vehicle must be driven additional miles or have appropriate repairs made.
  - 5.1 A vehicle that fails the initial inspection for a catalyst related fault (i.e., P0420-P0439) must have the catalyst monitor set to “ready” upon re-inspection.
- 6 If the MIL is commanded on while the engine is running, regardless of the presence of Diagnostic Trouble Codes (DTC), the vehicle will fail the test and will require repairs.

- 7 Certain vehicles have been determined to be OBDII deficient. The Certified Testing Equipment software will maintain a list of these vehicles and perform a modified OBDII test.
- 8 A vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a Certificate of Compliance.
- 9 Certain vehicles will be flagged by the testing software during the inspection and may be recalled to the I/M Technical Center for a Compliance Assurance Inspection. Vehicles will be flagged for the following items:
  - 9.1 Mismatch between entered VIN and OBD VIN;
  - 9.2 Any of the following readiness monitors being unsupported: Misfire, fuel system, component, NMHC, and/or NOx/SCR;
  - 9.3 A change in supported readiness monitors since the last inspection;
  - 9.4 A change in communication protocol since the last inspection;
  - 9.5 A change in OBD VIN since the last inspection;
  - 9.6 The absence of an OBD VIN; or
  - 9.7 A change in PID count since the last inspection.
- 10 Diesel powered vehicles shall be subject to a visual anti-tampering inspection. The air pollution control devices identified in the Vehicle Emissions Control Information (VECI) label shall be in place and apparently operable on the vehicle. If the decal is missing, reference material may be used to identify the air pollution control devices required for the vehicle.
- 11 Certain vehicles might not communicate with the Certified Testing Equipment. These vehicles will be referred to the I/M Technical Center for a Referee Inspection.
- 12 A vehicle owner/operator that challenges the results of an official emissions inspection may request a Referee Inspection at the I/M Technical Center.

All diesel powered vehicles 1998-2006, with a gross vehicle weight rating less than 14,001 pounds, shall be tested as follows:

- 1 The Certified Emissions Inspector shall verify the following items from the vehicle and accurately record them in the Certified Testing Equipment:
  - 1.1 Vehicle Identification Number (VIN)
  - 1.2 Gross Vehicle Weight Rating (GVWR)
  - 1.3 Model year
  - 1.4 Make
  - 1.5 Model
  - 1.6 Fuel Type
  - 1.7 Engine size
  - 1.8 Number of cylinders
  - 1.9 Certification standard (EPA or California)
- 2 Diesel powered vehicles shall be subject to a visual anti-tampering inspection. The air pollution control devices identified in the Vehicle Emissions Control Information (VECI) label shall be in place and apparently operable on the vehicle. If the decal is missing, reference material may be used to identify the air pollution control devices required for the vehicle.
- 3 A vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a Certificate of Compliance.
- 4 If the OBDII System is identified on the VECI label, the procedure in Section 2 through 5 shall be followed.
  - 4.1 An inspection of the OBDII System shall be for informational purposes only and will not determine whether a vehicle passes or fails the emission inspection.

## **Compliance Assurance Inspection**

- 1 A vehicle that is referred to the I/M Technical Center for a Compliance Assurance Inspection shall be subject to an official emissions inspection. A visual anti-tampering inspection shall also be included in every Compliance Assurance Inspection. The air pollution control devices listed in the Vehicle Emissions Control Information (VECI) label shall be in place and apparently operable on the vehicle. If the VECI label is missing, reference material may be used to identify the air pollution control devices required for the vehicle.
  - 1.1 A vehicle that has missing or tampered air pollution control devices will fail the Compliance Assurance Inspection and will not be issued a Certificate of Compliance.
  - 1.2 A vehicle that has missing or tampered air pollution control devices and has already been issued a Certificate of Compliance will be required to replace or repair the devices. Owners/operators of vehicles that do not comply will be subject to the penalties in this Regulation.
- 2 The Department will use data obtained by the Utah Division of Motor Vehicles and inspection data to determine if a vehicle should be subject to a Compliance Assurance Inspection.
- 3 The owner/operator of a vehicle subject to a Compliance Assurance Inspection will be notified in writing of the requirement to present the vehicle for inspection.

## **Referee Inspection**

- 1 Vehicles may be referred to the I/M Technical Center for a Referee Inspection. During a Referee Inspection the Department may override the normal testing criteria and issue a Certificate of Compliance for the following reasons:
  - 1.1 The vehicle will not communicate with the Certified Testing Equipment but will communicate with other scan tools. The vehicle must meet all other testing requirements including readiness status and MIL status; or
  - 1.2 The vehicle has met the criteria to be issued a Waiver.
- 2 A Referee Inspection may also be performed when an owner/operator believes the emissions inspection performed at an I/M Program Station was not done correctly.

# APPENDIX E - CERTIFIED TESTING EQUIPMENT STANDARDS

## 1 General

This appendix contains specifications for Contractors to design Certified Testing Equipment to be used in the Cache County I/M Program.

### 1.1 Design Goals

Certified Testing Equipment must be designed and constructed to provide reliable and accurate service in the automotive service environment. The software must be designed for maximum operational simplicity. The software must prevent users from clearing Diagnostic Trouble Codes (DTC), changing readiness status, or performing other actions that could change the results of an official emissions test. In addition, the Certified Testing Equipment must include security measures that will prevent unauthorized modifications to the software or inspection data.

These technical specifications contain the minimum requirements for Certified Testing Equipment used to perform official emissions inspections in Cache County, UT.

### 1.2 Manuals

All Certified Testing Equipment sold or leased by the Contractor must be provided with a current copy of a manual that contains, at a minimum, operating instructions, maintenance instructions, and initial startup instructions. The manual may be provided in electronic format and shall be accessible from the Certified Testing Equipment.

### 1.3 Warranty Coverage and Extended Service Agreements

A written warranty coverage agreement, signed by an authorized representative of the Contractor and the I/M Program Station, which provides a complete description of coverage for all systems and components and all Contractor provided services listed below in Contractor Provided Services, must accompany the sale or lease of each unit of Certified Testing Equipment.

The Contractor shall provide a minimum of one-year warranty coverage on each unit of Certified Testing Equipment sold or leased. The one-year warranty coverage shall begin on the date of purchase and shall be included in the unit pricing for the Certified Testing Equipment. An extended warranty shall be made available to the I/M Program Stations that purchase or lease Certified Testing Equipment.

### 1.4 Contractor Provided Services

The Contractor shall provide the following services to the I/M Program Station as part of any sale, lease, or loan of Certified Testing Equipment:

- Delivery, set-up, and verification of proper functionality of the Certified Testing Equipment; and
- Training on the use and maintenance of the Certified Testing Equipment.

The Contractor shall provide the following services to the I/M Program Station during the initial one-year warranty coverage period and thereafter to any I/M Program Station that purchases an extended warranty:

- Full system support and repair as detailed in the warranty coverage agreement; and
- Appropriate service response, either on-site or remote, by a Contractor authorized repair technician within one business day (Saturday shall be considered a business day), excluding Sundays, and national/state holidays (New Year's Day, Human Rights Day, President's Day, Memorial Day, Independence Day, Pioneer Day, Labor Day, Veteran's Day, Thanksgiving, and Christmas), of a request from the I/M Program Station. All system repairs, component replacements, and/or Certified Testing Equipment adjustments must be accomplished within a minimum average response time of 8 business hours after a service request has been initiated. If the completion of this work is not possible within this time period, Certified Testing Equipment of equal quality and specifications must be provided until the malfunctioning unit is properly repaired and returned to service.

## 1.5 Tamper Resistance

The Certified Testing Equipment operators, Department personnel, and Contractor authorized service technicians shall be prevented from changing any inspection results, programs, or data contained on the Certified Testing Equipment. The Contractor shall use appropriate software and/or hardware provisions to protect files and programs.

## 2 – Hardware/Software Requirements

### 2.1 Accessing the OBD System

The Certified Testing Equipment must include hardware and software necessary to access the on-board computer systems of vehicles subject to OBD inspections. This includes the following:

- 1996 and newer gasoline and non-diesel based alternative fuel vehicles with a gross vehicle weight rating of 8,500 pounds or less
- 2008 and newer gasoline and non-diesel based alternative fuel vehicles with a gross vehicle weight rating of 14,000 pounds or less
- 2007 and newer diesel and diesel based alternative fuel vehicles with a gross vehicle weight rating of 14,000 pounds or less

The Certified Testing Equipment shall be compliant with the recommended practices regarding OBD inspections contained in J1962, J1978, and J1979 as published by the Society of Automotive Engineers (SAE). The Certified Testing Equipment must be able to connect to the vehicle's data link connector (DLC) and access, at a minimum, the following OBD data:

- Service modes \$01, \$03, \$06, \$07, \$09, \$0A

The Certified Testing Equipment must be capable of communicating with all OBD vehicles that use, at a minimum, the following communications protocols:

- International Organization for Standardization (ISO) 9141
- Variable Pulse Width (VPW)
- Pulse Width Modulation (PWM)
- Keyword Protocol 2000 (KWP)
- Controller Area Network (CAN)

## 2.2 Barcode Scanner

The Certified Testing Equipment must include a bar code scanner capable of reading both 1D and 2D barcodes. The bar code scanner must be able to read the barcode through a windshield. The barcode scanner must be able to withstand multiple 6.5 foot (2 meter) drops to concrete and be environmentally sealed to withstand the normal operating conditions of an automotive service environment.

The bar code scanner may be a stand alone device or may be integrated into the Certified Testing Equipment.

## 2.3 Camera

Certified Testing Equipment shall be equipped with video capturing equipment. The video capturing equipment must capture video from each official emissions inspection.

## APPENDIX F - WAIVERS FOR "NOT READY" VEHICLES

A vehicle owner may be eligible for a Waiver when their gasoline powered vehicle is “Not Ready” and the following conditions are met:

- 1 The vehicle is not subject to a modified OBDII test because of OBD deficiencies;
- 2 The vehicle has an official test performed showing a “Not Ready” status. The MIL is functioning properly and is not commanded on. No pending codes are stored in the vehicle’s computer.
- 3 A second inspection has been performed showing the following:
  - 3.1 Readiness monitors have not changed from “Not Ready” to “Ready”;
  - 3.2 The test dates are separated by at least 7 days and the vehicle has traveled a minimum of 200 miles;
  - 3.3 The MIL is functioning properly and is not commanded on. No pending codes are stored in the vehicle’s computer; and
  - 3.4 A statement is included from a repair station, stating the appropriate diagnostics and manufacturer recommended drive cycles have been performed and the readiness monitors have not been set.
- 4 A third inspection has been performed by a second repair station showing the following:
  - 4.1 Readiness monitors have not changed from “Not Ready” to “Ready”;
  - 4.2 The initial and third test dates are separated by at least 14 days and the vehicle has traveled a minimum of 400 miles;
  - 4.3 The MIL is functioning properly and is not commanded on. No pending codes are stored in the vehicle’s computer; and
  - 4.4 A statement is included from a repair station, stating the appropriate diagnostics and manufacturer recommended drive cycles have been performed and the readiness monitors have not been set.
- 5 At least one of the statements must come from the vehicle manufacturer’s dealership repair station. This statement must indicate that the appropriate drive cycles and diagnostics have been performed and the vehicle will not reach a “Ready” status. The dealership must also document that the vehicle’s computer is up to date and functioning properly. The computer must be updated if required or recommended by the manufacturer. If the computer is updated the vehicle must complete the appropriate drive cycles following the update.
- 6 The cost requirements as set forth by this Regulation must be met in order to qualify for a Waiver. In order to count labor the repair station must employ individuals with current ASE L1, ASE A8, or other certifications approved by the Department.