

AIR POLLUTION CONTROL REGULATION NO. 34

**RHODE ISLAND MOTOR VEHICLE
INSPECTION/MAINTENANCE PROGRAM**

Effective 9 November 2003

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RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR RESOURCES
AIR POLLUTION CONTROL REGULATION NO. 34
RHODE ISLAND MOTOR VEHICLE INSPECTION/MAINTENANCE PROGRAM

3.4 Rhode Island Motor Vehicle Inspection/Maintenance Program (Rhode Island I/M Program)

34.1 Definitions

As used in these regulations, the following terms shall, where the context permits, be construed as follows:

- 34.1.1 "Authorized Inspection Repair Station" and "AIRS" mean an inspection location authorized by the Department to provide motor vehicle safety and emission inspection and repairs, or inspections only.
- 34.1.2 "Calibration" means the act of checking and adjusting the exhaust emission analyzer by introducing reference gases of known concentrations into the analyzer.
- 34.1.3 "CIRT" means a Certified Inspection Repair Technician certified by the Department of Administration to provide both inspection and repairs for motor vehicle safety and emissions.
- 34.1.4 "CIT" means a Certified Inspection Technician certified by the Department of Administration to perform motor vehicle safety and emission inspections only.
- 34.1.5 "Day" means a calendar day, unless otherwise designated.
- 34.1.6 "Dealer" means a person or entity engaged in the business of buying, selling, or exchanging vehicles and who has an established place of business for such purpose and as further defined in section 31.1.19 (a) of the Motor Vehicle Code.
- 34.1.7 "Department" means the Rhode Island Department of Environmental Management.
- 34.1.8 "Exhaust emissions standard" means the maximum allowable levels of carbon monoxide, hydrocarbons and oxides of nitrogen appropriate for the age and type of vehicle tested.
- 34.1.9 "Gross vehicle weight rating (GVWR)" is the weight value specified by the vehicle manufacturer on the Federal weight certification label as the loaded weight of a vehicle.
- 34.1.10 "IM240" means the transient dynamometer schedule described in EPA Report number

EPA-AA-EPSP-IM-93-1 April 1994.

- 34.1.11 "Inspection" means the testing of the exhaust and functional emission controls along with a safety inspection of a subject vehicle.
- 34.1.12 "Inspection station" means an inspection facility for motor vehicle safety, on-board diagnostics and emissions inspection operated by an AIRS.
- 34.1.13 "Model year" means the manufacturer's annual production period for each engine family which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year. In the case of any motor vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.
- 34.1.14 "Motor vehicle" means every motor vehicle which is self-propelled, except vehicles moved exclusively by human power and motorized wheelchairs.
- 34.1.15 "New Motor Vehicle" means a motor vehicle that the equitable or legal title has never been transferred to the first person who in good faith purchases the vehicle for purposes other than resale.
- 34.1.16 "Operator" means any motorist, owner or lessee in control of a motor vehicle.
- 34.1.17 "On-board diagnostics" and "OBD" mean the system that monitors and records the operations and faults of a vehicle's emissions controls and related systems.
- 34.1.18 "Person" means any individual, partnership, corporation, whether private, public or quasi-municipal, municipality, state governmental department or other legal entity.
- 34.1.19 "RI2000" means the transient dynamometer emissions test described in the Department of Environmental Management APC Regulation No. 34.
- 34.1.20 "Rhode Island I/M Program" means the Rhode Island Motor Vehicle Inspection/Maintenance Program.
- 34.1.21 "Rhode Island I/M Program Manager" means a person, business firm, partnership, or corporation with whom the Department has a contract that provides for the establishment and operation of the Rhode Island Motor Vehicle Inspection/Maintenance Program.
- 34.1.22 "Remote Sensing Device" is a device which directs an infra-red or laser beam across a lane of traffic to instantly detect and read the concentrations of pollutants in a vehicle's exhaust.
- 34.1.23 "Safety and emission inspection program" means an enhanced vehicle emission inspection program as defined by the Environmental Protection Agency including, but not limited to, a network of computerized emission analyzers, on-road testing, and inspection of vehicle safety devices through an inspection program.

34.1.24 "Test", and "testing" mean the use of analyzers and diagnostic equipment as appropriate and the application of techniques, methods, policies and procedures established or approved by the Department for the purpose of comparing emission levels and/or operating systems in vehicles to regulatory safety and emission standards.

34.1.25 "Transient emission test" means the quantitative measurement and comparison to established standards of a vehicle's exhaust emissions over a specified maximum time period while operating the vehicle on an inertia weight loaded dynamometer over a specified driving cycle.

34.1.26 "Year" means a calendar year.

34.2 Applicability

These regulations apply to all motor vehicles subject to the inspection requirements of the Rhode Island Motor Vehicle Inspection/Maintenance Program, Safety and Emissions Control Regulation No. 1.

34.3 Inspection Standards

These regulations establish the following standards and criteria for motor vehicle emissions inspections. These regulations are devised to give consideration to the levels of emissions reduction necessary to achieve and maintain federal and state ambient air quality standards and the levels necessary to protect human health and the environment. The standards and criteria shall include, but not be limited to, a requirement to test the emissions of motor vehicles for hydrocarbons (HC), carbon monoxide (CO) and oxides of nitrogen (NO_x) using an exhaust emissions test, and/or the examination of a vehicle's on-board diagnostic system, using the RI2000 test analyzer.

Vehicles subject to the Rhode Island I/M Program shall be inspected for compliance with the following standards, criteria and procedures using an exhaust emissions test, evaporative emissions test, and on-board diagnostics inspection.

Vehicles subject to the Rhode Island I/M Program which cannot be inspected using a transient test because of vehicle drive system configuration such as all-wheel drive shall be inspected using a two speed idle test, or an on-board diagnostic test.

34.4 Exhaust Emissions Standards

34.4.1 Phase-in Standards

The phase-in standards (tables 1-3) shall apply for two years after the inspection requirement commences.

DYNAMOMETER EXHAUST EMISSIONS STANDARD

Light Duty Vehicles			
	Hydrocarbons (grams per mile)	Carbon Monoxide (grams per mile)	Oxides of Nitrogen (grams per mile)
1996 and newer	2.25	23.74	3.25
1991 – 1995	3.06	30.99	4.09
1983 – 1990	4.70	45.48	7.21
1981 – 1982	4.70	88.96	7.21
1980	4.70	88.96	9.92
1977 – 1979	15.92	132.44	9.92
1975 – 1976	15.92	132.44	14.92
Pre 1975 (advisory)	15.92	132.44	14.92
Light Duty Trucks 1			
Trucks less than or equal to 6,000 pounds GVWR			
	Hydrocarbons (grams per mile)	Carbon Monoxide (grams per mile)	Oxides of Nitrogen (grams per mile)
1996 and newer 3,750 LVW or less	2.25	23.74	3.25
1996 and newer Greater than 3,750 LVW	2.66	30.99	4.09
1991 – 1995	5.51	88.96	4.92
1988 – 1990	7.15	117.95	8.46
1984 – 1987	10.31	117.95	11.59
1979 – 1983	15.92	146.93	11.59
1975 – 1978	16.94	175.92	14.92
Pre 1975 (advisory)	16.94	175.92	14.92
Light Duty Trucks 2			
Trucks greater than 6,000 pounds GVWR			
	Hydrocarbons (grams per mile)	Carbon Monoxide (grams per mile)	Oxides of Nitrogen (grams per mile)
1996 and newer 5,750 ALVW or less	2.66	30.99	4.09
1996 and newer greater than 5,750 ALVW	5.51	88.96	6.59
1991 – 1995	5.51	88.96	7.42
1988 – 1990	7.15	117.95	8.25
1984 – 1987	10.31	117.95	11.59
1979 – 1983	15.92	146.93	11.59
1975 – 1978	16.94	175.92	14.92
Pre 1975 (advisory)	16.94	175.92	14.92

LVW means loaded vehicle weight. ALVW means adjusted loaded vehicle weight.

TWO SPEED IDLE EXHAUST EMISSIONS STANDARD

Light Duty Vehicles		
Idle and 2500 RPM Cutpoints		
	Hydrocarbons (ppm)	Carbon Monoxide (percent)
1981 and later	220	1.2
1979-1980	300	2.5
1975-1978	300	3.0
1968-1974	700	6.0
Pre-1968	800	7.0
Light Duty Trucks 1		
Trucks less than or equal to 6,000 pounds GVWR		
Idle and 2500 RPM Cutpoints		
	Hydrocarbons (ppm)	Carbon Monoxide (percent)
1981 and later	220	1.2
1979-1980	300	2.5
1975-1978	300	3.0
1968-1974	700	6.0
Pre-1968	800	7.0
Light Duty Trucks 2		
Trucks greater than 6,000 pounds GVWR		
Idle and 2500 RPM Cutpoints		
	Hydrocarbons (ppm)	Carbon Monoxide (percent)
1981 and later	220	1.2
1979-1980	300	2.5
1975-1978	300	3.0
1968-1974	700	6.0
Pre-1968	800	7.0

DIESEL VEHICLE OPACITY EMISSIONS STANDARD

All Light-Duty Vehicles and Trucks up to 8,500 lbs. GVWR		
Model Year	Diesel Smoke Opacity Cutpoints (%)	
	Loaded	Idle
All	20%	20%

34.4.2 Final Standards

The final standards shall apply beginning two years after the inspection requirement commences and continue thereafter.

DYNAMOMETER EXHAUST EMISSIONS STANDARD

Light Duty Vehicles			
	Hydrocarbons (grams per mile)	Carbon Monoxide (grams per mile)	Oxides of Nitrogen (grams per mile)
1996 and newer	1.84	16.50	2.42
1991 – 1995	2.25	23.74	3.25
1984 – 1990	2.25	23.74	3.25
1981 – 1982	2.25	45.48	3.25
1980	2.25	45.48	6.59
1977 – 1979	6.74	96.21	6.59
1975 – 1976	6.74	96.21	9.92
Pre 1975 (advisory)	15.92	132.44	14.92
Light Duty Trucks 1 Trucks less than or equal to 6,000 pounds GVWR			
	Hydrocarbons (grams per mile)	Carbon Monoxide (grams per mile)	Oxides of Nitrogen (grams per mile)
1996 and newer 3,750 LVW or less	1.84	16.50	2.42
1996 and newer Greater than 3,750 LVW	2.25	20.84	2.92
1991 – 1995	3.88	59.97	4.09
1988 – 1990	3.88	59.97	4.09
1984 – 1987	3.88	59.97	7.42
1979 – 1983	7.55	103.45	7.42
1975 – 1978	8.78	117.95	9.92
Pre 1975 (advisory)	16.94	175.92	14.92
Light Duty Trucks 2 Trucks greater than 6,000 pounds GVWR			
	Hydrocarbons (grams per mile)	Carbon Monoxide (grams per mile)	Oxides of Nitrogen (grams per mile)
1996 and newer 5,750 ALVW or less	2.25	20.84	2.92
1996 and newer greater than 5,750 ALVW	2.25	23.74	3.25
1991 – 1995	3.88	59.97	5.75

1988 – 1990	3.88	59.97	5.75
1984 – 1987	3.88	59.97	7.42
1979 – 1983	7.55	103.45	7.42
1975 – 1978	8.78	117.95	9.92
Pre 1975 (advisory)	16.94	175.92	14.92

LVW means loaded vehicle weight. ALVW means adjusted loaded vehicle weight.

TWO SPEED IDLE EXHAUST EMISSIONS STANDARD

Light Duty Vehicles		
Idle and 2500 RPM Cutpoints		
	Hydrocarbons (ppm)	Carbon Monoxide (percent)
1981 and later	220	1.2
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1975-1978	300	3.0
1968-1974	700	6.0
Pre-1968	800	7.0
Light Duty Trucks 1		
Trucks less than or equal to 6,000 pounds GVWR		
Idle and 2500 RPM Cutpoints		
	Hydrocarbons (ppm)	Carbon Monoxide (percent)
1981 and later	220	1.2
1979-1980	300	2.5
1975-1978	300	3.0
1968-1974	700	6.0
Pre-1968	800	7.0
Light Duty Trucks 2		
Trucks greater than 6,000 pounds GVWR		
Idle and 2500 RPM Cutpoints		
	Hydrocarbons (ppm)	Carbon Monoxide (percent)
1981 and later	220	1.2
1979-1980	300	2.5
1975-1978	300	3.0
1968-1974	700	6.0
Pre-1968	800	7.0

DIESEL VEHICLE OPACITY EMISSIONS STANDARD

All Light-Duty Vehicles and Trucks up to 8,500 lbs. GVWR		
Model Year	Diesel Smoke Opacity Standards (%)	
	Dynamometer Test	Idle Test
All	20%	20%

34.4.3 Opacity Test

Dynamometer Opacity Test

The RI2000 workstation and dynamometer shall be used to inspect vehicles capable of being tested on the dynamometer for opacity. Vehicles shall be driven to a speed of thirty miles per hour with the load increasing as the vehicle increases speed. Target parameters shall be displayed on the tests screen and inspectors shall follow the procedures and adhere the standards outlined in the RI2000 specifications included in Appendix "A".

Idle Opacity Test

Vehicles that cannot be tested using the dynamometer shall undergo a diesel idle cycle test that shall follow the procedures and employ the standards outlined in the RI2000 specifications included in Appendix "A".

34.4.4 Evaporative Emissions Standard

Gas Cap Integrity Test

Gas caps shall be inspected using the Gas Cap Integrity Test. Gas caps shall be subject to an initial system pressure of 30 ± 1 inches of water. Gas caps with a leak rate of less than or equal to 60 cubic centimeters per minute shall have passed the Gas Cap Integrity Test.

34.5 On-board Diagnostic Test Standards

OBD inspection shall occur through the connection of the OBD-II SAE standardized vehicle port to the RI2000 workstation. Inspectors shall follow the procedures outlined in the RI2000 and on-board diagnostic specifications included in Appendix "A".

An on-board diagnosis system inspection failure shall occur when:

- (a) more than two monitors in a vehicle's on-board computer are not set as ready;
- or,

- (b) current Diagnostic Trouble Codes are indicated and the Malfunction Indicator Light is commanded on.

If the vehicle OBD system is not communicating with the RI2000 analyzer, the vehicle shall undergo the appropriate exhaust emissions test.

34.6 Inspection Procedures

The AIRS shall conduct emissions or OBD inspections using the inspection procedures in Appendix "A" of these regulations. The AIRS shall calibrate the inspection testing equipment using a calibration frequency and procedure approved by the Department and the Program Manager.

34.7 Audits

The Rhode Island I/M Program Manager shall cooperate with the Department in conjunction with the conducting of audits of, records, equipment and computer data, by providing, in a timely manner, access, documentation and computer information which may be required to complete any Rhode Island I/M Program audits including, but not limited to, the following audits:

34.7.1 Equipment Audits

Quality control evaluations shall be conducted at a minimum of two overt audits per year, per inspection bay on emissions test equipment, with additional audits as needed. The audits may be conducted electronically using the centralized computer. The evaluations will include:

- (a) a gas audit using gases of known concentrations and comparing these concentrations to actual readings;
- (b) a check for tampering, worn instrumentation, blocked filters, and other conditions that would impede accurate sampling;
- (c) a check for critical flow;
- (d) a check of the Constant Volume Sample flow calibration;
- (e) a leak check;
- (f) a check to determine that inspection station gas bottles used for calibration purposes are properly labeled and within relevant tolerances;
- (g) a check for the optimization of the analyzer;

- (h) functional dynamometer checks addressing coast down, roll speed, roll distance, inertia weight selection and power absorption;
- (i) a check of the system's ability to accurately detect background pollutant concentrations;
- (j) a check of evaporative test equipment (gas cap tester); and,
- (k) a check of on-board diagnostics testing equipment.

36.7.2 Computer and Record Audits

The Rhode Island I/M Program Manager shall provide, for the emissions inspections network, a computer system which shall interface with the Department of Administration's computer system and be devised to allow for the capacity to make a realtime collection, analysis and reporting of test data, quality control data, and perform other analysis and reporting on all aspects of the Rhode Island Vehicle Emissions Inspection Program.

34.8 Reporting

The Rhode Island I/M Program Manager shall assist in the collection of general information detailing analysis and evaluation of test data, quality assurance, quality control, enforcement and other areas of the Rhode Island Vehicle Inspection Program.

Appendix “A”

APPENDIX "A"
Rhode Island
Motor Vehicle Inspection Test Procedures

Technical Specifications

DEPARTMENT OF ADMINISTRATION
DIVISION OF MOTOR VEHICLES
AND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR RESOURCES

in re: Proposed revisions to Air Pollution Control Regulation No. 34 "Rhode Island Vehicle Inspection Program" and Safety and Emission Control Regulation No. 1 "Rhode Island Motor Vehicle Safety and Emissions Inspection Program" and the State Implementation Plan (SIP)

Decision

Introduction

On 19 February 2003 notice was published in the Providence Journal Bulletin and was mailed to interested parties announcing a public hearing to accept comments on the proposed revisions to Air Pollution Control Regulation No. 34 "Rhode Island Vehicle Inspection Program" and Safety and Emission Control Regulation No. 1 "Rhode Island Motor Vehicle Safety and Emissions Inspection Program" and the State Implementation Plan (SIP). Written comments were entered into the record at the public hearing on 20 March 2003. The comment period closed at 4:00 PM on 20 March 2003.

The Administrative Procedures Act requires agencies proposing to amend or promulgate regulations, demonstrate the need for amendment or new regulation, demonstrate that no alternative approaches considered would be as effective and less burdensome, identify any overlapping or duplicated state regulations, and determine whether the amendment or new regulation would have significant adverse economic impact on small business. Information to comply with those requirements was included in the Fact Sheet, which was available when the Notice of Public Hearing was published. That information will not be repeated here.

Response to Comments

This section will present the Departments' response to significant comments at the public hearing and written comments received during the comment period. Some comments may have been paraphrased and each comment is followed by the Departments' response.

The following comments were made by individuals engaged in the inspection and/or repair of motor vehicles in Rhode Island and by one inspection station owner who was representing the Rhode Island chapter of the Automotive Service Association (ASA)(a repair industry association of approximately 40 inspection/repair shop owners).

- 1. Comment:** A number of owners/managers of inspection and repair facilities voiced satisfaction with the inspection program in general and with the new OBD testing system in particular. They indicated, however, that if a registration denial system was not put in place, the inspection program will become ineffective and their business would lose money. The commentors indicated that honest inspection station owners are losing money to those who cheat the system by using passing vehicles and by selling counterfeit stickers. They stated that there should be more rigorous enforcement.

Response: The existing Division of Motor Vehicle regulation Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1 sets out prohibitions and penalties. A mechanism of hearings to determine if a violation has taken place, is included in the regulation. Should a violation be determined, fines of up to \$1,000 and a minimum 90 day suspension are required. The amendments that are being proposed include a revised schedule of

suspensions. This new more flexible schedule of suspensions will avoid the draconian requirement of a 90 day suspension for all violations. The ability to apply a shorter suspension will allow for more frequent use of suspensions and provide for more effective enforcement. The State is open to suggestions regarding enforcement and encourages anyone with information regarding suspected wrongdoing report that suspicion to DMV.

Continued delay in software development has hindered implementation of the planned registration denial system. The software problems are being resolved and registration denial will be a reality by the fall of 2003. DMV roadside sticker checks and police enforcement is continuing and will do so after registration denial is in place.

2. **Comment:** There are less sophisticated on-board computers and emissions control device sensors on 1996 vehicles. There is a concern that inadequate information provided by these OBD systems will cause inaccurate diagnosis.

Response: OBD testing is being phased in starting with model year 2000. The phased approach combined with a \$550,000 DMV sponsored training program will provide technicians with new repair skills including techniques to deal with the earlier model vehicles OBD inadequacies.

3. **Comment:** When will light-duty diesel vehicles be tested for emissions and will there be any additional cost for the inspection stations?

Response: Earlier versions of light-duty diesel vehicle testing procedure proved unreliable and inefficient. A more accurate test has now been developed. To assure equity to light-duty diesel vehicle owners, the new test will be introduced at the start of a new testing cycle in January of 2004. The existing inspection work stations are designed to support the new testing system without any additional expense on the part of the inspection station owner.

The following comments were made by Peter Hagerty, Environmental Engineer, EPA New England regional office.

4. Comments

Comment: (a)

Subsection 34.5(a) of Air Pollution Control Regulation Number 34 requires that a vehicle be failed if two or more monitors are not ready. Under EPA regulation 40CFR 51.357, it is recommended that vehicles with two or more monitors not set be rejected from testing, not failed. After rejection the motorist should be advised how to drive the vehicle to reset the monitors that are not ready.

Response:

Vehicles with two or more monitors not ready are being failed instead of being rejected because of the structure of Rhode Islands inspection fee collection system. Once an inspection is initiated it must be completed pass or fail.

Requiring inspection stations to conduct an offline test or to use their own scanning equipment to determine readiness would present the inspection station with an additional economic burden.

When a vehicle is failed for readiness, motorists are being advised that they need to complete a number of drive cycles to correct the situation or to return to have the inspection conducted again.

Comment (b)

We suggest that subsection 34.5(b) be reworded as follows:

(b) current Diagnostic Trouble Codes are indicated and the Malfunction Indicator is commanded on.

We agree and will change subsection 34.5(b) as suggested.

Comment (c)

Subsection 34.5 indicates that a vehicle with a communications problem be given an exhaust tailpipe test. These vehicles should be failed and required to be returned to a dealer for repairs.

For the most part on-board computer communication problems are not caused by inoperative connectors or broken pins. Communications faults in the majority of vehicles are caused by the characteristics of the OBD logic in the computer design of that brand of vehicle. A tailpipe test is conducted to prevent requiring consumers return to dealers to fix problems that are unique to the brand of vehicle and thereby unfixable by others.

Comment (d)

Subsection 1.15 of the Rhode Island Motor Vehicle Safety and Emissions Control Regulation Number 1 does not appear to meet the requirements of EPA regulation 40 CFR 51.364(a), Imposition of Penalties. The EPA regulation requires substantial penalties (i.e., a six month suspension) for a first offense by an inspector if a vehicle is intentionally improperly passed for any required portion of the test. It has been proposed in subsection that a person may request reinstatement to inspect vehicles after only a 10 day inspection. The existing state regulation only allows reinstatement after a three month suspension. The original EPA requirement should not be relaxed. A penalty schedule required by EPA regulations should be developed. This would allow the state more flexibility for minor violations.

We agree that the establishment of a progressively more stringent penalty schedule can help assure program compliance while retaining the flexibility essential to the Administrator. Accordingly section 1.15.3 "Finding of Fact" Authorized Inspection Repair Station

1.15.3 Finding of Fact

If upon such hearing the Hearing Board shall be satisfied that such person is in fact violating any provision of these regulations, then it shall order such person, in writing, to cease and desist from such a violation or may, at its discretion, suspend or revoke the authorization of that person to inspect motor vehicles.

Any suspension shall be for an indefinite period. An AIRS may apply to lift the suspension after three (3) months of suspension.

A person found to be in violation of the provisions of these regulations shall be subject to a suspension under the following penalty schedule:

Violation

A person found to be in violation of the provisions of these regulations for the first time shall be subject to a suspension of authorization to inspect motor vehicles for a minimum of ten (10) days.

Second Violation

A person found to be in violation of the provisions of these regulations for the second time shall be subject to a suspension of authorization to inspect motor vehicles for a minimum of thirty (30) days.

Third and all Subsequent Violations

Persons found to be in violation of the provisions of these regulations for a third time and for each subsequent time shall be subject to a suspension of authorization to inspect motor vehicles for a minimum of six months (180) days for each separate violation.

In addition to the suspension penalties the Administrator may, at his discretion, impose a fine of up to \$1,000 (see section 1.12.2 (a) General Penalties). Reinstatement may be requested at the end each suspension period. The reinstatement shall be at the discretion of the hearing board or the Administrator.

Technical Corrections

A technical correction has been made to section 1.14.1 (d) “Motorist Service and Convenience” of the Division of Motor Vehicle’s, Safety and Emission Control Regulation No. 1, to be consistent with the provisions of the most recent Rhode Island Motor Vehicle Safety and Emissions Inspection Program contract between the Division of Motor Vehicles and Agbar Technologies.

Section 1.14.1 (d) shall be changed as follows:

An AIRS must purchase ~~a minimum of 45 inspection test authorizations per month in~~ minimum quantities of 15. ~~If those authorizations are not used, they shall be forfeited.~~

Decision

Based on the comments and the response to comments, it is the decision of the Hearing Officers to adopt the amendments Safety and Emissions Control Regulation No.1 and Air Pollution Control Regulation No. 34 as proposed and with the changes indicated in the response to comments. The final amended Safety and Emissions Control Regulation No. 1 and Air Pollution Control Regulation No. 34 are appended to this decision. The final regulations were filed with the Secretary of State and a revised State Implementation Plan will be submitted to the Environmental Protection Agency.

Date _____

Stephen Majkut,
Hearing Officer

signed August 6, 2003

Date _____

Charles S. Dolan
Administrator
Division of Motor Vehicles

signed August 29, 2003

Approved:

Date _____

Jan H. Reitsma,
Director
Department of Environmental Management

signed August 12, 2003

Date _____

Robert J. Higgins
Director
Department of Administration

signed September 15, 2003