

**250-RICR-120-05-34**

## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 120 – AIR RESOURCES**

#### **SUBCHAPTER 05 – AIR POLLUTION CONTROL**

PART 34 – Rhode Island Motor Vehicle Inspection and Maintenance Program

### **34.1 Purpose and Authority**

#### **34.1.1 Purpose**

The purpose of this regulation is to specify the requirements for Rhode Island's Motor Vehicle Inspection/Maintenance Program.

#### **34.1.2 Authority**

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and R.I. Gen. Laws Chapter 23-23, and have been promulgated pursuant to the procedures set forth in the Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

### **34.2 Application**

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state laws, goals and policies.

### **34.3 Severability**

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

### **34.4 Incorporated Materials**

These regulations hereby adopt and incorporate 40 C.F.R. § 85.2222 (2018) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

### **34.5 Definitions**

- A. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to [Part 0](#) of this Subchapter (General Definitions). As used in this regulation, the following terms shall, where the context permits, be construed as follows:

1. "Authorized Inspection Repair Station" or "AIRS" means an inspection location authorized by the Department to provide motor vehicle safety and emission inspection and repairs, or inspections only.
2. "Calibration" means the act of checking and adjusting the exhaust emission analyzer by introducing reference gases of known concentrations into the analyzer.
3. "CIRT" means a Certified Inspection Repair Technician certified by the Department of Revenue to provide both inspection and repairs for motor vehicle safety and emissions.
4. "CIT" means a Certified Inspection Technician certified by the Department of Revenue to perform motor vehicle safety and emission inspections only.
5. "Day" means a calendar day, unless otherwise designated.
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 R.I. Gen. Laws § 31-1-19(b).
7. "Emission control component inspection" means a visual inspection of the Malfunction Indicator Lamp (MIL) and emission control devices originally installed by the manufacturer.
8. "Inspection" means the testing of the exhaust and functional emission controls along with a safety inspection of a subject vehicle.
9. "Inspection station" means an inspection facility for motor vehicle safety, on-board diagnostics and emissions inspection operated by an AIRS.
10. "Malfunction indicator light" or "MIL" means a warning indicator lamp used by the on-board diagnostic system to indicate a malfunction in the emission control system.
11. "Model year" or "MY" 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 (2) or more stages, the time of manufacture shall be the date of completion of the chassis.
12. "Motor vehicle" means every motor vehicle which is self-propelled, except vehicles moved exclusively by human power and motorized wheelchairs.
13. "On-board diagnostics" or "OBD" means the system that monitors and records the operations and faults of a vehicle's emissions controls and related systems.

14. "Rhode Island I/M Program" or "RIVIP" means the Rhode Island Motor Vehicle Inspection/Maintenance Program.
15. "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.
16. "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.
17. "Test" or "Testing" means 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.
18. "Year" means a calendar year.

## **34.6 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 ([280-RICR-30-15-1](#)).

## **34.7 Inspection Standards**

- A. Vehicles subject to the Rhode Island I/M Program shall be inspected for compliance with the vehicle emissions standards using an evaporative emissions inspection, an on-board diagnostic inspection, and a visual emissions control component inspection.
  1. For gasoline-powered vehicles, all 1996 and newer vehicles should be tested with OBD. If a gasoline powered vehicle not originally designed to have OBD is presented, it will be tested by performing an emissions control component inspection.
  2. OBD-equipped diesel vehicles should be tested with OBD. If the vehicle is diesel and cannot be tested using OBD, it will be tested by performing an emissions control component inspection.
  3. Gas-powered vehicles Model Year (MY) 1995) and older and diesel-powered vehicles MY 1996 and older shall be subjected to an emission control component inspection.

4. The evaporative emissions inspection shall be performed by means of a visual fuel cap inspection to determine if the fuel cap is present and free of defects.

## **34.8 Vehicle Emission Standards**

### **A. On-Board Diagnostic Test Standards**

1. OBD inspection shall occur through the connection of the OBD-II SAE standardized vehicle port to the RIVIP workstation. Inspectors shall follow the inspection procedures as defined in 40 C.F.R. § 85.2222, incorporated in § 34.4 of this Part.
2. An on-board diagnosis system inspection failure shall occur when:
  - a. For MY 2001 and newer vehicles, more than one monitor in a vehicle's on-board computer is not set as ready; or,
  - b. For MY 1996-2000 vehicles, more than two monitors in a vehicle's on-board computer are not set as ready; or,
  - c. The malfunction indicator light (MIL) does not illuminate at all when the vehicle is in the key-on/engine-off condition, even if no diagnostic trouble codes are present and the MIL has not been commanded on.
3. If the vehicle OBD system is not communicating with the RIVIP analyzer, the vehicle shall undergo the emissions control component inspection in § 34.8(C) of this Part.

### **B. Evaporative Emissions Standard**

1. An evaporative emission inspection failure shall occur when:
  - a. A fuel cap is not present.
  - b. The fuel cap is found to be defective.

### **C. Emissions Control Component Inspection Standards**

1. A visual inspection of the emission control devices installed in the vehicle by the manufacturer shall be performed to verify that they are in place as originally equipped, have not been tampered with and that they appear to be functional.
2. An emissions control component inspection failure shall occur when:

- a. The vehicle was originally equipped with an MIL and it is not functional;
- b. The vehicle was originally equipped with an MIL and it is illuminated when the vehicle is running;
- c. Emission control components have been removed, have been tampered with, or are non-functional.

### **34.9 Inspection Procedures**

The AIRS shall conduct emissions or OBD inspections using the inspection procedures programmed into the RIVIP analyzers by the Rhode Island I/M Program Manager. OBD inspection procedures shall comply with OBD procedures defined in 40 C.F.R. § 85.2222, incorporated in § 34.4 of this Part.

### **34.10 Audits**

- A. 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:
  - 1. Equipment audits
    - a. 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 shall include:
      - (1) A check for the optimization of the analyzer;
      - (2) A check of on-board diagnostics testing equipment.
  - 2. Computer and record audits
    - a. The Rhode Island I/M Program Manager shall provide, for the emissions inspections network, a computer system which shall interface with the Department of Revenue's computer system and be devised to allow for the capacity to make a real-time 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.

### **34.11Reporting**

- A. The Rhode Island IM 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.
- B. Quality control data collected may consist of video and still images obtained from the analyzer during the inspection.

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