

STATE OF RHODE ISLAND
DEPARTMENT OF ADMINISTRATION
DIVISION OF MOTOR VEHICLES

**RHODE ISLAND MOTOR VEHICLE
SAFETY AND EMISSIONS CONTROL REGULATION NO. 1**

Effective 9 November 2003

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1. General Provisions

In accordance with Rhode Island General Law 31-47.1, an act relating to the assurance of motor vehicle safety and the control of vehicle emissions, these Motor Vehicle Safety and Emissions Inspection Regulations No. 1 shall establish the Rhode Island Motor Vehicle Inspection/Maintenance Program. Each regulation and each part of each regulation contained herein is declared to be an independent regulation and the finding of any part or parts thereof to be void, ineffective, or unconstitutional for any cause shall not affect the remainder of these regulations of any part thereof.

1.1 Definitions

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

- 1.1.1 "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.
- 1.1.1 "Calibration" means the act of checking and adjusting the exhaust emission analyzer by introducing reference gases of known concentrations into the analyzer.
- 1.1.2 "CIRT" and "Certified Inspection Repair Technician" means a person certified by the Department to provide both inspection and repairs for motor vehicle safety and emissions.
- 1.1.3 "CIT" and "Certified Inspection Technician" means a person certified by the Department to perform motor vehicle safety and emission inspections.
- 1.1.4 "Compliance certificate" means a written document or device with a serial number indicating that a motor vehicle complies with the requirements of the Department's regulations.
- 1.1.5 "Day" means a calendar day, unless otherwise designated.
- 1.1.6 "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.
- 1.1.7 "Department" means the Department of Administration.
- 1.1.8 "Director" means the Director of the Department of Administration.

- 1.1.9 "Emission control device" is a component installed on or in a vehicle for the sole or primary purpose of reducing emissions (not including those vehicle components which were in general use prior to model year 1968 and the primary function of which is not related to emission control).
- 1.1.10 "Exchange engine" means an engine other than the specific engine originally installed by the vehicle manufacturer.
- 1.1.11 "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.
- 1.1.12 "Fleet vehicle" means a nonexempt motor vehicle owned or leased by a fleet owner or operator.
- 1.1.13 "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.
- 1.1.15 "Hearing Board" means a board comprised of three (3) members as designated by the Administrator of Motor Vehicles to conduct hearings required by these regulations.
- 1.1.16 "Homemade Vehicle" means a vehicle which has been materially altered from its original configuration so that it cannot be visually identified as a vehicle produced by a particular vehicle manufacturer; or a vehicle constructed entirely from homemade parts, or parts from one or more vehicles, or constructed by the use of custom kits and which cannot be identified as a specific make or model.
- 1.1.17 "Inspection" means the testing of the exhaust and functional emission controls along with a safety inspection of a subject vehicle.
- 1.1.18 "Inspection report" means a document or device automatically generated as a result of the enhanced safety and emission inspection, containing detailed inspection information.
- 1.1.19 "Inspection station" means a facility for motor vehicle safety, on-board diagnostics and emissions inspection operated by an AIRS.
- 1.1.20 "IM240" means the transient dynamometer schedule described in EPA Report number EPA-AA-EPSP-IM-93-1 April 1994.
- 1.1.21 "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.

- 1.1.22 "Motor vehicle" means every vehicle which is self-propelled, except vehicles moved exclusively by human power and motorized wheelchairs.
- 1.1.23 "Motor vehicle safety and emission inspection" means a test of exhaust emissions of air contaminants from a motor vehicle and any functional evaporative emission tests related to the emission of air contaminants from a motor vehicle along with safety device inspection conducted pursuant to these regulations.
- 1.1.24 "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.
- 1.1.25 "Operator" means any person in control of a motor vehicle.
- 1.1.26 "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.
- 1.1.27 "Person" means any individual, partnership, corporation, whether private, public or quasi-municipal, municipality, state governmental department or other legal entity.
- 1.1.28 "Reconstructed Vehicle" means a vehicle constructed from two or more commercially manufactured vehicles of the same type and year which has not been altered and is recognizable as a commercially manufactured vehicle of a given year.
- 1.1.29 "RI2000" means the transient dynamometer emissions test described in the Department of Environmental Management APC Regulation No. 34.
- 1.1.30 "Rhode Island I/M Program" means the Rhode Island Motor Vehicle Inspection/Maintenance Program.
- 1.1.31 "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.

- 1.1.32 "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.
- 1.1.33 "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.
- 1.1.34 "Tampering" means the removal, disconnection, or rendering inoperative a safety or emission control device.
- 1.1.35 "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.
- 1.1.36 "Transient dynamometer 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.
- 1.1.37 "Vehicle identification number" and "VIN" means a combination of letters and numbers a vehicle manufacturer assigns to a vehicle for identification purposes.
- 1.1.38 "Waiver certificate" means a written document, instrument or device indicating the requirement of compliance with the standards and criteria for the Rhode Island I/M Program inspection for a particular motor vehicle has been waived.
- 1.1.39 "Waiver inspector" means a Department employee or designee who reviews, issues and audits waiver requests.
- 1.1.40 "Year" means a calendar year.

1.2 Applicability

Starting on January 1, 2000, or as soon thereafter as practical, the inspection requirement shall commence as follows:

- 1.2.1 if the last digit of the vehicle's VIN is 0, 2, 4, 6, or 8, the inspection approval shall expire two years after it is issued. These vehicles shall undergo an RI2000 emissions inspection, a gas cap test and a safety inspection.
- 1.2.2 if the last digit of the vehicle's VIN is 1, 3, 5, 7, or 9, the inspection approval shall expire one year after it is issued. These vehicles shall undergo a two-speed idle emissions inspection, a gas cap test and a safety inspection.

One year after the inspection requirement commences, and in subsequent years, all vehicles will be subject to inspection every two years and will undergo an dynamometer emissions inspection, a gas cap inspection, and a safety inspection. Except that starting January 1, 2003, model year 1996 and newer vehicles shall undergo an OBD inspection in addition to, a gas cap inspection, and a safety inspection. Vehicles undergoing an OBD inspection shall not be subject to an emissions inspection except as provided in Air Pollution Control Regulation No. 34, section 34.5.

Vehicles with a drive configuration that prevents dynamometer inspection will undergo a two-speed idle test, a gas cap test, and a safety inspection. Excepting that starting January 1, 2003, model year 1996 and newer vehicles that cannot be tested on a dynamometer shall undergo an OBD inspection in addition to, a gas cap inspection, and a safety inspection.

The Director may delay the commencement of the inspection requirement based on the readiness of the inspection network.

1.2.3 Emissions and On-board Diagnostics

These regulations shall apply to all light-duty vehicles and light-duty trucks up to and including 8,500 lbs. GVWR.

1.2.4 Safety

These regulations shall apply to the following for safety:

- (a) motor vehicles of all weight classes and model years;
and,
- (b) all motorcycles shall be inspected for safety items before

the end of June of each year; and,

- (c) all trailers, except trailers and semi-trailers used to transport horses or other livestock, registered with a gross weight of more than 1,000 pounds, shall be inspected for safety items before the end of June of each year; and,
- (d) all trailers and semi-trailers used to transport horses or other livestock, irrespective of the registered gross weight, shall be inspected for safety items before the end of June of each year.

1.2.5 Safety, Emissions and On-board Diagnostics

These regulations shall apply to the following for safety and emissions:

- (a) any motor vehicle fleet owner or operator including all federal, state and municipal fleets;
- (b) any motor vehicle owned or controlled by a dealer when operating on the highways of Rhode Island with a dealer registration, loan agreement, or as a demonstration vehicle;
- (c) motor vehicles capable of operating on gasoline or another fuel, excluding diesel, shall be tested for emissions when the vehicles is operating on gasoline;
- (d) a voluntary inspection of Rhode Island registered vehicles and vehicles registered in other states is allowed. Rhode Island registered vehicles may be presented for voluntary inspection at any time prior to expiration date of the inspection sticker which is affixed to the vehicle or before the expiration of a manufacturer's safety and/or emissions warranty. Vehicles not registered in Rhode Island which are presented for inspection shall be inspected in accordance with all regulations for Rhode Island registered vehicles;
- (e) owners and lessees of Rhode Island registered motor vehicles subject to this regulation, registered in the Town of New Shoreham, (Block Island) with a New Shoreham address, shall have their vehicle under go an official safety inspection as required but may be subject to a alternative emissions inspection of a type and frequency to be determined by the Administer of Motor Vehicles;

- (f) owners and lessees of diesel fueled vehicles subject to these regulations shall be required to have their vehicles inspected thirty (30) days after DMV publicly announces that diesel inspection equipment has been approved by DMV and installed by the Program Manager and in subsequent years on the biennial anniversary of that inspection.

1.3. Exemptions

The following vehicles shall be exempt from the emissions inspection portion of these regulations:

- 1.3.1 any model year vehicle 25 years old or older from the requirement to obtain repairs in order to comply, but such vehicles must undergo an emissions inspection;
- 1.3.2 a new motor vehicle until twenty-four (24) months after its date of initial purchase or 24,000 miles, whichever occurs first;
- 1.3.3 tactical military vehicles;
- 1.3.4 electric powered vehicles;
- 1.3.5 competition and off-road vehicles used solely for off-highway activities;
- 1.3.6 motorized wheelchairs;
- 1.3.7 motorcycles, motor driven cycles, motorized bicycles, motorized tricycles;
- 1.3.8 farm tractors;
- 1.3.9 special mobile equipment;
- 1.3.10 vehicles which may not be available for inspection when temporarily out of state. A temporary exemption from safety and emissions inspection does not extend the registration deadline of a vehicle. The operator must obtain a safety and emissions inspection within five (5) days of returning to the state;
- 1.3.11 a motor vehicle owned or controlled by a dealer for the first five (5) days after the vehicle is owned or controlled by the dealer, or

a motor vehicle owned or controlled by a dealer if the vehicle is in compliance for emissions inspection and displays a valid Rhode Island inspection sticker, or

a motor vehicle owned or controlled by a dealer if the vehicle is without a valid emissions inspection sticker but is not operated on the highways of Rhode Island; and,

- 1.3.12 other vehicles at the discretion of the Department for portions of an inspection cycle to advance or delay inspection in order to match registration and inspection cycles.

The following vehicles shall be exempt from the safety inspection portion of these regulations:

- 1.3.13 a new motor vehicle until twenty-four (24) months after its date of initial purchase or 24,000 miles, whichever occurs first;
- 1.3.14 motorized wheelchairs;
- 1.3.15 tactical military vehicles;
- 1.3.16 farm tractors;
- 1.3.17 special mobile equipment;
- 1.3.18 vehicles which may not be available for inspection when temporarily out of state. A temporary exemption from safety and emissions inspection does not extend the registration deadline of a vehicle. The operator must obtain a safety and emissions inspection within five (5) days of returning to the state;
- 1.3.19 a motor vehicle owned or controlled by a dealer for the first five (5) days after the vehicle is owned or controlled by the dealer, or
- a motor vehicle owned or controlled by a dealer if the vehicle is in compliance for safety inspection and displays a valid Rhode Island inspection sticker, or
- a motor vehicle owned or controlled by a dealer if the vehicle is without a valid safety inspection sticker but is not operated on the highways of Rhode Island; and,
- 1.3.20 other vehicles at the discretion of the Department for portions of an inspection cycle to advance or delay inspection in order to match registration and inspection cycles;

- 1.3.21 vehicles that are properly registered with plates identified as in-transit, 40 and 8, shriner, racer-tow, temporary registrations, transporter, bailee;
- 1.3.22 vehicles registered with Antique Plates are also exempt, however, some antique registered vehicles may be presented for inspection in order to comply with the State law that allows the unlimited use of such a vehicle if it passes an official inspection; and,
- 1.3.23 any vehicle while it is stored off the public highways.

1.4. Rhode Island Vehicle Inspection Program Procedures

The Department shall provide for the Rhode Island Motor Vehicle Inspection/Maintenance Program (Rhode Island I/M Program), by contract with a Program Manager for support services. The Rhode Island I/M Program Manager shall assist in the establishment of a network of Authorized Inspection and Repair Station (AIRS) to inspect and reinspect motor vehicles as provided under the requirements of these regulations. The Rhode Island I/M Program Manager shall be responsible for the operation of the network including host computer, test equipment, technician training and support services to the inspection stations. The Rhode Island I/M Program Manager is prohibited from operating or having an interest in an AIRS.

The Authorized Inspection and Repair Stations shall be responsible for the inspection of motor vehicles to determine compliance with the applicable standards and criteria for motor vehicle safety and emissions. For a motor vehicle that has been completely inspected and determined not to comply with the applicable standards and criteria, the AIRS shall provide a written inspection report describing, to the extent practical, the reasons for not complying with the applicable standards and criteria and describing the repairs likely to be needed to bring the vehicle into compliance with the applicable standards and criteria.

Any motor vehicle which is not in compliance with these regulations and is inspected and found not to comply with the standards and criteria for motor vehicle safety and emissions inspections must be reinspected and found to comply with the standards and criteria for motor vehicle emissions inspections, or have received a waiver certificate, or time extension to achieve compliance, or not be operated on the highways of the state.

1.4.1 Inspection Frequency

Motor vehicles subject to the Rhode Island I/M Program shall be inspected biennially except as described in section 1.2 of these regulations.

1.4.2 Registration

The Administrator of the Division of Motor Vehicles shall establish a procedure to prohibit owners from registering a motor vehicle except those exempted in section 1.3 of these regulations, unless a required inspection has been conducted and the vehicle has been found to comply with the requirements of these regulations.

A certificate of approval (an inspection sticker) will be issued to vehicle operators whose vehicles have passed inspection and are in compliance with these regulations. The inspection sticker shall be placed in the lower right of the windshield.

1.4.3 Inspection Fee

Operators shall be charged an inspection fee of \$47.00 dollars per motor vehicle at the time of inspection, except that operators of vehicles subject to section 1.2 shall be charged an inspection fee of \$23.50. The inspection fee must be paid for each motor vehicle inspected and is payable whether a compliance certificate, waiver certificate, or no certificate is issued.

1.4.4 Inspection Requirements

Vehicles subject to the Rhode Island I/M Program shall be inspected using the standards, criteria and procedures for the safety test as established by the Department, and for exhaust emissions test, evaporative emissions test, and on-board diagnostics inspection as described in Air Pollution Control Regulation No. 34. Initial inspections in a test cycle shall be performed at an AIRS without repair, or adjustment prior to the test.

1.4.5 Inspection Prohibited

The AIRS shall refuse to perform the inspection of any vehicle subject to the Rhode Island I/M Program if the vehicle is determined by the AIRS to be in such an unsafe condition as to be a hazard to inspection personnel and/or the vehicle operator, or a vehicle owner has not had repairs completed under a recall notice. The owners of vehicles with an unresolved recall notice must provide proof of compliance to an AIRS before an inspection can be conducted.

The vehicle shall not be inspected until the reason for the refusal has been remedied. The AIRS shall provide any motorist who is refused an emissions inspection a copy of an emissions inspection report supplement as described in section 1.7.3 of these regulations.

1.4.6 Non-Factory Specification Vehicles

Vehicles that have been altered from their original certified configuration shall be tested in accordance with the following:

(a) Reconstructed and Homemade Vehicles

All reconstructed and homemade vehicles shall be inspected for emissions compliance using the standards and test procedures applicable for exhaust emission, functional emissions control devices and visual inspection for each individual vehicle based on the engine year of the engine installed in the vehicle at the time of inspection.

(b) Vehicles With Exchanged Engines

A motor vehicle with an exchanged engine shall be inspected for emission compliance by the applying the emission standards and criteria for motor vehicle emissions inspections based on the chassis model year of the vehicle. Except that if the engine installed in the vehicle at the time of inspection is newer than the chassis model year the inspection standards and criteria for motor vehicle emissions inspections shall be based on the model year of engine.

(c) Vehicles With Changed Fuel Type

A vehicle with an engine that has been changed from one fuel type to another fuel type (e.g., from a diesel engine to a gasoline engine) that is subject to these regulations shall be subject to the test procedures and standards for the current fuel type of the engine installed in the vehicle at the time of inspection.

(d) Trucks and Vans

All trucks and vans shall be tested in accordance with the emission standards for motor vehicles as determined by the manufacturer's gross vehicle weight rating (GVWR). If no manufacturer's GVWR is available, then the vehicle shall be tested according to the GVWR as determined by the Department.

1.4.7 Requirements for Vehicle Registration

Owners of vehicles shall meet the following requirements for registration of a motor vehicle subject to these regulations:

(a) Registrations or Transfers of Registration

The Administrator of the Division of Motor Vehicles shall establish requirements and procedures to be followed by vehicles owners in order to obtain a registration or to transfer a registration for a motor vehicle subject to these regulations

(b) Sale of Non-Complying Used Vehicles

A dealer shall not sell a used vehicle that is subject to the Rhode Island I/M Program unless a new inspection of the vehicle has been conducted and a compliance certificate has been issued in accordance with these regulations. A new inspection shall be construed to be an inspection conducted no more than ninety (90) calendar days prior to the date of sale of a vehicle, or an inspection conducted at a point no more than 500 vehicle odometer miles prior to the date of sale, whichever shall occur first.

1.5. Emission Standards and Criteria

Vehicles subject to the Rhode Island I/M Program shall be governed by the following standards and criteria for emissions inspection, RI2000 emissions testing procedures, dynamometer procedures and on-board diagnostic testing procedures.

- 1.5.1 The AIRS shall adhere to the Exhaust Emissions and Evaporative Testing Procedures as specified in Air Pollution Control Regulation No. 34.
- 1.5.2 A vehicle shall pass the Exhaust Emissions and Evaporative Emissions Test if the result of the test for each pollutant complies with the emission standard and criteria applicable to that vehicle listed in Air Pollution Control Regulation No. 34.
- 1.5.3 The AIRS shall adhere to the Vehicle Preparation Procedures as specified in Air Pollution Control Regulation No. 34.
- 1.5.4 The AIRS shall adhere to the Dynamometer Procedures as outlined in the Air Pollution Control Regulation No. 34.
- 1.5.5 The AIRS shall adhere to the On-Board Diagnostic Test Procedure as specified in DEM Air Pollution Control Regulation No. 34.
- 1.5.6 The AIRS shall adhere to the operational procedures outlined in the Division of Motor Vehicles (DMV) Motor Vehicle Inspection Manual.

1.6. Safety Inspection Standards and Criteria

The AIRS shall adhere to the Safety Inspection Procedures as specified in the Division of Motor Vehicles (DMV) Motor Vehicle Inspection Procedure Manual. The Division of Motor Vehicles, Motor Vehicle Inspection Manual may be modified and updated periodically to address changes in vehicle technology and mechanical practices.

1.7. Vehicle Inspection Documentation

1.7.1 Safety and Emissions Inspection Report

The AIRS shall provide a computer generated inspection report to the operator of each vehicle inspected upon completion of a safety and emissions inspection. The safety and emissions inspection report form shall include:

- (a) inspection station and inspector numbers;
- (b) the type of test(s) performed;
- (c) the date of the inspection;
- (d) the inspection report serial number;
- (e) the inspection certificate number;
- (f) the inspection system number;
- (g) vehicle model year, make, and type;
- (h) vehicle registration plate number;
- (i) transmission type;
- (j) number of cylinders or rotary engine;
- (k) fuel type;
- (l) gross vehicle weight rating;
- (m) the vehicle identification number;
- (n) the odometer reading to the nearest 1,000 miles;
- (o) whether the inspection is an initial inspection, reinspection or diagnostic test;
- (p) the pass/fail result of applicable tests;
- (q) OBD test results including diagnostic information;
- (r) any vehicle preconditioning performed;
- (s) exhaust emissions test start time on the dynamometer and the time final exhaust emissions were determined;

- (t) exhaust emission test results and standards for the vehicle and a pass/fail determination;
- (u) instructions indicating that the report is to be returned to any inspection station upon reinspection;
- (v) a statement indicating the availability of emissions performance warranty coverage as required in Section 207 of the Clean Air Act;
- (w) space to indicate any repairs which were performed including the name and identification number of the repairer or the Certified Inspection Repair Technician who performed the repairs;
- (x) space to indicate the cost of parts and labor for emission-related repair(s);
- (y) advisory diagnostic information including a graphic depiction of the emissions trace over the test cycle; and,
- (z) other information as the Department may reasonably require to enable it to determine compliance with these regulations.

1.7.2 Addendum for Vehicles that Fail Emissions Inspection

The inspection report for vehicles that fail the inspection shall include the items enumerated in 1.7.1 and shall include the following:

- (a) instructions indicating that the vehicle should be repaired and returned to an AIRS for a reinspection and that the reinspection will be free of charge if reinspected at the AIRS that conducted the inspection if returned within 30 days;
- (b) an explanation of the repair cost limit for emission related repairs;
- (c) instructions for waiver applicants; and,
- (d) the likely causes of noncompliance, whether obvious, or determined by software generated and interpretive diagnostic information.

1.7.3 Refused Inspection Report

The AIRS shall provide any motorist who is refused an emissions inspection or reinspection a copy of an emissions inspection report supplement, indicating the cause of the refusal and an explanation of how the discrepancy can be remedied. The Refused Inspection Report shall include a statement indicating that the report is in no way an authorization to operate a motor vehicle which is not in compliance with these regulations.

1.7.4 Reinspection

Any motor vehicle inspected and found not to comply with the standards and criteria for motor vehicle safety and emissions inspections must be reinspected within thirty (30) days of the initial inspection. If a vehicle is reinspected at the AIRS that conducted the initial inspection, the management of the AIRS shall not charge an additional inspection fee.

The following are requirements for reinspection:

- (a) Vehicles exceeding the allowable safety and emission standards during the initial inspection of the vehicle may be reinspected at any AIRS after the vehicle has been repaired;
- (b) A reinspection shall consist of a complete inspection including all initial tests regardless of the cause of failure in the initial inspection;
- (c) The initial AIRS shall not charge for one reinspection if the vehicle is returned for reinspection within thirty (30) days. The vehicle owner can only obtain this free reinspection at the AIRS that performed the initial inspection;
- (d) If the vehicle successfully passes the reinspection, the AIRS shall issue a compliance certificate;
- (e) If the vehicle cannot successfully pass the reinspection, the AIRS shall issue a vehicle inspection report indicating non-compliance. If the motorist desires to request a waiver, the AIRS shall make information available to the motorist on how a waiver inspection conducted by the Department may be arranged. Waivers are available for emissions failures only;
- (f) If the vehicle cannot successfully pass the reinspection and the motorist desires to contest the results of the inspection the motorist may request a challenge inspection supervised or conducted by the Department (see section 1.8 Challenge Mechanism); and,

- (g) If a compliance certificate is not issued, nor a waiver certificate issued, nor a time extension issued the Department shall not register the vehicle, nor shall the vehicle be operated on the highways of Rhode Island.

1.7.5 Evidence of Inspection Compliance

Operators shall always carry any certificate issued under these regulations in an easily accessible place in or about the vehicle for which the certificate was issued. Evidence of inspection compliance shall consist of a certificate of compliance or a waiver certificate or an inspection sticker. Any law enforcement officer or an agent of Department may demand and inspect any certificate issued under these regulations.

1.8. Challenge Mechanism

1.8.1 A motorist who desires to contest the results of an inspection or a reinspection may do so by requesting an appointment to have their vehicle inspected under Department supervision.

1.8.2 The AIRS shall provide written information on how any motorist who indicates a desire to challenge an inspection or a reinspection may obtain an appointment for a challenge inspection. The AIRS shall post this information in a location accessible and convenient to motorist.

1.9. Waivers

1.9.1 Waiver Requirements and Conditions

The Director or a designee shall issue Waiver Certificates to the operators of those vehicles satisfying all requirements in this Section. The following waiver requirements and conditions shall apply:

- (a) A motor vehicle which, after inspection or reinspection, fails to comply with the appropriate emissions standards and criteria as set forth in Section 1.5 of these regulations shall be eligible to obtain a waiver certificate, provided that the cost of emissions related repairs performed exceeds the repair cost limit.
- (b) The cost of emissions related repairs may include the cost of repairs made after the inspection or the cost of emission related repairs made up to sixty days (60) days prior to the inspection. The cost of repairs shall not include any costs covered by an emission performance, or device warranty, or the cost of tampering reversal.
- (c) Any emissions related repair which is made during the sixty-day

period prior to inspection or after the inspection, the cost of which is to be applied to the repair cost limit, must be made by a CIRT.

- (d) The repair cost limit shall be four hundred fifty dollars (\$450.00) and shall be adjusted in January of each year by the percentage, if any, by which the Consumer Price Index (CPI) for the preceding calendar year differs from the Consumer Price Index for 1989. However the repair cost limit shall be two hundred and fifty dollars (\$250) in 2000 and 2001, and shall be four hundred fifty dollars (\$450) in 2002 and 2003. After 2003 the repair cost limit of four hundred fifty dollars (\$450) shall be adjusted in January of each year by the percentage, if any, by which the Consumer Price Index (CPI) for the preceding calendar year differs from the Consumer Price Index for 1989.
- (e) Repairs shall be appropriate to the cause of the test failure and shall be documented by original receipts for the repair. A visual check shall be made to determine that repairs were actually made, if such repairs can be visually confirmed.
- (f) The appropriateness of the repair cost shall be made through comparison with charges in a nationally recognized flat rate manual of emission repair cost estimating. The repair cost may include parts and labor for emissions related repairs.
- (g) Waivers shall be effective until the vehicle is next due for emissions inspection.

1.9.2 Repair Time Delay

- (a) A time delay to repair a vehicle which fails an emission inspection of one test cycle may be granted to owners who qualify under low income guidelines as established by the Department.
- (b) The delay shall apply only once for that specific vehicle.

1.9.3 Compliance by Diagnostic Inspection

The Department may issue a waiver certificate without the vehicle meeting the emission standards if after failing an inspection and subsequent reinspection for emissions at the Final Standards, the vehicle undergoes a complete, documented physical and functional diagnosis and inspection, conducted by the Department, which shows:

- (a) that the emission control devices originally required for federal vehicle certification are in place and are functioning as designed; and,
- (b) that no additional emission related repairs are reasonably

possible; or,

- (c) that no further repairs can be made because the parts required for the repairs are no longer manufactured.

A waiver certificate issued under this section shall be effective for only one inspection cycle.

1.10 Financial Accounting

(reserved)

1.11 Document Security

The AIRS shall be responsible for the maintenance of the security of all documents by which compliance with the inspection requirement is established including, but not limited to, compliance certificates and waiver certificates.

1.12 Prohibitions and Penalties

The Director or a designee, shall suspend the registration of any vehicle owner or lessee who is determined to be in violation of this regulation or who, after notice, does not comply with these regulations.

These regulations establish the following prohibitions and consequential penalties for violations of any rule or regulation contained herein.

1.12.1 Prohibitions

- (a) False Information

No person shall knowingly give false information to a CIRT or CIT or the Department concerning the repair costs or repairs needed to bring a motor vehicle into compliance with the standards and criteria for motor vehicle emissions inspections.

- (b) Illegal Issuance

No person may issue a compliance certificate or waiver certificate for a motor vehicle that has not been inspected in accordance with or is not in compliance with the standards and criteria for motor vehicle emissions.

- (c) Counterfeit Inspection Documents

No person may alter, falsify, or counterfeit a compliance certificate or waiver certificate.

(d) Vehicle Tampering

No person may materially alter or change any equipment or mechanism of a motor vehicle that has received a compliance certificate in such a manner that the motor vehicle no longer complies with the standards and criteria for motor vehicle emissions inspections. This section shall not be construed as preventing the temporary alteration of equipment for the purpose of motor vehicle repair.

(e) Altered Inspection Documents

No person may alter any vehicle documentation or provide false information on the classification of a vehicle in order to avoid inspection.

(f) Operation of a Non-Complying Vehicle

No person may register or continue to operate on the highways of Rhode Island, a motor vehicle which is subject to the provisions of Rhode Island I/M Program which is not in compliance with the requirements thereof.

(g) Obliteration of Plates

No person shall place or in any way attach, on a vehicle license plate, any sticker, plastic covering, badge, emblem or any other material which would cover or obliterate or partially obliterate any of the lettering or numbers on the license plate or which would make the license plate unreadable by visual observation or by a high speed camera used in conjunction with a remote sensing device.

(h) False Declaration

No persons shall profess to be an Authorized Inspection Repair Station either: verbally; in advertising by print, electronic media, on letter or bill head or by the use of an unauthorized sign or by any other means who has not been officially designated by DMV as an Authorized Inspection Repair Station (AIRS).

1.12.2 Penalties

(a) General Penalties

Any person violating any of the provisions of these regulations shall be subject to a civil or administrative penalty of not more than one thousand dollars (\$1,000.) for each violation.

(b) Motor Vehicle Operator Penalties

Any owner or lessee of a motor vehicle who operates their vehicle on the highways of Rhode Island that is not in compliance with these regulations shall be subject to a fine of no more than one thousand dollars (\$1,000.) for each violation.

1.13. Proceedings for Enforcement

1.13.1 Jurisdiction - Criminal Penalties

The Sixth District Court shall have jurisdiction to enforce the criminal penalty provisions of these regulations.

1.13.2 Jurisdiction - Administrative Penalties

The Sixth District Court shall have jurisdiction to enforce the provisions of these regulations.

1.14. Authorization and Certification

Emissions inspectors and emissions inspection locations seeking authorization as an AIRS, CIRT or CIT must be certified by the Department prior to conducting official inspections or emissions repairs when those repairs are to be applied to the repair cost limit. Completion of inspector training and passing of all required tests shall be a condition of certification. Certification may be withdrawn for good cause at any time.

1.14.1 Authorized Inspection Repair Station

(a) Requirements

A repair facility which is authorized as an Authorized Inspection Repair Station (AIRS) shall provide necessary space, tools, testing equipment, liability insurance, signage, repair reports and copies of the Rhode Island I/M Program rules and regulations as may be designated and required by the Department. At least one CIRT or CIT shall be available during the AIRS normal business hours.

(b) Application

Application for authorization shall be made on an official application form designated by the Department. Authorization shall be granted when the applicant demonstrates the ability to meet the requirements of section 1.14.1(a) and meets and maintains the criteria required under the AIRS contract. No authorization may be assigned, transferred or used at any location other than the location designated on the original application. The authorization may be

withdrawn by the Department for good cause at any time.

(c) Non-Rhode Island Locations

An AIRS may be located outside the state of Rhode Island boundaries, provided the AIRS management pledge to voluntarily submit to the jurisdiction of Rhode Island courts and these regulations. Out of state AIRS are not eligible to participate in the "Contractor Provided" equipment provision but must purchase any required inspection equipment from the I/M Program Manager through the "Self Financed Equipment" provision.

(d) Motorist Service and Convenience

An AIRS must purchase test authorizations in minimum quantities of 15.

(e) Proper Display of Signage

An AIRS must display the official inspection sign which indicates that the AIRS is an authorized motor vehicle safety and emission inspection station in a prominent location so as to be easily seen by passing motorists or pay a fine of \$50 for each day the sign is not so displayed.

1.15 Denial, Suspension, or Revocation of Authorization

1.15.1 Denial

The Department may deny the issuance of authorization to perform motor vehicle inspections under these regulations as provided by law.

1.15.2 Violations

If the Department has reason to believe that a person is violating the provisions of these rules, the Department may issue its order to such person, commanding them to appear at a Hearing Board for a hearing to be held not sooner than ten (10) days nor later than twenty (20) days after issuance of said order to show cause why the Department should not issue an order to said person to cease and desist from such violation of the provisions of this regulation.

1.15.3 Finding of Fact

If as a result of a hearing, the Hearing Board is 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.

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

(a) First 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.

(b) 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.

(c) 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 0.14.2 (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.

1.15.4 Failure to Comply

If such person shall thereafter fail to comply with the order of the Department, the Superior Courts for the State of Rhode Island shall have jurisdiction upon complaint of the Department to restrain and enjoin such person from violating this chapter.

1.15.5 Appeals

Any Authorized Inspection Repair Station (AIRS) or any other person dissatisfied by any order of the Hearing Board or Department may within ten (10) days after receiving an order, file a request for review with the Director of the Department of Administration and thereafter with the Superior Court, not inconsistent with these regulations and Rhode Island General Laws, Chapters 42-35.

1.16 Certified Inspection Repair Technician

1.16.1 Requirements

A person seeking certification as a Certified Inspection Repair Technician (CIRT) must be eighteen (18) years of age or older, must hold a valid drivers license and must have successfully completed the requirements of a training course approved by the Department or designee. The Certified Inspection Repair Technician must demonstrate to the Department a proficiency in operating and calibrating all required diagnostic and repair equipment. The Certified Inspection Repair Technician certification shall be posted in a conspicuous location visible to the public with in the Authorized Emission Inspection Repair Station.

Provisional CIRT status for the first two of the inspection program may be granted to those seeking permanent CIRT designation provided they hold an ASE L1 certification or successfully pass a skills level test administered by the Department or designee with a grade of 75% or higher.

Provisional status shall be withdrawn from all persons holding such status at the end of the second year of the inspection program. Individuals who desire permanent designation as a CIRT must demonstrate that they have achieved Automotive Service Excellence (ASE) L1 certification.

1.16.2 Application

The application for Certified Inspection Repair Technician must be on an official form designated by the Department. The application is for an individual not a corporate or company application. The designation as a Certified Repair Technician may be withdrawn by the Department for good cause at any time.

1.17 Certified Inspection Technician

1.17.1 Requirements

A person seeking certification as a Certified Inspection Technician (CIT) must be eighteen (18) years of age or older, must hold a valid drivers license and must have successfully completed the requirements of a training course approved by the Department or designee. The Certified Inspection Technician must demonstrate to the Department a knowledge of and proficiency in performing the required Rhode Island I/M Program test procedures. The Certified Inspection Technician certification shall be posted in a conspicuous location visible to the public with in the Authorized Inspection Repair Station. The Certified Inspection Technician shall be certified by the Department to perform motor vehicle safety and emission inspections only.

1.17.2 Application

The application for Certified Inspection Technician must be on an official form designated by the Department. The application is for an individual not a corporate or company application. The designation as a Certified Inspection Technician may be withdrawn by the Department for good cause at any time.

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.

Response:

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.

Response:

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 1.15 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.

Response:

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:

First 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