

**280-RICR-30-15-2**

## **TITLE 280 – DEPARTMENT OF REVENUE**

### **CHAPTER 30 – DIVISION OF MOTOR VEHICLES**

#### **SUBCHAPTER 15 – SAFETY AND EMISSIONS**

##### **PART 2 – Heavy-Duty Diesel Vehicle Emission Inspections**

### **2.1 Authority**

This Part is promulgated pursuant to the authority granted in R.I. Gen. Laws § 31-47.2-2.

### **2.2 Purpose**

The purpose of this regulation is to establish the Rhode Island Heavy-Duty Diesel Vehicle Emission Inspections Program.

### **2.3 Incorporated Materials**

These regulations hereby adopt and incorporate 49 C.F.R. § 390.15 (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.

### **2.4 Definitions**

- A. For the purposes of the Part, the following terms shall have the following meaning:
1. "Authorized fleet inspection stations" or "AFIS" means a fleet of 10 or more vehicles that is certified by the DMV to conduct emissions and safety inspections.
  2. "Calibration" means the act of checking the accuracy of an opacity analyzer against specifications for opacity analyzers in order to assure valid test results.
  3. "Day" means a calendar day, unless otherwise designated.
  4. "Diesel certified inspection technician" or "DCIT" means a technician certified by the DMV to conduct official inspections at a Heavy-duty Authorized Inspection and Repair Station (HD-AIRS) or at an Authorized Fleet Inspection Station (AFIS).

5. "Division of Motor Vehicles" or "DMV" means the Division of Motor Vehicles of the Rhode Island Department of Administration.
6. "Driver" means any person who operates any motor vehicle.
7. "Fleet" means a fleet of ten (10) or more heavy-duty diesel vehicles having weight of greater than eight thousand five hundred (8,500) lbs. GVWR registered or required to be registered, when operated from a facility within the State of Rhode Island.
8. "Gross vehicle weight rating" or "GVWR" is the weight value specified by the vehicle manufacturer on the federal weight certification label as the loaded weight of a vehicle.
9. "Heavy-duty authorized inspection and repair station" or "HD-AIRS" mean an inspection location authorized by the DMV to provide motor vehicle safety and emission inspection for heavy-duty vehicles.
10. "Heavy-duty diesel vehicle" means a vehicle which is self-propelled by a compression ignition type of internal combustion engine and which is designed primarily for transporting persons or property on a public street or highway and has a GVWR greater than eight thousand five hundred (8,500) lbs.
11. "Model year" means the year designated by the manufacturer as the vehicle model year.
12. "Motor carrier" means a for hire motor carrier or a private motor carrier. The term includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. This definition also includes the terms employer and exempt motor carrier as defined in 49 C.F.R. § 390.15, incorporated in § 2.3 of this Part.
13. "Non-road vehicle" means a vehicle designed for use off public highways.
14. "Motor vehicle" means every motor vehicle that is self-propelled, except vehicles moved exclusively by human power and motorized wheelchairs.
15. "Opacity" means the percentage of light transmitted from a source, which is prevented from reaching a light detector.
16. "Person" means any individual, partnership, corporation, whether private, public or municipality, state governmental department, quasi-state agency, or other legal entity.

17. "State Police" means the Rhode Island State Police.
18. "Tampering" means the removal, disconnection, or rendering inoperative a safety or emission control device.
19. "Test" and "Testing" mean the application of techniques, methods, policies and procedures established or approved by the DMV for the purposes of measuring emission levels in heavy-duty diesel vehicles

## 2.5 Applicability

These regulations apply to all heavy-duty diesel vehicles.

### 2.5.1 Emission Standards

- A. The inspection test type and emission standard for heavy-duty diesel trucks and buses, with a GVWR greater than eight thousand five hundred (8500) lbs., are established by the DMV as follows:

#### 1. Heavy-duty Diesel Truck Emissions Test Type

Vehicle Class	Test Type
Vehicles eight thousand five hundred (8,500) to ten thousand (10,000) lbs. GVWR	(RESERVED)
Vehicles over ten thousand (10,000) lbs.	SAE J1667 smoke opacity test

#### 2. Heavy-duty Diesel Truck Emission Standard

Vehicle Class	Standard
Model years 1991 and newer and over ten thousand (10,000) lbs. GVWR	The level of peak smoke opacity shall not exceed forty (40) percent
Model years 1990 and older and over ten thousand (10,000) lbs.	The level of peak smoke opacity shall not exceed fifty-five (55) percent
Vehicles eight thousand five hundred (8,500) to ten thousand (10,000) lbs.	(RESERVED)

#### 3. Heavy-duty Diesel Bus Opacity Emissions Test Type

Vehicle Class	Test Type
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Vehicles eight thousand five hundred (8,5000) to ten thousand (10,000) lbs. GVWR	(RESERVED)
Vehicles over ten thousand (10,000) lbs.	SAE J1667 smoke opacity test

#### 4. Heavy-duty Diesel Bus Emissions Standard

Vehicle Class	Standard
Model years 1998 and newer and over ten thousand (10,000) lbs. GVWR	The level of peak smoke opacity shall not exceed thirty (30) percent
Model years 1987 and older and over ten thousand (10,000) lbs.	The level of peak smoke opacity shall not exceed forty (40) percent
Vehicles eight thousand five hundred (8,5000) to ten thousand (10,000) lbs.	(RESERVED)

### 2.5.2 Test Specifications

In the J1667 Test, inspectors shall follow the specific procedures and adhere to the standards outlined in the heavy-duty diesel vehicle specifications.

## 2.6 Exemptions

- A. The following vehicles shall be exempt from the emissions inspection portion of these regulations:
  - 1. A new motor vehicle until twelve (12) months after its date of initial purchase;
  - 2. Tactical military vehicles;
  - 3. Non-road vehicles;
  - 4. Electric powered vehicles; and,
  - 5. Farm tractors

## 2.7 On-Road Inspections

- A. Performance of the Emissions Inspection

1. Pursuant to R.I. Gen. Laws § 31-47.2-3, heavy-duty diesel vehicles that operate on the highways of the state shall be subject to On-Road emissions inspections in order to determine whether such vehicles are in compliance with the emissions standards for heavy-duty diesel vehicles found in § 2.5.2 of this Part.

B. Test Procedure

1. The on-road inspection shall be performed following the SAE J1667 Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles.

C. Emissions Inspection Failure

1. The registered owner, vehicle lessees or motor carriers of vehicles that are found not to be in compliance with the standards of § 2.5.1 of this Part shall fail the emissions inspection and shall be issued a summons, an inspection report and a test results form informing them of the results of the inspection, the amount of the applicable penalty, and of the requirement to bring the vehicle into compliance within forty-five (45) calendar days of the issuance of the summons, or not be operated on the highways of Rhode Island.

D. Emissions Inspection Information for Vehicles that Fail Inspection

1. The information in the summons, inspection report and test results form will include, but not be limited to, the following:
  - a. Inspection location and date;
  - b. Vehicle year and make;
  - c. Vehicle registration number and registration state;
  - d. Vehicle Identification Number (VIN);
  - e. Gross Vehicle Weight Rating (GVWR);
  - f. Vehicle type;
  - g. Engine temperature (cold, normal, or above normal);
  - h. Exhaust stack diameter;
  - i. Vehicle mileage;
  - j. Name and address of owner;
  - k. Test time;

- l. Calibration date of analyzer;
- m. Driver's name, license number, and license state;
- n. Federal Department of Transportation (DOT) number;
- o. Opacity results;
- p. Pass/fail designation;
- q. Signature of driver indicating receipt of inspection report; and
- r. Signature of inspector;
- s. Other information as the RI State Police may reasonably require or enable it to determine compliance with these regulations.

E. Passing Vehicle

- 1. The registered owner, vehicle lessees or motor carriers of vehicles that are found to be in compliance with the standards of § 2.5.1 of this Part (Emissions Standards) shall pass the emissions inspection and will only receive a test results form.

F. Repair Certification

- 1. The registered owner, vehicle lessees or motor carriers of a vehicle failing an On-Road Inspection for the emissions inspection standards of this regulation shall submit documentation to the Department of Administration, Division of State Police that repairs to vehicle which are appropriate to the reason for failure have been made. This documentation shall be submitted within forty-five (45) days of the issuance of a citation for emissions inspection failure and shall include the following information:
  - a. Name of the repair facility;
  - b. Vehicle identification number; and
  - c. A statement describing the repairs that were made including original itemized bills for parts and or parts and labor.

## **2.8 Periodic Inspection Procedures**

- A. The registered owner, vehicle lessees or motor carrier of a heavy-duty diesel vehicle shall obtain a vehicle emissions inspection. The emissions inspection can occur at a Heavy-duty Authorized Inspection Repair Station (HD-AIRS) or at an Authorized Fleet Inspection Station (AFIS).
- B. Emissions Inspection Frequency

1. Registered owner, vehicle lessees or motor carrier of heavy-duty diesel vehicles subject to the periodic portion of the Rhode Island Heavy-duty Diesel Vehicle Inspection Program shall have their vehicle inspected at least annually. The inspection shall be conducted prior to the end of the month indicated on the vehicle's current inspection sticker.

C. Registration

1. No heavy-duty diesel vehicle except those exempted in § 2.6 of this Part, may be registered or any registration renewed unless a required annual official inspection has been conducted and the vehicle has been found to comply with the requirements of this regulation.

D. Inspection Fee

1. Registered owner, vehicle lessees or motor carrier shall be charged an inspection fee of fifty-five dollars (\$55) for the inspection of a heavy-duty diesel vehicle at HD-AIRS locations. Owners of fleet locations must pay thirty dollars (\$30) for each inspection they conduct. The inspection fee must be paid for each heavy-duty diesel vehicle inspected and is payable whether a compliance certificate, or no certificate is issued.

E. Inspection Stations

1. Heavy-duty Authorized Inspection and Repair Stations and Authorized Fleet Inspection Stations shall be established and be authorized to conduct emissions inspections using the SAE J1667 Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles.
2. The Heavy-duty Authorized Inspection and Repair Stations and Authorized Fleet Inspection Stations shall calibrate the inspection testing of equipment using calibration frequency and procedure of the SAE J1667 Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles.

F. Reinspection

1. Any motor vehicle inspected and found not to comply with the standards for motor vehicle safety and emissions inspections must be reinspected within forty-five (45) days of the initial emissions inspection. If a vehicle is reinspected at the HD-AIRS that conducted the initial emissions inspection, the management of the HD-AIRS shall not charge an additional inspection fee.

G. Inspection Prohibited

1. The HD-AIRS shall refuse to perform the inspection of any heavy-duty vehicle subject to the Rhode Island Heavy-duty Diesel Vehicle Inspection

Program if the vehicle is determined by the HD-AIRS to be in such an unsafe condition as to be a hazard to inspection personnel and/or the vehicle operator. The vehicle shall not be inspected until the reason for the refusal has been remedied.

H. Safety Inspection Standards

1. The HD-AIRS shall adhere to the Safety Inspection Procedures as specified in the "Official Manual for Vehicle Inspection."

I. Vehicle Inspection Documentation

1. The HD-AIRS shall provide an inspection report to the owner/lessee of each heavy-duty diesel vehicle inspected upon completion of a safety and emissions inspection. The safety and emissions inspection report form will be provided by the DMV and 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. Vehicle model year, make, and type;
  - f. Vehicle registration plate number;
  - g. Federal Department of Transportation (DOT) number;
  - h. Horse power of vehicle or exhaust pipe size;
  - i. Gross vehicle weight rating;
  - j. The vehicle identification number;
  - k. The odometer reading to the nearest 1,000 miles;
  - l. Type of inspection (initial inspection or reinspection);
  - m. The pass/fail result of opacity test;
  - n. Test results in percentage of opacity;
  - o. Test time;
  - p. Calibration date of analyzer;



- q. List of any repairs which were performed;
- r. List of the cost of parts and labor for repair; and,
- s. Other information as the DMV may reasonably require or enable it to determine compliance with these regulations.

J. Pass/Fail Designation

- 1. Owners/lessees of a diesel powered motor vehicle meeting the inspection standards shall, upon completion of the inspection, receive an inspection sticker and inspection report indicating a pass designation. Those that fail inspection shall be issued an inspection report indicating the vehicle has failed the inspection standards and that the vehicle must be brought into compliance within forty-five (45) calendar days or not be operated on the highways of Rhode Island

## **2.9 Authorized Inspection Stations and Inspectors**

- A. Technicians and business owners/managers seeking authorization as an inspector or inspection station or must obtain authorization from the DMV before they can conduct official inspections.

B. Heavy-duty Authorized Inspection and Repair Station (HD-AIRS)

- 1. Owners of diesel repair facilities may be authorized by the DMV to conduct official inspections.
  - a. Requirements
    - (1) A repair facility which is authorized as a Heavy-duty Authorized Inspection and Repair Station (HD-AIRS) shall use a smoke opacity analyzer approved by the DMV to perform the SAEJ1667 test method, and shall provide necessary space, testing equipment, tools, liability insurance, signage, repair reports and copies of the "Official Manual for Vehicle Inspection," rules and regulations and other informational materials as may be designated and required by the DMV. At least one Diesel Certified Inspection Technician (DCIT) shall be available to perform emissions inspections during the HD-AIRS normal business hours. An authorized inspection station cannot be located outside of Rhode Island.
  - b. Application
    - (1) Application for authorization shall be made on an official application form designated by the DMV. Authorization shall

be granted when the applicant demonstrates the ability to meet the requirements of this regulation and the "Official Manual for Vehicle Inspection." 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 DMV for good cause at any time.

C. Authorized Fleet Inspection Stations (AFIS)

1. The owner of a fleet of 10 or more diesel powered motor vehicles that are centrally maintained may apply for authorization as an AFIS and must be certified by the DMV prior to conducting official inspections.

- a. Requirements

- (1) A repair facility which is authorized as an Authorized Fleet Inspection Station shall use a smoke opacity analyzer approved by the DMV to perform the SAE J1667 test method, and provide the necessary space, tools, liability insurance, and copies of the "Official Manual for Vehicle Inspection" and regulations as may be designated and required by the DMV. At least one Certified Inspection Technician (DCIT) shall be available to perform emissions inspections. An authorized fleet station inspection station cannot be located outside of Rhode Island.

- b. Application

- (1) Application for authorization shall be made on an official application form designated by the DMV. Authorization shall be granted when the applicant demonstrates the ability to meet the requirements of the "Official Manual for Vehicle Inspection" and this regulation. 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 DMV for good cause at any time.

D. Reporting

1. Owners of HD-AIRS and AFIS shall provide a monthly "Inspection Activity Report" to the DMV on the first Wednesday of each month. The report must be on a form designed by the DMV and shall include but not be limited to the following:

- a. The number of initial inspection, or reinspection performed;

- b. The number of vehicles that passed the inspection;
- c. The number of vehicles that failed the inspection;
- d. A copy of the inspection report for each vehicle inspected and,
- e. Other information as the DMV may reasonably require to enable it to determine compliance with these regulations.

E. Diesel Certified Inspection Technicians (DCIT)

- 1. Individuals must be certified by the DMV to conduct official inspections.

- a. Requirements

- (1) A person seeking certification as a Diesel Certified Inspection Technician (DCIT) must be sixteen (16) years of age or older, and must hold a valid driver's license to operate all vehicles subject to this regulation. In addition, the DCIT applicant must have successfully completed the requirements of a training course approved by the DMV or designee. The Diesel Certified Inspection Technician must demonstrate to the DMV a knowledge of and proficiency in performing the required test procedures.

- b. Application

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

## **2.10 Penalties, Fines and Prohibitions**

A. On-road Inspection

- 1. Persons, who operate or permit the operation of any heavy-duty diesel vehicle that fails the On-Road inspection, shall be subject to the fines described in § 2.10(B) of this Part.

B. Fines

- 1. The fines shall apply to each specific vehicle separately.
- 2. The penalty for operating or permitting the operation of any heavy-duty diesel powered motor vehicle that fails the periodic inspection, for the

failure to obtain an emissions inspection as required, for vehicle tampering, or for giving false information the State Police, DMV, the Administrator or his designee, or a HD-AIRS concerning compliance with the provisions of these regulations will be collected pursuant to R.I. Gen. Laws § 31-47.2-6.

C. Fine Reductions

1. Pursuant to R.I. Gen. Laws § 31-47.2-6, the fines in § 2.10(B) of this Part may be reduced upon submission of documentation, as required in § 2.4.7 of this Part, within forty-five (45) days demonstrating that repairs or adjustments have been made to the vehicle.

D. Suspension

1. Any person who fails to have the vehicle repaired within the forty-five (45) day period required by § 2.7(C) of this Part, and to provide documentation of such emissions repair within said period, shall result in the suspension of the registration of the vehicle in question until that vehicle is brought into compliance.

E. Record of Offenses

1. A record of each offence shall be recorded and maintained on file. The record of previous offenses shall be expunged from the files every eighteen (18) months.

F. Periodic Inspection

1. Persons who operate or permit the operation of any heavy-duty diesel vehicle that fails the periodic inspection, or have failed to obtain an emissions inspection as required under § 2.8 of this Part. Periodic Inspection upon implementation of the periodic inspection program shall be subject to the fines described in § 2.10(B) of this Part.

G. Tampering

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

H. False Information

1. No person shall give false information to the State Police, DMV, the Administrator or his designee, or a HD-AIRS concerning compliance with the provisions of these regulations.

I. Suspension

1. Persons who operate or permit the operation of any heavy-duty diesel vehicle that fails the periodic inspection, or have failed to obtain an emissions inspection as required shall be issued a demand notice requiring compliance with emissions inspection requirements within five (5) days. Persons who fail to comply with a demand notice shall be subject to suspension of their vehicle's registration.

## **2.11 Proceedings for Enforcement**

A. Jurisdiction - Administrative Penalties

1. Registered vehicle owners, vehicle lessees, or motor carriers found in violation of the emission standards in § 2.5.1 of this Part and who have been issued a vehicle summons by the Rhode Island State Police shall be subject to the Rules of Procedure of the Rhode Island Traffic Tribunal and R.I. Gen. Laws § 31-41.1-4. The Rhode Island Traffic Tribunal shall administer the collection of fines related to this regulation.

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