**Salt Lake County Health Department**

**Health Regulation**

**#22**

# VEHICLE EMISSIONS CONTROL PROGRAM

**Adopted by the Salt Lake County Board of Health**

**September 5, 1996**

**Amended:**

**March 5, 1998,**
**April 6, 2006**
**May 1, 2014**
**XXXXX XX, 2026**

**Under Authority of Utah Code Ann. §§ 26A-1-109(8), 26A-1-114, 26A-1-121**

## 1. PURPOSE & APPLICABILITY OF REGULATION

1.1 The Purpose of this Regulation is to reduce air pollution levels through the implementation of a motor vehicle Inspection/Maintenance Program (I/M Program) by performing inspections, as required, of in-use motor vehicles and by requiring emissions related adjustments/repairs for those vehicles that fail to meet prescribed standards so as to: protect and promote public health, safety and welfare; improve air quality; comply with federal regulations, including the Clean Air Act, and its amendments and regulations; comply with the Utah State Implementation Plan; and comply with Utah state law governing Salt Lake County emissions inspection programs.

1.2 This Regulation applies to owners of motor vehicles in Salt Lake County; publicly owned vehicles operated in Salt Lake County; owners, operators, and managers of I/M Inspection Stations within Salt Lake County, Certified Emissions Inspectors, and suppliers of I/M inspection analyzers and associated inspection equipment.

## 2. DEFINITIONS

For the purposes of this Regulation, the following terms, phrases, and words shall have the meanings herein expressed:

2.1. "Air Intake Systems" means systems that allow for the induction of ambient air, including preheated air, into the engine combustion chamber for the purpose of mixing with a fuel for combustion.

2.2. "Air Injection Reaction system" or "AIR" means a system for providing supplementary air into the vehicle's exhaust system or cylinder head(s) to promote further oxidation of hydrocarbons and carbon monoxide gases and to assist catalytic reaction.

2.3. "Analyzer" means a computerized OBD-II analyzer and associated inspection equipment.

2.4. "I/M Inspection Station Audit" means an onsite investigation or collection and analysis of data by a Health Department employee for the purpose of determining I/M Inspection Station and Inspector compliance with this Regulation.

2.5. "Basic Engine Systems" means parts or assemblies that provide efficient conversion of a compressed air/fuel charge into useful power, including but not limited to, valve train mechanisms, cylinder head to block integrity, piston-ring-cylinder sealing integrity and pre/post-combustion emissions control device integrity.

2.6. "Catalytic Converter" means a post-combustion device that oxidizes hydrocarbons and carbon monoxide gases and/or reduces oxides of nitrogen gases.

2.7. “Certification” means assurance by an authorized source, whether a laboratory, the manufacturer, the state, or the Department, that a specific product or statement is, in fact, true and meets all specified requirements.

2.8. “Certified Emissions Inspector” or “Inspector” means a person of at least 18 years of age who has successfully completed all certification requirements, who possesses a current and valid Certificate of Qualification issued by the Department and who performs emissions inspections at an I/M Inspection Station pursuant to this Regulation.

2.9. “Compliance Assurance List” means a list created and maintained by the Department that identifies vehicles for specific enhanced inspections, which include vehicles identified as smoking vehicles; vehicles determined of being, or suspected of being, fraudulently inspected; and vehicles known or suspected of emissions device or system tampering. Vehicles placed on this list shall be inspected at the I/M Technical Center. Upon inspection at the I/M Technical Center, these vehicles may be removed from the list.

2.10. “County” means Salt Lake County, Utah.

2.11. “Department” means the Salt Lake County Health Department.

2.12. “Director” means the Director of the Salt Lake County Health Department or his or her authorized representative.

2.13. “Electronic Certificate of Compliance” means a passing emissions test record transmitted electronically to Utah Division of Motor Vehicles (DMV) as required for vehicle registration.

2.14. “Emissions Control Systems” means parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the sole or primary purpose of reducing emissions.

2.15. “Engine Switching” means when an Environmental Protection Agency (EPA) certified engine is replaced with an engine that does not meet the EPA “certified configuration”.

2.16. “Evaporative Control System” or “EVAP” means an emissions control system that prevents the escape of fuel vapors (hydrocarbons) from the fuel tank, air cleaner, or carburetor float bowl and stores them in a charcoal canister to be burned in the combustion chamber.

2.17. “Exhaust Gas Recirculation System” or “EGR” means an emissions control system that recycles or re-circulates a portion of the exhaust gases back to the engine combustion chambers to reduce the formation of oxides of nitrogen.

2.18. “Fleet I/M Inspection Station” means a corporation or other business entity permitted by the Department to perform the functions of the inspection program for a privately owned fleet.

2.19. “Fuel Control Systems” means mechanical, electromechanical, galvanic or electronic parts or assemblies that regulate the air/fuel mixture in an engine to provide a combustible charge.

2.20. “Ignition Systems” means parts or assemblies that are designed to cause and time the ignition of a compressed air/fuel charge.

2.21. “Imported Vehicles” or “Gray Market” or “Non-US Version Vehicles” means non-U.S. version vehicles that are generally built and sold in foreign countries. They will not have the EPA compliance label. Non-U.S. version vehicles may also include U.S Version vehicles that have been modified or altered, other than missing or damaged catalysts, oxygen sensors, and fuel filler neck restrictors. (Overview of EPA Import Requirements for Vehicles and Engines, EPA-420-B-11-015 March 2011).

2.22. “I/M Inspection Station” means a facility permitted and authorized by the Department where a Certified Emissions Inspector performs vehicle emissions inspection and maintenance.

2.23. “I/M Technical Center” means a facility operated by the Department for technical or administrative support of the I/M Program.

2.24. “Inspection” means a vehicle emissions inspection measuring OBD-II status and visually verifying the presence and apparent operability of emissions control systems to ensure that motor vehicles in Salt Lake County are complying with the Vehicle Emissions Inspection/Maintenance Program.

2.25. “Inspector Certificate of Qualification” or “Certificate of Qualification” means a document issued by the Department that verifies a person has met the requirements for becoming an Inspector.

2.26. “Kit Vehicles” means vehicles originating from an assembly kit or specially constructed vehicles.

2.27. “Light and Medium Duty Diesel” means any diesel-powered vehicle with a gross vehicle weight rating up to 14,000 pounds.

2.28. “Malfunction Indicator Light” or “MIL” means a light on the vehicle’s instrument panel dedicated to emissions related failures. The MIL may be a Check Engine, Service Engine Soon, or an International Standards Organization symbol.

2.29. “Motor Vehicle” means a self-propelled motorized vehicle with an internal combustion powered engine that is licensed for operation on public roads and/or streets. Motor

Vehicles exempted from the inspection requirements of this Regulation are listed in Sections 4.1.6 and 4.1.7 of this Regulation.

2.30. "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground but excluding a tractor.

2.31. "Non-certified Inspector" means any person who has not been certified or qualified by the Department to perform inspections.

2.32. "Not Ready" means the vehicle has not completed the associated self-test for the monitored system and is not ready to return test results for those monitored systems. It does not mean that the vehicle has failed the inspection.

2.33. "On-board Diagnostics" or "OBD-II" means an electronic monitoring and fault detection system installed by the manufacturer on a motor vehicle to monitor and control the vehicle's emission controls and engine/transmission operation. For the purposes of this Regulation, the OBD-II system is used for emission inspection communication purposes.

2.34. "Positive Crankcase Ventilation System" or "PCV" means an emissions control system which returns crankcase vapors and blowby gases to the combustion chamber.

2.35. "Person" means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, municipal corporation, county, city, political subdivision, or any legal entity recognized by law.

2.36. "Publicly Owned Vehicle" means a motor vehicle owned by a government entity, including but not limited to the federal government, any agency or bureau thereof, and the State of Utah, any agency, bureau, or political subdivision thereof.

2.37. "Renewal Course" means a Department approved course that is taken by Certified Emissions Inspectors prior to the renewal of their Certificate of Qualification.

2.38. "Retraining Course" means either course work or hands on training required after performance deficiencies are identified by the Department. Retraining course participation will be required prior to Certificate of Qualification renewal.

2.39. "Salt Lake County Board of Health" means the Salt Lake County Board of Health as authorized by Utah Code § 26A-1-109.

2.40. "Tampering" means the intentional or accidental altering of or removal of emission control systems, software and/or emissions-related equipment. It also means engine modification, which may include, but is not limited to, exhaust systems, air intake systems, ignition systems, internal engine modifications, engine switching.

2.41. "Technical Bulletin" means a document, issued to Certified Emissions Inspectors and/or I/M Inspection Stations by the Department, to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emissions Inspection/Maintenance Program.

2.42. "Training course" means a formal program, administered, conducted, or approved by the Department, for the education of Certified Emissions Inspectors in basic emissions control technology, inspection procedures, diagnosis and repair of emissions related problems, I/M Program policies, procedures, and this Regulation.

2.43. "Recognized Repair Technician" means one professionally engaged in vehicle repair, employed by a going concern whose purpose is vehicle repair, or possessing nationally recognized certification for emission-related diagnosis and repair.

2.44. "Vehicle Emissions Inspection/Maintenance Program" or "I/M Program" means the program operated by Salt Lake County Health Department pursuant to Utah Code § 41-6a-1642 to ensure that motor vehicles are not emitting excessive amounts of air pollution in Salt Lake County.

2.45. "Vehicle Inspection Report" or "VIR" means the report printed by the analyzer at the conclusion of the inspection and indicates if the vehicle passes, fails, or is not ready for the I/M inspection.

2.46. "Certificate of Compliance Waiver" or "Waiver" means a document, issued by the Department, used to verify that a vehicle has met the repair or adjustment requirements of the Vehicle Emissions Inspection/Maintenance Program Regulations even though specific emissions standards have not been met.

## 3. GENERAL PROVISIONS

3.1. **Jurisdiction of the Department**.

3.1.1. This Regulation is promulgated by the Salt Lake County Board of Health as authorized by Utah Code § 26A-1-121(1) and Chapter 9.04, Salt Lake County Code of Ordinances.

3.1.2. The Department is empowered to enforce this Regulation in all incorporated and unincorporated areas served by the Department, as authorized by Utah Code § 26A-1-114(1)(a) and Chapter 9.04, Salt Lake County Code of Ordinances.

3.2. Except as otherwise provided, it shall be unlawful for any person not to comply with any regulation promulgated by the Department and adopted by the Salt Lake County Board of Health.

3.3. Compliance with this Regulation does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.

3.4. Legal action taken by the Department under this Regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.

3.5. Nothing in this Regulation affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the Department, any ordinance issued by Salt Lake County or any municipality located within Salt Lake County, or any state or federally issued law, including common law. However, Departmental regulations supersede other existing local and County standards, regulations and ordinances pertaining to similar subject matter that are inconsistent.

3.6. Verbal or contractual obligations shall not diminish or remove the owner's or other responsible person's obligation to comply with this Regulation.

3.7. "Phase out" of testing procedures no longer required by EPA or Utah State Implementation Plan allows the Department to cease portions of this Regulation.

3.8. **Severance**. If any section, subsection, sentence, clause, or phrase of this Regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Regulation.

## 4. SUBSTANTIVE PROVISIONS

4.1. **Requirements and Exemptions for Owners, Operators, and Dealers of Motor Vehicles**.

4.1.1. Vehicle Idling Limitation. No owner or operator of a motor vehicle shall allow or permit such vehicle to remain in an idling mode or condition for a period exceeding two (2) minutes.

(i) **Exemption to Idling Limitations**. Vehicles may be exempted from the idling limitation requirements of Section 4.1.1 under the following conditions:

a. For traffic conditions for which a driver has no control, including, but not limited to; stopped in a line of traffic, stopped at a railroad crossing or stopped at a construction zone;

b. To supply power to a refrigeration unit for the purpose of cooling the contents of the cargo area of a truck or trailer;

c. When idling is necessary for non-commercial repair or diagnostic purposes conducted by a vehicle owner or operator in a residential area;

d. When idling the engine is required to power auxiliary equipment other than a heater or air conditioner, e.g. hoist, lift, safety or emergency lighting;

e. When idling is necessary to cool down a turbo-charged vehicle in accordance with the manufacturer's recommendation;

f. Emergency vehicles; and

g. Vehicle idling is necessary for the health and/or safety of a driver or passenger, including police K-9 or other service animals.

4.1.2. **I/M Program Compliance Required**. Unless otherwise provided for in Section 4.1.6, the following motor vehicles of model years 1996 and newer that are or will be registered in Salt Lake County, shall be subject to an inspection as otherwise provided for in Utah Code § 41-6a-1642 and performed by an Inspector at an I/M Inspection Station or approved by Department:

(i) Gaseous or liquid petroleum powered vehicles;

(ii) Light and medium duty diesel powered vehicles of model years 1998 and newer.

4.1.3. An Electronic Certificate of Compliance will be issued upon the completion of a passing emissions inspection, issuance of a waiver, or evidence that the motor vehicle requiring registration is exempt from the I/M Program requirements in Section 4.1.6 and 4.1.7 of this Regulation.

4.1.4. Electronic Certificate of Compliance Validity Period. Unless provided, the Electronic Certificate of Compliance shall be valid for sixty (60) days from the day issued for the purposes of obtaining vehicle registration as required under Section 4.1.3 of this Regulation.

4.1.5. Publicly Owned Vehicles. Owners of publicly owned vehicles shall comply with the I/M Program requirements in accordance with this Regulation. Federally owned vehicles and vehicles of employees regularly operated on a federal installation, located in the County, that do not require registration in the State of Utah shall comply with the emissions inspection requirements on an annual or biennial basis, pursuant to a schedule determined by the Department and as required by Section 118 of the Clean Air Act, 1990 Amendments.

4.1.6. **OBD-II Testing Exemptions**. Utah Code § 41-6a-1642

(i) If a motor vehicle subject to an emissions inspection cannot be tested using OBD-II technology, the owner of the vehicle may present the vehicle to the Salt Lake County I/M Technical Center for verification.

(ii) The I/M Technical Center shall verify that the vehicle:

a. Is not equipped with OBD-II technology; and

b. Is unable to be tested using OBD-II technology for reasons other than tampering, removal, or modification of emissions-related equipment.

(iii) If the I/M Technical Center verifies that the vehicle cannot be tested using OBD-II technology as described in Section 4.1.6(i), the I/M Technical Center shall report to the Department of Motor Vehicles (DMV) the Vehicle Identification Number (VIN) of the vehicle.

(iv) Except as provided in Section 4.1.6 (vi), a motor vehicle is permanently exempt from an emissions inspection requirement described in Section 4.1.6 if the DMV records the VIN of the vehicle as described in Section 4.1.6(iii).

(v) Except as provided in Section 4.1.6(vi), an exemption described in Section 4.1.6 applies for the life of the vehicle and does not require renewal or re-verification.

(vi) The DMV may remove a vehicle from the record described in Section 4.1.6(iv) and the vehicle will not be exempt from emissions testing under Section 4.1.6(v) if the DMV determines that the vehicle:

a. Was fraudulently verified; or

b. Is equipped with compliant OBD-II technology after a verification as described in Section 4.1.6(i).

4.1.7. **Vehicle Exemption**. The following vehicles are exempt from these Vehicle Emissions Inspection/Maintenance requirements:

(i) Any vehicle of model year 1995 and older;

(ii) Any diesel vehicle of model year 1997 and older with a GVWR of 14,000 lbs. or less;

(iii) All agricultural implements of husbandry and any motor vehicle that qualifies for an exemption as required by Utah Code § 41-6a-1642(4)(a);

(iv) Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;

(v) Any motorcycle or motor driven cycle;

(vi) Any vehicle that operates exclusively on electricity; ~~and~~

(vii) Any vehicle exempted in Utah Code § 41-6a-1642;

(viii) Any vehicle exempted in Section 4.1.6 of the regulation; and

(ix) Any new vehicle being sold for the first time that has a valid Manufacturer's Statement of Origin form.

4.1.8. **Compliance Assurance List**

(i) Vehicles observed by Department staff that are suspected to be emissions device or system tampered may be placed on a Compliance Assurance List requiring inspection at the I/M Technical Center.

(ii) Smoking vehicles observed by Department staff or I/M Certified Inspectors may be placed on the Compliance Assurance List.

(iii) Vehicles with an engine other than the original or an engine not offered as optional equipment from the vehicle manufacturer will be placed on the Compliance Assurance List. Upon inspection at the Salt Lake County I/M Technical Center, vehicles with engine changes may be issued an Engine Change Verification Form provided by the Department. Vehicles issued an Engine Change Verification Form may be removed from the Compliance Assurance List and may be inspected, as required on the form, at any I/M Inspection Station.

(iv) Initial emission tests required to be performed at the I/M Technical Center shall be charged a fee.

(v) Kit vehicles and specially constructed vehicles must be inspected at the I/M Technical Center to verify emissions system components and may be placed on the Compliance Assurance List.

4.2. **Equipment, Manufacturer, and I/M Inspection Station Requirements**.

4.2.1. **Types of Permitted Stations**.

(i) I/M Inspection Station. I/M Inspection Stations are open to the general public for OBD-II emissions testing.

(ii) Fleet I/M Inspection Station. Fleet I/M Inspection Stations that have their own fleet, including buses, postal vehicles, and government vehicles. Fleet I/M Inspection Stations are not generally open to the public.

4.2.2. **Permit and Plan Review Requirements of the Permitted Inspection Stations**.

(i) It is a violation of this Regulation to own or operate a facility where inspections are performed without obtaining a valid I/M Inspection Station Permit issued by the Department.

(ii) **Permit Application, Duration, and Renewal**.

a. Application for an I/M Inspection Station Permit shall be made upon a form provided by the Department.

b. An I/M Inspection Station Permit applicant shall ensure that the I/M Inspection Station complies with all the terms stated in the permit application and all the requirements of this Regulation.

c. An I/M Inspection Station Permit is not valid if the permit expires or if the I/M Inspection Station moves to a new location. The I/M Inspection Station Permit for an I/M Station shall expire one year from the date of issuance. Once expired, the analyzer will become inoperable until a new permit is issued. The I/M inspection Station Permit is not valid unless it is renewed annually, before expiration by paying the Annual I/M Inspection Station Permit Fee stated in Section 5.1.2 of this Regulation. If an I/M Station permitted I/M Inspection Station moves to a new location, the Permit is not valid until the I/M Inspection Station has paid the I/M Inspection Station Plan Renewal Review Fee stated in Section 5.1.1 of this Regulation. It is the responsibility of the owner or operator of the I/M Inspection Station to pursue permit renewal through appropriate channels. The permit shall be renewable within sixty (60) days prior to the date of expiration.

(iii) As a condition for permitting all I/M Inspection Stations, the following tools shall remain on the facility's premises for performance of the inspection and maintenance of motor vehicles unless specifically exempted by the Department:

a. A Department-approved OBD-II analyzer system including an approved gas cap tester;

b. All forms, Technical Bulletins, and other information materials issued by the Department; and

c. A Department approved emission system application guide that is at least two years current.

(iv) The I/M Inspection Station Permit shall be posted on the premises, in a conspicuous location within the public view.

4.2.3. **Free Re-Inspections**:

(i) If a 1996 and newer non-diesel or a 1998 and newer light or medium duty diesel vehicle fails the initial OBD inspection or is rejected for a not ready status, the owner or operator shall have thirty (30) days to have repairs or adjustments made and return the vehicle to the I/M Inspection Station that performed the initial inspection for up to two free re-inspections.

4.2.4. An I/M Inspection Station premises shall be kept in good repair, free of obstructions and hazards, and in a safe condition for inspection purposes.

4.2.5. I/M Inspection Station Location Permanent. To provide for the inspection of vehicles, the I/M Inspection Station shall be a permanent location which meets all applicable zoning requirements.

4.2.6. **Analyzer Standards and Specifications**.

(i) Approval of Systems. No inspection required by this Regulation shall be performed unless the type of system used for inspecting the OBD-II system of motor vehicles is contained in the list of approved analyzer systems as provided by the Department.

(ii) The analyzer shall meet the requirements of the analyzer specifications referenced in Appendix A to this Regulation.

(iii) The analyzer shall be certified by the manufacturer as meeting the criteria determined by the Department.

(iv) The electrical supply to the analyzer shall be able to meet the analyzer manufacturer's requirements for voltage and frequency stability.

(v) The analyzer shall be kept in an area that provides adequate protection from the weather, wind, moisture, extreme temperatures, or any other abuse.

(vi) The analyzer printer shall be maintained in such a manner that the printing of the vehicle inspection report shall be clearly legible on all copies. If the printer fails to properly function, the I/M Inspection Station shall discontinue inspecting until printer function is restored.

(vii) It shall be unlawful for any person to alter or modify the hardware or software associated with the inspection or with an approved analyzer without written application and formal written approval by the Department.

(viii) Analyzer Maintenance. All analyzer systems shall be maintained by a Department--approved business or person. The instruments shall be in good working condition, capable of meeting calibration requirements of the Department, and operated according to manufacturer's specifications and operating procedures.

(ix) Running Changes. Any changes to the design characteristics or component specifications that may affect the performance of an inspection instrument to be used for an official inspection in the Vehicle Emissions Control Program shall be approved by the Department. It shall be the instrument manufacturer's responsibility to verify that the changes have no detrimental effect on the performance of the analyzer.

(x) The Department must be notified when an analyzer is removed from an I/M Inspection Station or relocated to another I/M Inspection Station.

(xi) Instruction Manual. A printable instruction manual shall be supplied by the analyzer manufacturer or its authorized representative for each exhaust gas analyzer sold or leased by the analyzer manufacturer and shall contain at least the following information for the analyzer:

a. A complete technical description;

b. The functional, mechanical, and electrical schematics;

c. The accessories and options that are included and/or available;

d. The model number, identification marking, and location;

e. Operating maintenance including daily, weekly, and monthly accommodations and procedures. The services to be performed only by the manufacturer shall be clearly identified;

f. The Inspection Station shall use the Department approved vendor for equipment repair or replacement.

4.2.7. Official Signs.

(i) All I/M Inspection Stations, except Fleet I/M Inspection Stations, shall display in public view, on the premises an official sign provided or approved by the Department.

(ii) The fees charged by the I/M Inspection Station for the performance of the emissions inspections shall be posted on a clear and legible sign in public view.

4.3. **Requirements for Certified Emissions Inspectors**.

4.3.1. Testing and Certification of Applicant for Inspector Certificate of Qualification.

(i) No person shall perform any part of the inspection for the issuance of a Certification of Compliance unless the person possesses a valid Inspector Certificate of Qualification issued by the Department.

(ii) The Inspector shall not inspect their own vehicle for the purpose of registration.

(iii) The Inspector Certificate of Qualification shall be valid only at the I/M Inspection Station where the Inspector is employed at the time of application. If the Inspector requests certification at another/additional station(s), an Inspector Transfer or Multiple Station Certification fee stated in Section 5.1.6 shall be required prior to performing any emissions inspections at the new location. The certificate shall expire on the same expiration date as identified on the initial Certificate of Qualification.

(iv) Certification Application, Duration, and Renewal.

a. Applications for an Inspector's Certificate of Qualification shall be made upon a form prescribed by the Department.

b. An Inspector shall comply with all terms stated in the Certificate of Qualification Application and all requirements of this Regulation.

c. Certificate Duration and Renewal**.** The Inspector Certificate of Qualification shall expire one year from the date of issuance. If the certificate is renewed before expiration, the applicant shall pay the annual fee for an Inspector Certificate of Qualification as provided for in Section 5.1.5. If the Inspector Certificate of Qualification has been expired longer than six months, the Inspector shall be required to enroll in and complete the Department approved training course. It is the responsibility of the Inspector to pursue the renewal of the Inspector Certificate of Qualification. The certificate shall be renewable sixty (60) days prior to the date of expiration.

d. The renewal applicant may be required to take a certification renewal course prior to expiration of Certificate of Qualification.

4.3.2. Certification Requirements.

(i) As a condition for issuing an Inspector's Certificate of Qualification, the applicant shall demonstrate knowledge, skill, and competence of:

a. Visual inspection and knowledge of the function of the required emission control equipment;

b. Operation and purposes of emission control systems;

c. Inspection procedures as outlined in this Regulation;

d. The proper use, care, and maintenance, of approved analyzers;

e. The ability to safely conduct inspections using the analyzer, and;

f. The provisions of this Regulation and the Department policies and procedures.

(ii) The written or on-line exam will test the knowledge, skill, and competence of:

a. Operation and purposes of emission control systems;F

b. Inspection procedures as outlined in this Regulation;

c. Operation of the Department-approved emission inspection instruments; and

d. The provisions of this Regulation and the Department policies and procedures.

(iii) The Performance Exam shall test skill and competence of the following:

a. Visual inspection and knowledge of the function of the required emission control equipment;

b. Demonstration of the skill in the proper use, care, and maintenance of the approved analyzers;

c. Demonstration of ability to safely conduct inspections using the analyzer.

4.3.3. Re-qualification requirements for Inspectors. Upon determination by the Department, Certified Emissions Inspectors shall be required to re-qualify, within a specified time period, for program updates. The notice of the re-qualification requirement shall be mailed first class mail, hand delivered by a Department representative, or sent through the messaging function of the analyzer. Failure to re-qualify shall result in the suspension or revocation of the Inspector's Certificate of Qualification.

4.3.4. **I/M Inspection Station and Inspector's Duty to Inform**.

(i) If a vehicle exempted from the inspection by Section 4.1.6 and 4.1.7 of this Regulation is brought to the I/M Inspection Station for an inspection, it shall be the responsibility of the I/M Inspection Station and/or Inspector to inform the owner or operator that the vehicle is not required to have an inspection for vehicle registration purposes.

(ii) It shall be the responsibility of the I/M Inspection Station, where feasible, to explain any information regarding the emissions inspection, or any related information that the Department may require. This includes, but is not limited to, explaining the VIR and air quality information.

4.3.5. All procedures of the Vehicle Inspection/Maintenance Program shall be performed by an Inspector including:

(i) Analyzer preparation, and system checks;

(ii) Analysis for purposes of an official emissions inspection for issuance of a Certificate of Compliance;

(iii) Accessing the official emissions inspection section of the analyzer; and

(iv) All other aspects of the inspection, including but not limited to, the tampering inspection, OBD-II connection, entering data into the analyzer, and signing inspection forms unless otherwise approved in writing by the Department.

4.3.6. **Inspection Procedures and Specifications**.

(i) When a vehicle owner requests an inspection, the Inspector shall perform an official inspection on the approved analyzer as specified in Appendix A. Performing a screening inspection or checking OBD-II readiness shall be a violation of this Regulation if the vehicle owner requested an inspection. Turning a vehicle away from an inspection with an illuminated MIL constitutes performing a screening inspection on a vehicle.

(ii) The entire inspection shall be performed by a Certified Emissions Inspector who has been certified at the I/M Inspection Station where the inspection is being performed.

(iii) The Inspector shall not inspect any motor vehicle with a condition which may cause injury to inspection personnel or other person or damage to the I/M Inspection Station or inspection equipment or which may affect the validity of the inspection until such condition is corrected. Such conditions include, but are not limited to: coolant, oil, or fuel leaks; low oil or low fluid levels; and carburetor gas overflow.

(iv) All vehicles shall be inspected according to the sequence as detailed in the design and equipment specifications referenced in Appendix A.

(v) On vehicles that require a gas cap test as specified in Appendix A, the Inspector shall follow procedures in accordance with the analyzer.

(vi) On vehicles that require an OBD-II inspection, the Inspector shall follow procedures in accordance with the analyzer specifications as referenced in Appendix A of this Regulation.

4.3.7. Free Re-Inspections:

(i) If a 1996 and newer non-diesel or a 1998 and newer light or medium duty diesel vehicle fails the initial OBD inspection or is rejected for a not ready status, the owner or operator shall have thirty (30) days to have repairs or adjustments made and return the vehicle to the I/M Inspection Station that performed the initial inspection for up to two free re-inspections.

(ii) The I/M Inspection Station shall extend the thirty (30) day free re-inspection time to accommodate the vehicle owner or operator if the I/M Inspection Station is unable to schedule the re-inspection of the vehicle within the thirty (30) day time period. The emissions inspection fee shall be the same whether the vehicle passes or fails the emissions inspection.

(iii) At the request of the Department, the I/M Inspection Station shall extend the free reinspection time for vehicle owner or operator who were unable to complete emissions repairs because of the unavailability of parts to make the necessary repairs.

4.3.8. Repair Procedures. For purposes of this Regulation, repairs performed on a vehicle that failed the inspection shall be done according to manufacturer's specifications, following manufacturer’s procedures, and directed towards the problem causing the excessive emissions.

4.3.9. Engine Switching.

(i) If a vehicle has an engine other than the original, the vehicle owner or operator must have the vehicle inspected by the Department and must demonstrate to the Department that the emission control systems on that engine is identical (with regard to all emissions-related elements of design) to a certified configuration of the same or newer model year as the vehicle chassis or equipment.

(ii) Kit vehicles must be inspected by the Department and may be inspected according to the year of the engine provided that the owner or operator can provide appropriate documentation.

(iii) At the discretion of the Department an engine emission device label and letter may be provided to the vehicle owner or operator which would allow the inspection to be conducted at any permitted I/M Inspection Station during normal business hours.

4.4. Electronic Certificate of Compliance Record.

4.4.1. No Person shall make or use any imitation, altered, or counterfeit Electronic Certificate of Compliance, VIR, or waiver.

(i) Electronic Certificate of Compliance shall be issued through the analyzer after successful emissions test.

(ii) Electronic Certificate of Compliance shall be issued electronically to the Utah Department of Motor Vehicles database.

(iii) Vehicle Inspection Report shall not be issued to an owner or operator until an inspection has been performed as required by this Regulation.

4.5. Certificate of Compliance Waiver.

4.5.1. If a vehicle qualifies for a waiver pursuant to this Regulation, a waiver may be issued, and the owner or operator shall have until the registration is due for renewal to have the vehicle professionally diagnosed and to complete the recommended repairs. After repairs are made, the owner or operator shall submit the repaired vehicle, repair information and receipts to the Department to verify the repairs and determine that the waiver requirements have been met and the vehicle complies with all requirements of this Regulation.

4.5.2. The Department is under no obligation to issue waivers.

4.5.3. A waiver may be issued only under the following conditions:

(i) The motor vehicle requires a Certificate of Compliance for registration purposes and continues to exceed applicable emissions standards after acceptable emissions related repairs, directed towards the area of failure, have been performed.

(ii) An application for waiver has been submitted to the Department.

(iii) An initial failing emissions test, with at least two (2) trouble codes and an illuminated check engine light, has been performed within 60 days of applying for waiver.

(iv) The emissions-related diagnostics and repairs, as required by this Regulation, have been performed by a recognized repair technician. Proof of repair costs for that specific vehicle shall be provided to the Department in the form of an itemized bill, invoice, work order, manifest, or statement in which emissions-related parts and labor are specifically identified.

(v) A second failing test no older than 14 days prior to waiver application.

(vi) The I/M program shall provide that the $450 minimum expenditure shall be adjusted in January of each year by the percentage, if any, by which the Consumer Price Index for the preceding calendar year differs from the Consumer Price Index of 1989.

(vii) The emissions control devices that were originally equipped on the vehicle from the manufacturer are in place and apparently operable regardless of the model year. Pollution control devices that have been removed or rendered inoperable shall be replaced or repaired before a waiver is issued.

(viii) The vehicle is not within the time and mileage requirements of the federal emissions warranties. Any vehicle that is within the time and mileage requirements of the federal emissions warranties shall not be eligible for an emissions repair waiver but shall be repaired to pass the emissions standards.

(ix) Repairs made by the vehicle owner, or by someone other than a recognized repair technician shall not include the cost of labor for waiver repair cost requirements.

(x) Acceptable emissions related repairs;

a. Refer to those expenditures and costs associated with the adjustment, maintenance, and repair of the motor vehicle which are directly related to the area of failure and reduction of exhaust emissions necessary to comply with the applicable emissions standards, and procedures;

b. May include adjustments, maintenance, or repairs performed within sixty (60) days prior to the official emissions inspection;

c. Does not include the fee paid for the inspection;

d. Does not include costs associated with the repairs or replacements, and/or repair of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, tampering with, or abuse of the emissions control systems;

e. Does not include repairs performed to the vehicle’s exhaust system to correct problems with excessive exhaust dilution;

f. Refer to repairs and maintenance, if done according to manufacturer's specifications and following manufacturer's procedures, to the extent that the purpose is to reduce exhaust emissions to the following systems:

   i. Air Intake Systems;

   ii. Ignition Systems;

   iii. Fuel Control Systems;

   iv. Emissions Control Systems, except as noted in Section 4.5.3(ix);

   v. Basic Engine Systems; and

   vi. Repair of problems identified by on-board diagnostic (OBD-II) fault codes.

g. If a part or parts is/are not available, the owner or operator may obtain a signed form to that effect from a manufacturer or dealer, or recognized repair technician who has verified the non-availability of the part(s). The owner or operator may then take such proof to the Department and request a waiver so that the vehicle may be registered.

## 5. LICENSES, PERMITS, CERTIFICATES, & REGULATORY FEES

5.1. The Department may establish and collect appropriate fees for licenses, certificates and permits as set out in this Regulation. The Department may collect appropriate fees as set out in this Regulation for the performance of services, including training courses and examinations. If information on a license, certificate, or permit application changes, the applicant shall notify the Department in writing within twenty (20) calendar days.

5.1.1. **I/M Inspection Station Plan Review Fee.** Any applicant who applies for a new I/M Inspection Station Permit as required by Section 4.2.2(i) of this Regulation shall be required to remit a Plan Review Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule upon application for a new I/M Inspection Station or relocation of an existing I/M Inspection Station.

5.1.2. **Annual I/M Inspection Station Permit Fee.** Any applicant who applies for a valid I/M Inspection Station Permit as required by Section 4.2.2 of this Regulation shall be required to remit a fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule upon application. If the I/M Inspection Station Permit has been expired longer than six months, the I/M Inspection Station Permit shall be revoked. This section pertains to Fleet I/M Inspection Stations also.

5.1.3. **Certified Emissions Inspector Training Course Fee**. Any qualifying applicant who registers for the Inspection Training Course and Qualification Examination required in Section 4.3. of this Regulation shall be required to remit a fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule upon registration.

5.1.4. **Inspector Retraining Course Hourly Fee**. The Department can administer, at its discretion or at the request of an I/M Inspection Station or Inspector, a refresher, recertification, or re-training course. The I/M Inspection Station or Inspector shall be required to remit an hourly fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule upon registration.

5.1.5. **Inspector's Certificate of Qualification Fee**. The Inspectors Certificate of Qualification is valid for one year. Any Inspector who qualifies to renew an Inspector's Certificate of Qualification as required by Section 4.3.1(iv)c of this Regulation shall be required to remit a fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule upon application for renewal. The fee shall be applicable for each I/M Inspection Station where the Inspector is currently certified. Inspectors whose certificates have been expired longer than six months shall be required to enroll in the Certified Emissions Inspector Training Course.

5.1.6. **Inspector Transfer or Multiple Station Certification Fee**. Any Inspector who applies for a transfer of their Certificate of Qualification or multiple station Certificate of Qualification placement, as required by Section 4.3.1(iii) of this Regulation, shall be required to remit a fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule per transfer or station upon application.

5.1.7. **Air Pollution Control Fee**. The owner of any vehicle which qualifies for registration pursuant to Section 4.1.3 of this Regulation shall be required to remit to the County Assessor an Air Pollution Control Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule upon annual vehicle registration.

5.2. Unless otherwise provided for in this Regulation or approved by the Director in the Department's Fee Schedule, all fees collected by the Department are non-refundable. All licenses and permits issued by the Department are non-transferable.

5.3. **Denial, Suspension, or Revocation of Approval or Permit**. The Department may suspend, revoke, or deny a permit of an I/M Inspection Station and/or require the surrender of the permit with notification and upon showing that:

5.3.1. An Inspector at the I/M Inspection Station is in violation of this Regulation and:

(i) The I/M Inspection Station owner or other responsible person had knowledge of the Inspector's violation;

(ii) The I/M Inspection Station owner or other responsible person had no direct knowledge of the violation but is found to be careless in oversight of the Inspector; or

(iii) The I/M Inspection Station has a history of violations.

5.3.2. A vehicle was inspected and issued a passing Vehicle Inspection Report by the station personnel, when the vehicle did not, at the time of inspection, comply with all applicable policies, procedures, Technical Bulletins and this Regulation;

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

5.3.4. A vehicle was inspected and issued a passing Vehicle Inspection Report and did not, at the time of inspection, comply with the requirements of Section 4.3.6 of this Regulation regarding tampering;

5.3.5. The I/M Inspection Station has violated any provision of this Regulation, or any rule, regulation, Technical Bulletins, or Department policy properly promulgated for the operation of an I/M Inspection Station;

5.3.6. The I/M Inspection Station was not equipped as required by this Regulation;

5.3.7. The I/M Inspection Station is not operating within the property boundaries as specified on the permit;

5.3.8. An official inspection was done by a non-certified person or a non-certified person has gained access to the official inspection portion of the analyzer or a non-certified person signed a Vehicle Inspection Report;

5.3.9. The computerized analyzer has been tampered with or altered in any way contrary to the certification and maintenance requirements of the analyzer or the vehicle being inspected has been altered or tampered with in any way so that it will pass the emissions inspection when it would not otherwise;

5.3.10. The I/M Inspection Station denies access to or conceals pertinent information from a representative of the Department during an I/M Inspection Station audit or while conducting other necessary business;

5.3.11. A passing Vehicle Inspection Report for a vehicle that was not emissions inspected according to the I/M inspection procedures; or

5.3.12. A violation of this Regulation, or any other restrictions or requirements adopted by the Board of Health.

5.4. When the Department takes administrative or legal action to suspend or revoke an I/M Inspection Station Permit at a location, a new I/M Inspection Station Permit may be issued for that location after the conditions of the suspension or revocation have been met.

5.5. **Denial, Suspension, or Revocation of Certificates of Qualification**: The Department may suspend, revoke, or deny the Certificate of Qualification of an Inspector and require the surrender of the Certificate of Qualification upon showing that:

5.5.1. The Inspector issued or caused an Electronic Certificate of Compliance to be issued without an approved inspection being completed;

5.5.2. The Inspector denied the issuance of an Electronic Certificate of Compliance to a vehicle owner or that, at the time of the inspection, complied with this Regulation for issuance of said Certificate;

5.5.3. The Inspector issued an Electronic Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with this Regulation;

5.5.4. The Inspector failed to re-qualify for a Certificate of Qualification within the required period of time;

5.5.5. The Inspector recorded "Passed" for the vehicle when the vehicle did not, at the time of inspection, comply with the tampering requirements of the inspection detailed in part 4.3.6 of this Regulation, regardless of whether a Certificate of Compliance was issued or not;

5.5.6. Inspections were performed by the Inspector, but not in accordance with applicable policies, procedures, Technical Bulletins, and this Regulation;

5.5.7. The Inspector allowed a non-certified person to perform an official I/M inspection or gain access to the official inspection portion of the analyzer;

5.5.8. The Inspector signed an inspection form stating that he or she had performed the emissions inspection when, in fact, he or she did not;

5.5.9. An Electronic Certificate of Compliance was issued for a vehicle that was not inspected.

5.5.10. Unless otherwise provided for in this Regulation or approved by the Director in the Department's Fee Schedule, all fees collected by the Department are non-refundable. All certifications, licenses and permits issued by the Department are non-transferable.

## 6. I/M INSPECTION STATION AUDITS & INVESTIGATIONS

6.1. To ensure compliance, a periodic I/M Inspection Station audit shall be made by a Department representative to verify compliance with this Regulation for each I/M Inspection Station. As part of the periodic audit of the I/M Inspection Station the Department representative shall, as applicable, verify that the emissions inspection and OBD-II equipment is operating correctly, examine inspection records, and Certificates of Compliance as well as other required reports, forms, or records to see that the use of these items is in compliance with this Regulation and the policies and procedures of the Department.

6.1.1. During the time of the I/M Inspection Station audit by the Department, the Department representative shall have exclusive access to the approved emissions inspection analyzer(s), inspection bays and any materials pertaining to the I/M Program at the station.

6.2. **Authority for Department to Enter Premises**.

6.2.1. **Regulated Commercial Premises**. Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine I/M Inspection Station audit to ensure compliance with rules, standards, regulations, and ordinances adopted by the Department, the Departments of Health & Environmental Quality, county or municipal governing bodies, or the Division of Occupational and Professional Licensing.

6.2.2. **Consent by Certificate or Permit Holder**. The Department shall require certificate holders or permit holders to consent to access for an I/M Inspection Station audit as part of their certificate or permit. Failure to allow access for I/M Inspection Station audit as set forth in Regulation may result in the suspension or revocation of the permit.

**7. ENFORCEMENT MECHANISMS**. If the Department has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this Regulation or the Department has other reasonable grounds to believe that there has been a violation of any part of this Regulation or that the property owner or otherwise responsible party is not in compliance with this Regulation , the Department may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges;

7.1. Criminal Enforcement Actions. The Department may recommend criminal prosecution for environmental violations either alone or in conjunction with civil enforcement. Criminal prosecutions for environmental violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement entity. The Department may consider the following factors, and any other relevant factors, in recommending criminal enforcement:

7.1.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another, or the harm or threatened harm to human health or environment;

7.1.2. The degree to which the violation was designed to provide economic gain or cost avoidance, or it involved a pattern of conduct or a common attitude of illegal conduct;

7.1.3. The degree to which the offender is a known violator and has avoided prior actions by the Department;

7.1.4. The degree to which prosecution might deter future violations;

7.1.5. The person's actual culpability in connection with the offense, including the presence in connection with the offense, including the presence of criminal intent;

7.1.6. The person's willingness to cooperate in the investigation, including whether the violator has attempted to conceal evidence or prosecution of others;

7.1.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and

7.1.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

7.2. **Civil Enforcement Actions**.

7.2.1. The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.

7.3. **Administrative Actions**.

7.3.1. The Department may, at its discretion, issue a Notice of Violation & Order of Compliance (NOV).

7.3.2. **Service of NOV**. The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via mail to the last known address of the owner of the property or other responsible person or, the owner of the property or other responsible person may be personally served or be given notice by other methods reasonably calculated to give actual notice to the owner or other responsible party.

7.3.3. **Contents of NOV**. The NOV shall:

(i) Describe the property and the person believed to be in violation;

(ii) Describe the violation;

(iii) Describe remedial action that will comply with the provisions of this Regulation;

(iv) Set a reasonable time for the performance of any required remedial action(s);

(v) Describe the procedure to contest the NOV and the time limits for such a contest; and

(vi) Notify the owner or other responsible person that if no written opposition is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.

7.3.4. **Challenging an NOV**. If a person(s) is aggrieved by a Departmental Notice, the person(s) may file with the Department a written request for a departmental conference. The written request for a departmental conference must be received by the Department within ten (10) days.

7.3.5. **Departmental Conference, Settlement Agreements, and Stipulations & Orders.**

(i) After issuance of the NOV, the alleged violator has the option to request and attend a Departmental Conference to discuss the NOV and settlement with the Department and its legal counsel. No hearing officer will be present. The process of requesting a Departmental Conference is more fully described in the Department's Adjudicative Hearing Procedures.

(ii) If the parties agree to a settlement, the Department will prepare, in conjunction with the District Attorney's Office, a binding Settlement Agreement or Stipulation & Consent Order which may require the payment of penalties and the costs of investigation. Parties may also agree to a settlement at any time after the Departmental Conference. After signing a Settlement Agreement or Stipulation & Consent Decree, the parties waive all rights to further Department and court hearings or appeals. Settlement Agreements or Stipulation & Consent orders may be enforced in state courts.

7.3.6. **Hearings & Appeals**. Parties Aggrieved by an NOV may also request a Departmental Appeal. A hearing officer is present at these proceedings and makes a written determination. The methods of challenging an NOV are more fully described in the Department's Adjudicative Hearing Procedures. Departmental Appeal Orders may be appealed within the time limits set out in the Department's Adjudicative Hearing Procedures.

7.3.7. **Failing to respond to an NOV**. If a party fails to respond to an NOV within the required time, the NOV becomes a final order unappealable to any administrative entity or court. The Department may then enforce the order in state court.

7.4. **Additional Administrative Enforcement Authority**.

7.4.1. The Department may declare unsanitary conditions a nuisance and cause every nuisance affecting the public health to be abated.

7.4.2. **Exercise of Physical Control**. The Department may establish, maintain, and exercise physical control over property as the Department finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibit public gatherings. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately but may petition the Director for a hearing in accordance with the Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this Regulation, the Director shall continue the order in effect or modify or revoke it.

7.4.3. **Emergency Enforcement**. If the Director finds that an emergency exists that requires immediate action to protect the public health, he or she may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he or she deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the nuisance immediately; but may petition the Director for a hearing in accordance with the Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this Regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

## 8. CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES

8.1. **Criminal Penalties**.

8.1.1. Any person who is found guilty by a court of violating any of the provisions of this Regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code § 26A-1-123.

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

8.1.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

8.2. **Civil & Administrative Penalties**.

8.2.1. Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may also be imposed by the Hearing Officer. Penalties may be assessed according to the following factors:

(i) The violator's history of compliance or non-compliance;

(ii) The violator's economic benefit of non-compliance;

(iii) The documented costs associated with environmental or health damage;

(iv) The violator's degree of willfulness or negligence; and

(v) The violator's good faith efforts to comply and cooperate.

8.2.2. The Director may multiply the penalty by the number of days the violation(s) occurred.

8.3. **Recovery of Investigation & Abatement Costs.**

8.3.1. The Department may recover its audit, investigative, and abatement expenses and costs from owners or other responsible person(s).

8.3.2. The Department may record a judgment lien on a violator's property to recover its expenses and costs.

9. **EFFECTIVE DATE**.

9.1. This Regulation shall become effective upon its adoption by the Salt Lake County Board of Health.

**APPROVED AND ADOPTED** this _______ day of ____________, 2026.

SALT LAKE COUNTY BOARD OF HEALTH

By: ______________________________
Rusty Vetter, JD, Chair

ATTEST:

By: ______________________________
DOROTHY ADAMS, MPH, LEHS
Executive Director
Salt Lake County Health Department

APPENDIX A

ANALYZER SPECIFICATIONS AND INSPECTION PROCEDURES

## 1. Equipment Specifications

## 2. Computer

Each workstation will be equipped with the same computer. The computer will be selected to minimize the obsolescence of personal computers. At a minimum, the computer equipment and software will be capable of interfacing, processing, performing, and integrating the functions contained in the inspection procedures, in the I/M environment. Newer or faster components may be substituted if they become available and the older components can no longer be obtained.

### 2.1.1 Printer

Each workstation will contain a monochrome laser printer (or equivalent) including a paper tray with a 250-sheet capacity loaded with normal letter sized paper capable of printing 27 pages per minute and first pages within 5 seconds.

### 2.1.2 OBD-II Interface

The OBD-II interface shall be a full OBD-II, SAE J1978, SAE J1979, SAE HS-3000 Scan Tool Compliant device that reads emission related codes on model year 1996 and newer vehicles. It supports all protocols including CAN, VPW, PWN, ISO, and KEYWORD (KWP). The hardware interface itself will be mounted inside the enclosure. It will be connected to a 5-meter heavy duty cable which will run from the cabinet to the connector used to plug into the vehicle's DLC.

The OBD-II system will meet the following requirements:

- The interface cable has a plug that conforms to the J1962 Diagnostic Connector specification.
- Capable of communicating with the standard data link connector (DLC) of vehicles with certified OBD-II systems.
- Capable of checking for the monitors supported by the on-board diagnostic system and the evaluation status of supported monitors (test complete/test not complete) in Mode $01 PID $01, as well as be able to request the diagnostic trouble codes, as specified in SAE J1979.

In addition, the OBD-II system will have the ability to capture other information such as PID counts, PCM IDs, and OBD-II VINs if they are available, which can be used to perform OBD-II "fingerprinting".

The enclosure containing the hardware interface will supply the interface with an alternate power supply and ground. This will be used to successfully test vehicles which have either power or grounding issues.

### 2.1.3 Gas Cap Tester

The gas cap tester used for pressure testing the vehicle gas caps will be mounted inside of the cabinet. The tester uses a 20-foot coiled hose connected to the outside of the cabinet.
The gas cap tester will meet the following specifications:

- Measurement:
  - Flow Rate Method: Comparative reference
  - Test Pressure Regulation: 30" $H_20$ gauge +/- 1"
  - Flow Rate Pass/Fail Point 60 cc/minute +/- 3 cc/minute
- Operating Conditions:
  - Temperature Range: 15-110° F
  - Altitude Range: - 60-7000'
  - Humidity Range: 0-100% (non-condensing)
- PASS/FAIL Adapter:
  - Pass Setting Flow Range: 52-56 cc/min.
  - Fail Setting Flow Range: 64-68 cc/min.

## 2.2 Auxiliary Components

### 2.2.1 Barcode Scanner

The workstation will optionally contain a barcode scanner capable of reading both 1D and 2D barcodes. The barcode scanner will meet the following specifications:

- IP54-rated sealing protects against elements, industrial design withstands multiple 6.5 foot (2 meter) drops to concrete, reducing downtime and costs for maintenance and repairs
- Ability to read both 1D and 2D barcodes

- Omni-directional scanning
- UPC, EAN, Code 39, Code 128, Codabar, Interleaved 2 of 5, Code 93
- PDF417, microPDF417, MaxiCode, DataMatrix (ECC 2000), Composite Codes, QR Code

The barcode scanner will be connected to the cabinet via a USB cable and will be powered by the same cable.

#### 2.2.2 Camera

The workstation will contain one or more USB cameras to be used for taking pictures at various times during an inspection.

## 3. Equipment Functional Specifications

This section describes the equipment functional specifications for the Utah Analyzer System. These specifications include the maintenance functions to be performed by the analyzers and the operating conditions.

### 3.1 Analyzer System

#### 3.1.1 Gas Cap Tester Check

The analyzer will automatically require a check for the gas cap tester every 72 hours or at a frequency determined by the Department. If the analyzer does not pass the gas cap tester check, the system will automatically lock out any more OBD-II emissions tests from being run if the gas cap test would be applicable for the vehicle being tested. A pass/fail standard device will be provided in order to perform the check.

#### 3.1.2 Information Display

The software will contain a location(s) where the following information is displayed to the Inspector:

- Date of next required component check
- Analyzer related lockouts

### 3.2 OBD-II System

#### 3.2.1 Operating Conditions

The OBD-II interface and associated components shall operate in a temperature range from 40 °F to 110 °F. Within this range, the OBD-II interface must operate within the performance specification described above. A proper environment will be created in order to keep the OBD-II system operation within these ranges except under the most extreme circumstances. The input power required for proper operation of the OBD-II enclosure will be 12 VDC. External fuses or circuit breakers will be used to protect the analyzer from power fluctuations. The operation of the OBD-II system should not be affected by electrical noise or voltage surges which would be found in a typical garage environment.

### 3.2.2 DLC Connector

The OBD-II connector will be compliant with the SAE J1978 specification and will allow the Inspector the ability to connect to a vehicle easily. The attached cable will allow the system to connect to a vehicle located 15 feet away from the OBD-II system.

### 3.2.3 General

The OBD-II system will be compatible with most types of automotive service operating environments. The analyzer shall operate under the conditions and performance requirements listed here and in 40 CFR51. The equipment design and operation must meet all federal requirements (contained in 40 CFR 85.2207-2231) and recommended SAE practices (i.e., J1962, J1978 and J1979) for OBD-II system inspections.

## ANALYZER INSPECTION PROCEDURES

1. All options used for inspection procedures, equipment specifications and program design shall meet emission reduction required by this Regulation.

2. The inspection for light duty, non-diesel fueled vehicles of 1996 and newer model years (0-8500 lbs. GVWR) and 1998 and newer light and medium duty diesel (0-14,000 lbs. GVWR) shall consist of an OBD-II inspection, as outlined in the analyzer software, and a visual/tampering inspection as outlined in this Regulation. A functional inspection of the gas cap will be included for light duty, non-diesel vehicles up to and including 2001 model years.

3. Inspector Responsibilities:

    a. An Inspector shall perform all facets of the official vehicle emissions inspection procedure as outlined in this Regulation.

4. Inspection Procedures:

    a. When a vehicle owner or operator requests an emission inspection, the Inspector shall perform the inspection in the official testing mode of the analyzer. Performing a training inspection or screening inspection in the manual mode of the analyzer or on a non-approved analyzer shall be in violation of this Regulation. An Inspector who has been assigned to the station where the inspection is being performed shall perform all aspects of the official inspection.

b. NOTE: If the Inspector is unable, unqualified, or unwilling to make the required repairs or adjustments should the vehicle fail the inspection, the Inspector shall notify the owner or operator prior to performing the inspection.

5. Preparing for the inspection:

   a. OBD-II preparation:

      i. The analyzer shall be online and ready prior to performing an OBD inspection. All safety protocols must be followed prior to inspections being performed. Do not connect the OBD test lead until the analyzer prompts you to do so.

6. Data gathering and entry:

   a. Only the Inspector shall enter, completely and accurately, all information required as part of the data entry procedure for the official inspection on the analyzer.

   b. The vehicle identification number (VIN) shall be verified from the vehicle and entered accurately into the analyzer.

   c. The Vehicle Emission Control Information (VECI) label under the hood or an approved emissions system application guide, or both shall be referenced to determine what emissions devices the vehicle was originally equipped with.

   d. Vehicle emissions systems shall be inspected for the presence and apparent operability of emissions devices that may include:

      i. Air Injection Reaction System (AIR) (diesel and non-diesel);

      ii. Catalytic Converter (CAT) (diesel and non-diesel);

      iii. Exhaust Gas Recirculation System (EGR) (diesel and non-diesel);

      iv. Evaporative Emissions Control System (EVAP);

      v. Positive Crankcase Ventilation System (PCV) (diesel and non-diesel);

      vi. OBD-II System (diesel and non-diesel);

      vii. Diesel Particulate Filter System (DPF);

      viii. Selective Catalyst Reduction / Urea System (SCR) (diesel); and/or

      ix. Fuel Cap (gas and diesel).

e. Emission control device information shall be accurately entered into the analyzer.

f. Proof of compliance shall be issued electronically to the vehicle inspection database after a passing emissions test.

g. VIR shall be signed by the Inspector immediately after printing and given to the customer.

h. If the vehicle fails the inspection, is in a not ready status for the OBD-II inspection or the inspection has been aborted, the Inspector shall provide a copy of the VIR and any other written materials required by the Department to the owner or operator and the Inspector should explain the VIR to the owner or operator.

# APPENDIX B

## PENALTY SCHEDULE

| **Violation** (resets after 2 years of no similar violations unless revoked) | **1st Occurrence** | **2nd Occurrence** | **3rd Occurrence** | **4th Occurrence** |
|---|---|---|---|---|
| **Failure to inspect or substituting a vehicle other than the vehicle on the test record** *(intentional pass)* | Inspector: 180-day suspension and mandatory retraining | Inspector: Revocation of permit for 5 years | | |
| | Station: 180-day suspension | Station: 270-day suspension | Station: Revocation of inspection station permit for 5 years | |
| **Passing a failing vehicle or recording pass for tampering on a tampered vehicle** *(gross negligence)* | Inspector: 30-day suspension and mandatory retraining | Inspector: 60-day suspension and mandatory retraining | Inspector: Revocation of permit for 5 years | |
| | Station: 15-day suspension | Station: 30--day suspension | Station: 60--day suspension | Station: Revocation of permit for 5 years |
| **Falsifying an inspection record or emissions certificate or Failing a passing vehicle** *(intentional)* | Inspector: 180-day suspension and mandatory retraining | Inspector: Revocation of permit for 5 years | | |
| | Station: 180-day suspension | Station: 270-day suspension | Station: Revocation of inspection station permit for 5 years | |
| **Non-certified person performing test** *(gross negligence table)* | Inspector: 60-day suspension | Inspector: 180-day suspension | Inspector: Revocation of permit for 5 years | |
| | Station: 60-day suspension | Station: 180-day suspension | Station: Revocation of inspection station permit for 5 years | |
| **Inaccurate or incomplete data entry** *(incompetence)* | Inspector: Formal warning and mandatory retraining | Inspector: 30-day suspension and mandatory retraining | Inspector: 90-day suspension and mandatory retraining | Inspector: Revocation of permit for 5 years |
| | Station: Formal warning | Station: 15-day suspension | Station: 45-day suspension | Station: Revocation of inspection station permit for 5 years |
| **Failure to follow proper test procedures** *(incompetence)* | Inspector: Formal warning and mandatory retraining | Inspector: 30-day suspension and mandatory retraining | Inspector: 90-day suspension and mandatory retraining | Inspector: Revocation of permit for 5 years |
| | Station: Formal warning | Station: 15-day suspension | Station: 45-day suspension | Station: Revocation of inspection station permit for 5 years |
| **Failure to properly Inspect a covert** | Inspector: Verbal warning/education | Inspector: Official warning letter | Inspector: 15-day suspension and mandatory retraining | |

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|---|---|---|---|---|
| **vehicle** <br><br> *(incompetence)* | Station: Verbal warning/education | Station: Official warning letter | | |

**Negotiated Consent Agreements**
I/M Inspection Station suspensions may be reduced in length by a Negotiated Consent Agreement which may substitute monetary penalties for part or all of the suspension time. The minimum station consent agreement amount is $100 or 5 times the inspection fee, whichever is greater.

Initial station suspensions may be reduced in length by a Negotiated Consent Agreement that may substitute monetary settlements for part or all of the suspension time for each violation incurred under the penalty schedule. Consent Agreements for stations shall be based on 20% of the emission inspection fee multiplied by the actual number of emissions tests completed during the equivalent suspension time frame prior to the violation.

Violations that have been determined to be intentional or flagrant shall result in the maximum penalties. Permit revocations are not eligible for Negotiated Consent Agreement.