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VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM

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1.0 DEFINITIONS.

For the purpose of these Regulations, the following terms, phrases, and words shall have the following meanings, unless otherwise defined:

1.1 Accreditation: Certification that the instrument and instrument manufacturer meet the operating criteria, specifications and requirements of the Utah County Health Department;

1.2 Accuracy: The degree by which an instrument is able to determine the true concentration of pollutants of interest;

1.3 Air Intake Systems: 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;

1.4 AIR System: (Air Injection Reaction) A system for providing supplementary air into a vehicle's exhaust system to promote further oxidation of HC and CO gases and to assist catalytic reaction;

1.5 Analyzer: An engine exhaust gas analyzer, or emissions test equipment capable of reading and deciphering OBD systems;

1.6 Bar 97: Refers to California Bureau of Automotive Repair Exhaust Gas Analyzer Specifications, which became effective in 1997;

1.7 Basic Engine Systems: 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 post combustion emissions control device integrity;

1.8 Bench: The main sample processing assembly of an engine exhaust gas analyzer including detectors, sampling tubes, processor boards, infrared sources and power supply;

1.9 Calibration: The process of establishing or verifying the accuracy of an exhaust gas analyzer to perform a consistent evaluation of engine exhaust by using different calibration gases having precisely known concentrations;

1.10 Calibration Gases: Gases of accurately known concentration that are used as references for establishing or verifying the calibration curve and accuracy of an exhaust gas analyzer and are approved by the Department for use. May also be referred to as a span gas;

1.11 Catalytic Converter: A post combustion device that oxidizes HC and CO gases and/or reduces oxides of nitrogen gases;

1.12 Certificate: A Certificate of Compliance or Certificate of Waiver;

1.13 Certificate of Compliance: A document used in the Vehicle Emissions Inspection/Maintenance Program to certify that a vehicle meets all applicable requirements of the program;

1.14 Certification: Assurance by an authorized source, whether it be a laboratory, the manufacturer, the State, or the Department, that a specific product or statement is in fact true and meets all required requirements;

1.15 Certified Emissions Mechanic: A person who has successfully completed all certification requirements and has been issued a current, valid Mechanic Certificate of Qualification by the Department;

1.16 CO: Carbon monoxide;

1.17 Compliance: Verification that certain submission data and hardware submitted by a manufacturer for accreditation consideration, meets all required accreditation requirements;

1.18 County: Utah County, Utah;

1.19 Cutpoints: The maximum allowable concentration of carbon monoxide (CO) and hydrocarbons (HC) for a given weight class and model year of a motor vehicle, as provided by this Regulation , using an approved infrared exhaust gas analyzer;

1.20 DLC: Data Link Connector;

1.21 DTC: Diagnostic Trouble Codes;

1.22 Dedicated printer: The printer on the approved analyzer which is used solely to print certificates and vehicle inspection reports;

1.23 Department: The Utah County Health Department;

1.24 Director: The Director of the Utah County Health Department or his authorized representative;

1.25 Drift: The amount the analyzer reading changes expressed as a percentage of full scale over a period of time. Zero Drift refers to no change of the zero reading in the zero mode. Span Drift refers to the amount of change in reading of hydrocarbons or carbon monoxide when the analyzer is in the span mode;

1.26 EGR System: The Exhaust Gas Recirculation System - an emissions control system that recycles or re-circulates a portion of the exhaust gases back to the engine combustion chambers;

1.27 Emissions Control Systems: Parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the sole or primary purpose of reducing emissions;

1.28 Engine Exhaust Gas Analyzer: An instrument that is capable of measuring the concentrations of certain air contaminants in the exhaust gas emanating from a motor vehicle which is approved by the Department for this use in accordance with these Regulations as an official test instrument;

1.29 Evaporative Control System: An emissions control system that prevents the escape of fuel vapors from the fuel tank or air cleaner and stores them in a charcoal canister to be burned in the combustion chamber;

1.30 Exemption Form: A document used to verify that a vehicle is exempt from the testing and repair/adjustment requirements of these Regulation

1.31 Fuel Control Systems: Mechanical, electro-mechanical, galvanic or electronic parts or assemblies that regulate the air/fuel ratio in an engine to provide a combustible charge;

1.32 Gas Span Check: The checking and adjustment, as necessary, of an exhaust gas analyzer to correspond with known concentrations of HC and CO span gases;

1.33 Gas Calibration Check: A procedure using known concentrations of HC and CO span gases to verify the accuracy of an analyzer in measuring HC and CO;

1.34 Gaseous Fuel: Means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms;

1.35 Hang up: A situation in which hydrocarbons cling to the surface of the sampling and analyzer systems in contact with the exhaust gas sample stream resulting in errors in HC readings;

1.36 Hexane Equivalency Value: The value derived from multiplying the propane equivalency factor (P.E.F.), as labeled on the analyzer, by the concentration of propane recorded on the calibration gas cylinder that is used to determine the proper HC reading when calibration/span gas is introduced into the analyzer bench;

1.37 High Altitude Specifications: Tune up specifications that have been provided by the manufacturer to the Environmental Protection Agency for cars operating above 4,000 feet sea level;

1.38 HC: Hydrocarbons;

1.39 Idle Mode: A condition where the vehicle engine is warm and running at the rate specified by the manufacturer's curb idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position. This condition must be achieved without placing a load on the vehicle to decrease the RPM to the specified rate;

1.40 Ignition Systems: Parts or assemblies that are designed to cause and time the ignition of a compressed air/fuel charge;

1.41 I/M Program Station: A stationary Vehicle Emissions Inspection and Maintenance Station that qualifies and has a valid permit, issued by the Department, to operate as an emissions inspection and maintenance station in the Vehicle Emissions Inspection/Maintenance Program;

1.42 Inspection: An official vehicle emissions test performed for the purpose of issuing a Certificate of Compliance or Waiver;

1.43 Inspection Area: The area that is occupied by the analyzer, sample hose, and the vehicle being inspected;

1.44 Inspector: A Certified Emissions Mechanic;

1.45 Instrument: The complete analyzer system that samples and displays the concentration of pollutant hydrocarbon and carbon monoxide gas. The instrument includes the sample handling system, the exhaust gas analyzer and the enclosure cabinet;

1.46 Leak Check: A vacuum decay test of the entire analyzer sample system including hoses, filters, probes and fittings performed using the equipment manufacturers approved procedure.

1.47 Mechanic: A Certified Emissions Mechanic possessing a current permit to perform emissions testing at a location permitted by the Department;

1.48 MIL: Malfunction Indicator Light;

1.49 Motor Vehicle: A self propelled motorized vehicle with an internal combustion powered engine which is licensed for operation on public roads and/or streets. Motor Vehicles exempted from the inspection requirements of these Regulations are listed in Section 6.6 of these Regulations;

1.50 Motorcycle: Every 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;

1.51 Non-certified Person: Any person who has not been certified by the Department to perform official emissions tests;

1.52 OBD: On Board Diagnostic System;

1.53 OBD Deficient: A vehicle in which the OBD system does not function as it was intended for the purpose of diagnosing emission failures or vehicle readiness accuracy;

1.54 Off-highway Vehicles: A vehicle licensed to operate exclusively off highways;

1.55 Original Condition: The condition of the emission control system(s) as installed by the manufacturer, but not necessarily to the original level of effectiveness;

1.56 PCV System: Positive Crankcase Ventilation System - an emissions control system which returns crankcase vapors and blow-by gases to the combustion chamber to be burned;

1.57 Primary Residence: Is the place where an individual intends to permanently reside, maintains a permanent residence more than six (6) months during a calendar year, or where an individual lives more than six (6) months during a calendar year;

1.58 Publicly owned vehicles: A motor vehicle owned by a government entity, including but not limited to the federal government or any agency thereof, the State of Utah or any agency or political subdivision thereof;

1.59 Readiness: Flags set in the OBDII system that indicate a vehicles readiness to be OBDII tested;

1.60 Reciprocity: Recognition by all Utah I/M counties of the validity of certificates granted by the other.

1.61 Repeatability: The instrument's capability to provide the same value, within specified tolerances, for successive measurements of the same sample;

1.62 Response Time: The period of time in seconds for an instrument to measure and display a pollutant concentration after a concentration of gases is introduced or removed from the sample probe;

1.63 Revoke: To formally cancel, to make null and void by withdrawing, recalling or reversing. To retract, repeal or invalidate a station or mechanic permit for a minimum period of five years;

1.64 Span Gases: Same as calibration gases (see Section 1.10);

1.65 Stabilization: The process of bringing an instrument into equilibrium with the ambient environment and operating conditions;

1.66 Station: An I/M Program Station including all station personnel, employees, and owner(s);

1.67 Technical Bulletin: A document, issued to Certified Emissions Mechanics and/or I/M Program Stations by the Department to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emissions Inspection/Maintenance Program;

1.68 Temporary Waiver: A waiver that may be issued by the Director which will allow the temporary registration of a vehicle based upon a vehicle owner's compliance with the conditions of the waiver;

1.69 Training Program: A formal program administered, conducted, or approved by the Department for the education of emission inspectors/mechanics in basic emission control technology, inspection procedures, diagnosis and repair of emissions related problems, I/M Program policies, procedures, and these Regulations;

1.70 Utah County Board of Health: The Utah County Health Council of Utah County as authorized by Title 26A, Chapter 1 Part 1, Utah Code Annotated, 1953, as amended;

1.71 Utah County Board of Commissioners: The elected Utah County Commissioners;

1.72 UTAH2000 Analyzer: A computerized exhaust analyzer approved by the Department for use in the areas of Utah requiring inspections as specified in Section 41-6a-1642, Utah Code Annotated, 1953, as amended;

1.73 Vehicle Emissions Inspection/Maintenance Program: The program established by the Department pursuant to Section 41-6a-1642, Utah Code Annotated 1953, as amended;

1.74 Waiver or Certificate of Waiver: A document used to verify that a vehicle has met the repair or adjustment requirements of the I/M Program Rules and Regulations even though specific emission standards have not been met.

2.0 PURPOSE.

It is the purpose of these Regulations to reduce air pollution levels by requiring inspections in accordance with the schedule adopted by the Board of County Commissioners and by requiring emission related repairs/adjustments for those vehicles that fail to meet prescribed standards so as to:

2.1 Protect and promote the public health, safety and welfare;

2.2 Improve air quality;

2.3 Comply with federal regulations contained in the Clean Air Act of 1970, 42 USC 7401-7671; and the Amendments to the Act, Amendments of 1977, PL 95-95, PL 95-190; and Amendments of 1990, PL 101-549; and

2.4 Comply with the law enacted by the Legislature of the State of Utah, Section 41-6a-1642 Utah Code Annotated, 1953, as amended.

3.0 JURISDICTION OF THE DEPARTMENT.

All aspects of the Vehicle Emissions Inspection/Maintenance Program within Utah County enumerated in Section 2.0 shall be subject to the direction and control of the Department.

4.0 POWERS AND DUTIES.

4.1 The Department, by the Director, shall be responsible for the enforcement and administration of these Rules and Regulations and any other powers vested in it by law and shall:

4.1.1 Require the submission of information, reports, plans, and specifications from I/M Program Stations as necessary to implement the provisions, requirements, and standards of these Regulations;

4.1.2 Issue permits, certifications, and charge fees as necessary to implement the provisions, requirements and standards of these Regulations;

4.1.3 Perform inspections (audits) of any I/M Program Station, issue orders and/or notices, hold hearings, and levy administrative penalties, as necessary to effect the purposes of these Regulations,

4.1.4 Take samples and make analyses required to ensure that the provisions of these Regulations are met; and

4.1.5 Make policies and procedures necessary to ensure that the provisions of these Regulations are met and that the purposes of these Regulations are accomplished. All policies and procedures must be approved by the Utah County Commission.

4.2 The Department may suspend, revoke, or deny a permit, subject to the Penalty Schedule in Appendix D, of an I/M Program Station and/or require the surrender of the permit and unused Certificates of Compliance of such I/M Program Station upon showing that:

4.2.1 A vehicle was inspected and issued a Certificate by the station personnel that did not, at the time of inspection, comply with all applicable policies, procedures, Technical Bulletins, and these Regulations;

4.2.2 A vehicle was inspected and rejected by the station when, in fact, the vehicle was determined, by the Director, to be in such condition that it did comply with the requirements of these Regulations;

4.2.3 A vehicle was inspected and was passed for the tampering inspection as detailed in Section 9.10 of these Regulations that did not at the time of inspection comply with the requirements of the Section 9.10 tampering inspection.

4.2.4 The station is not open and available to perform inspections during a major portion of the normal business hours of 8:00 AM to 5:00 PM Mondays through Fridays (except stations which only test their own vehicles);

4.2.5 The station has violated any provisions of these Regulations, or any Rule, Regulation, or Department policy properly promulgated for the operation of an I/M Program Station;

4.2.6 The station was not equipped as required by Section 8.0 of these Regulations;

4.2.7 The station is not operating from a location specified on the permit;

4.2.8 An official inspection was done by a non-certified person or a non-certified person has gained access to the official testing portion of the analyzer or a non-certified person signed a Certificate;

4.2.9 The computerized analyzer has been tampered with or altered in any way contrary to the certification and maintenance requirements of the analyzer;

4.2.10 The station denies access to a representative of the Department to conduct an audit/inspection or other necessary business during regular business hours; or

4.2.11 In accordance with Section 41-6a-1642 Utah Code Annotated, 1953, as amended, an emissions inspection for a Weber, Salt Lake, or Davis County resident was performed but not as required by the Regulations/Ordinances adopted by the applicable county,

4.2.12 An engine change verification form was completed and signed when in fact the engine block number was not verified by a certified mechanic or other authorized personnel approved by the Department,

4.2.13 The I/M fee signage procedures are not followed as specified in Section 6.8.3.

4.2.14 The I/M fee has been determined by the Department to be discriminatory. I/M fees cannot be discriminatory in that different fees are assessed dependent upon vehicle ownership, vehicle make or model, owner residence, etc.

4.3 The Department may suspend, revoke, or deny the certificate of an official emissions mechanic, subject to the Penalty Schedule in Appendix D, and require the surrender of this certificate upon showing that:

4.3.1 The Certified Emissions Mechanic caused a Certificate of Compliance to be issued without an approved inspection being made;

4.3.2 The Certified Emissions Mechanic denied the issuance of a Certificate of Compliance to a vehicle that, at the time of the inspection, complied with the law for issuance of said certificate;

4.3.3 The Certified Emissions Mechanic issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with these Regulations;

4.3.4 The Certified Emissions Mechanic inspected and recorded passed on the tampering inspection for a vehicle that did not at the time of inspection comply with the tampering requirements of the tampering inspection detailed in Section 9.10, regardless of whether a Certificate of Compliance was issued or not;

4.3.5 Inspections were performed by the Certified Emissions Mechanic, but not in accordance with applicable policies, procedures, Technical Bulletins, and these Regulations;

4.3.6 The Certified Emissions Mechanic allowed a non-certified person to perform an official I/M test or gain access to the official testing portion of the analyzer;

4.3.7 The Certified Emissions Mechanic signed an inspection form or certificate stating that he had performed the emissions test when, in fact, he did not;

4.3.8 The Certified Emissions Mechanic performed a Weber, Salt Lake, or Davis County test as required by Section 41-6a-1642, Utah Code Annotated, 1953, as amended, but did not perform it as required by the Regulations or Ordinances governing such testing in these counties;

4.3.9 The Certified Emissions Mechanic signed a certificate prior to a test being performed and prior to the certificate being printed by the dedicated printer;

4.3.10 The Certified Emissions Mechanic completed and signed an engine change verification form when in fact the engine block number was not verified.

4.4 The Department shall respond, according to the policies and procedures of the Department, to public complaints regarding the fairness and integrity of inspections they receive and shall provide a method that inspection results may be challenged if there is a reason to believe them to be inaccurate. If Department procedures are not followed the I/M station may not charge more than $10.00 per I/M test.

4.5 Vehicle Idling

4.5.1 Education, Requirements and Exemptions for Owners, Operators, and Dealers of Motor Vehicles.

(a) The primary purpose of Section 4.5 is to educate the public on the health and environmental consequences of vehicle idling

(b) 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 of time exceeding two (2) cumulative minutes within a 15 minute period.

(b) Exemption to Idling Limitations. Vehicles may be exempted from the idling limitation requirements of section 4.5.1(a) under the following conditions, when not otherwise in violation of Utah State Code 41-6a-1403:

(i) The vehicle is forced to remain motionless on a roadway because of traffic conditions for which the driver has no control;
(ii) The vehicle is an authorized emergency vehicle used in an emergency situation;
(iii) Vehicle idling is necessary for auxiliary power for law enforcement equipment, fire, emergency and water equipment, refrigeration units, loading and unloading lifts, well drilling, farming, battery charging, or is required for proper functioning of other commercial equipment that is part of the vehicle;
(iv) Vehicle idling is necessary for repair or inspection of the vehicle;
(v) The health or safety of a driver or passenger, including service animals, requires the vehicle to idle, including instances where the temperature is below 32 degrees F or above 90 degrees F. This exception also includes idling needed to operate window defrosters and other equipment necessary to promote safe driving conditions; and
(vi) Vehicle idling is necessary for efficient operation of a turbo-charged heavy duty vehicle (e.g., buses) or to operate a vehicle within manufacturer's operating requirements. This includes building air pressure in air brake systems, among other requirements.

(c) Provisions of section 4.5 may only be enforced when the idling vehicle is found on:

(i) Public property, or
(ii) Private property that is open to the public unless the private property owner:
(A) Has a private business that has a drive-through service as a component of the private property owner's business operation and posts a sign provided by or acceptable to Utah County informing its customers and the public of Utah County's time limit of three minutes for idling vehicle engines; or
(B) Adopts an idle reduction education policy approved by Utah County.

4.5.2 Enforcement

(a) Section 4.5 shall be enforced in such a manner as to provide for the safety of the law enforcement officers or designees who enforce it.
(b) An operator of a vehicle who is in violation of this Section 4.5 shall be subject to a fine under the same fine structure as a parking violation in the jurisdiction where the violation is issued. Such fine may only be imposed upon an operator after at least three (3) warning citations have been issued to that operator.

5.0 SCOPE.

It shall be unlawful for any person to fail to comply with any policy, procedure, Technical Bulletin, or regulation promulgated by the Department, unless expressly waived by these Regulations.

6.0 GENERAL PROVISIONS.

Subject to the exceptions in Section 6.6 and pursuant to the schedule in Section 6.1, individuals with their primary residence in Utah County must register their motor vehicles in Utah County and motor vehicles (of model years 1968 and newer) that are or will be registered in Utah County, or operated from a facility within Utah County shall be subject to an OBDII emissions test or annual exhaust gas emission inspection performed by an I/M Program station or other entity approved by the Director. In an effort to ensure program integrity, the Department may require select vehicles to be tested only at the Utah County Technical Center. Vehicles tested by the Department will be required to meet the same inspection standards as vehicles tested at the decentralized stations.

6.1 Beginning July 1, 1986, a Certificate of Compliance or Waiver, or evidence that the motor vehicle is exempt from the Inspection/Maintenance Program requirements (as defined in Section 6.6) shall be presented to the County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee paid (See Section 6.10.1) as conditions precedent to annual registration or annual renewal of registration of a motor vehicle.

6.2 If Section 53-8-205 of the Utah Code Annotated, 1953, as amended, concerning safety inspections is in effect, the official vehicle emissions inspection shall occur and a Certificate of Compliance or Waiver shall be issued within the same time period as applicable in Section 53-8-205.

6.3 If Section 53-8-205 of the Utah Code Annotated, 1953, as amended, concerning safety inspections is not in effect, the official vehicle emissions inspection shall occur and a Certificate of Compliance or Waiver shall be issued within two months prior to the date of the motor vehicle registration.

6.4 A certificate issued to an automobile dealer licensed with the State of Utah and issued in the dealer's number shall be valid for registration purposes for a period of eleven months. The purchaser's name, address, and phone number shall be recorded by the dealer on the back of the certificate.

6.4.1 If the title of a used motor vehicle is being transferred, an inspection certificate issued for the motor vehicle during the previous eleven months may be used to satisfy registration requirements.

6.4.2 If the title of a leased vehicle is being transferred to the lessee of the vehicle, an inspection certificate issued during the previous eleven months may be used to satisfy the registration requirements.

6.5 Publicly Owned Vehicles. Owners of publicly owned vehicles shall comply with the inspection program requirements pursuant to a schedule determined by the Department. Federally owned vehicles and vehicles of employees operated on a federal installation that do not require registration in the State of Utah shall comply with the emissions testing requirements on a basis pursuant to a schedule determined by the Department.

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

6.6.1 Any vehicle of model year 1967 or older;

6.6.2 All agricultural implements of husbandry and any motor vehicle that qualifies for an exemption as provided by Subsection 41-6a-1642 (3)(i) Utah Code Annotated, 1953, as amended;

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

6.6.4 Any motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a motorcycle);

6.6.5 Any vehicle that operates exclusively on electricity;

6.6.6 Any vehicle that is less than two years old on January 1 based on the age of the vehicle determined by the model year identified by the manufacturer.

6.6.7 Any motor vehicle which qualifies for legislative exemptions.

6.6.8 Any motor vehicle which is powered by an engine that is 650cc or less.

6.6.9 Any motor vehicle which is powered by a 2 cycle engine.

6.7.0 Any diesel powered motor vehicle except those vehicles that have been identified as having excessive visible emissions or have been cited under Utah Traffic Code, Title 41-6a-1626.

6.7 It shall be the responsibility of the emissions inspector/mechanic if a vehicle exempted from these Regulations by Section 6.6 of these Regulations is brought to the inspector/mechanic for an official emission test to inform the owner/operator of the vehicle that the vehicle is not required to have an official emission inspection for vehicle registration purposes.

6.8 Official Signs.

6.8.1 All I/M Program Stations, except those stations authorized to inspect only their own motor vehicles as a fleet inspection station, shall display in a conspicuous location on the premises an official sign provided or approved by the Department;

6.8.2 The exhaust emissions standards, as promulgated under authority of Section 12.0 of these Regulations shall be posted in a conspicuous place on the station's premises, if required by the Department;

6.8.3 The station shall post on a clear and legible sign, no less than two square feet in size, and in a conspicuous place at the station, the fees charged by that station for the performance of the emissions inspection and the I/M Program adjustments. Block lettering of the sign shall be a minimum of one inch in height on a sign that is easily visible;

6.8.4 The signs required by Sections 6.8.1, 6.8.2, and 6.8.3 shall be located so as to be easily in the public view.

6.9 Equipment Available for Inspection.

Required tools and equipment as noted in Section 8.1.4, supplies, records, unused Certificates of Compliance, and other required forms, shall be kept at the official I/M Program Station at all times and shall be available for inspection and collection by the Department at any time the inspection station is open for business.

6.9.1 A periodic inspection and audit shall be made by a Department representative to verify compliance with these Regulations for each I/M Program Station. As part of the periodic inspection and audit of the I/M Program Station the Department representative shall, as applicable, observe the performance of a gas calibration and leak check performed by the Emissions Mechanic, examine leak check and gas calibration records, and 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 these Regulations and the policies and procedures of the Department.

6.9.2 During the time of the inspection and audit by the Department, the Department representative shall have exclusive access to the approved emissions testing analyzer(s).

6.9.3 For I/M Program Stations certified to perform tailpipe emissions inspections the Department representative may check the accuracy of the analyzer using Department span gas to verify that the analyzer is reading within the tolerances established by the Department. Analyzers not reading within the tolerances shall be recalibrated to acceptable tolerances or placed "out of service".

6.10 Fees.

The fees assessed upon I/M Program Stations and Certified Emissions Mechanics shall be determined according to a fee schedule adopted by the Board of County Commissioners. The fee schedule is referenced in Appendix B to these Regulations and may be amended by the Board of County Commissioners as the Board deems necessary to accomplish the purposes of these Regulations.

6.10.1 The following fee is hereby assessed upon every motor vehicle registered in Utah County annually at the time of registration of the vehicle: Air Pollution Control Fee -- not to exceed the amount specified in Appendix B. This fee assessment is included on all motorized vehicles including those that are exempted from the inspection requirements of these Regulations by Section 6.6 unless a separate fee is assessed on other motor vehicles by other Utah County Ordinances.

6.10.2 Those stations participating in the program hereunder may charge fees for the required service. Those fees may not exceed, for each vehicle inspected, the following amounts:

6.10.2.1 Emissions inspection not to exceed the amount specified in Appendix B. Different fees may be assessed for the two-speed idle test and the OBDII test. I/M fees must be uniformly applied and cannot be discriminatory in that different fees are assessed dependent upon vehicle ownership, vehicle type, owner residence, etc. If a vehicle fails the inspection, the owner is entitled to one free re-inspection if he returns to the station that performed the original inspection within fifteen (15) calendar days from the date of the initial inspection. A station other than the initial testing station may charge ½ of the posted fee for a re-inspection. The station shall extend the fifteen day free re-inspection time to accommodate the vehicle owner if the station is unable to schedule the retest of the vehicle within the fifteen day time period. The emissions inspection fee shall be the same whether the vehicle passes or fails the emission test. At the request of the Department, an official emissions station shall extend the free retest time for vehicle owners who were unable to complete emissions repairs because of the unavailability of parts to make the necessary repairs. In no case shall this extended time exceed the storage capacity time of the emissions analyzer.

6.10.2.2 Emissions adjustments for vehicles 1980 and older, as specified in Section 10.0 of these Regulations, not to exceed $5.00 per adjustment performed. If the air/fuel mixture is sealed, then the station may charge its customary rate to perform the adjustment and reseal it. This rate is to be posted at the station in a manner approved by the Department.

6.10.2.3 Duplicate Certificates of Compliance and/or duplicate VIRs issued to a vehicle's owner(s)/operator(s), not to exceed the amount specified in Appendix B.

6.10.3 These fees are subject to change and may be amended as deemed necessary by the Board of County Commissioners.

6.10.4 If a vehicle fails the emissions test, and is within the time and mileage requirements of the federal emissions warranty contained in the Federal Clean Air Act, the mechanic shall inform the owner/operator that he may qualify for warranty coverage of emission related repairs as provided by the vehicle manufacturer and mandated by the Federal Environmental Protection Agency. The mechanic shall provide the owner with a copy or copies of the applicable emissions warranty information provided by the Department and printed by the analyzer. The station shall display in an area readily accessible to the public any informational pamphlets required by the Department.

7.0 STANDARDS AND SPECIFICATIONS FOR EXHAUST GAS ANALYZERS AND SPAN GASES.

7.1 Approval of Exhaust Gas Analyzers.

7.1.1 No emissions inspection required by these Regulations shall be performed after February 29, 2000 unless the type of instrument used for measuring exhaust gases from motor vehicles is the UTAH2000 analyzer as specified by the Department. The analyzer shall meet the requirements of the analyzer specifications referenced in Appendix A to these Regulations. The analyzer shall also be certified by the manufacturer as meeting the criteria of all Federal warranty provisions of the Clean Air Act. The instrument shall be in good working condition, capable of meeting calibration requirements of the Department, and operated according to manufacturer's specifications and operating procedures.

7.1.1.1 Periodic mandatory equipment upgrade or replacement may be necessary due to technological limitations, legislative changes or changes to the National Ambient Air Quality Standards. An implementation date of these changes will be established by the Department. Station owners may be responsible for all or part of the cost for these upgrades and will be given adequate advanced notification of any mandatory equipment changes.

7.1.1.2 The manufacturer of any future emission testing equipment upgrade must, at a minimum, provide proof of the most current California Bureau of Automotive Repair (BAR) certification of said equipment and must meet the Utah County equipment certification requirements prior to being sold or used in the Utah County I/M Program.

7.1.2 Any analyzer used by an I/M Program Station shall be registered with and approved by the Department and, if required, shall bear a registration sticker issued by the Department. Registration stickers are not transferable or assignable. Any new or used exhaust gas analyzer put in use after station approval must be approved by the

Department before use. Analyzers used temporarily during times of breakdown or repair of the registered analyzer do not require a registration sticker but shall meet all other requirements of this section including the approval of the Department before use.

7.1.2.1 The analyzer printers shall be maintained in such a manner that the printing of the Certificate and inspection report shall be clearly visible on all copies. If any printer fails to properly function, then the station shall discontinue testing until the required repairs have been performed.

7.1.3 Propane Equivalency Factor (P.E.F.): Each instrument shall be labeled with a valid propane equivalency factor, shown with an accuracy of at least two decimal places, (i.e., 0.52). P.E.F. confirmation shall be made on each assembled analyzer by measuring both N-hexane and propane values on assembly line quality checks. If the analyzer bench is replaced, then a new P.E.F. label applicable to the replacement bench shall be appropriately attached to the analyzer.

7.1.4 Running Changes: Any changes to the design characteristics or component specifications that may affect the performance of an exhaust gas analyzer to be used as an official test instrument in the Utah County I/M Program shall be approved by the Department. It shall be the instrument manufacturer's responsibility to confirm that the changes have no detrimental effect on the performance of the exhaust gas analyzer.

7.1.4.1 It shall be illegal for any person to modify the hardware or software of an approved emissions analyzer without written application and formal written approval by the Department.

7.1.5 Calibration/Span Gases

7.1.5.1 General: The instrument manufacturer and/or his designated marketing vendors shall, on request, supply at a reasonable cost, span gases approved by the Department to any ultimate purchaser of his unit. Each new or used instrument sold by the instrument manufacturer or marketing vendor shall have approved full span gas containers installed and operational at the time of delivery. The Department shall establish necessary procedures for approving span/calibration gases.

7.1.5.2 Span Gas Blends: The span gases supplied to any I/M Program Station shall conform to the specifications of the Department. All span/calibration gases shall meet all Federal requirements for the emissions warranty coverage. Only gas blends supplied by Department approved blenders shall be used to calibrate official I/M test analyzers.

7.1.6 Documentation, Logistics, and Warranty Requirements.

7.1.6.1 Instruction Manual: An instruction manual shall accompany each exhaust gas analyzer 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 for maintaining sample system integrity including, but not limited to, leaks, hang up, calibration and filters. The services to be performed only by the manufacturer shall be clearly identified;
(f) Field calibration procedures (i.e., Department Inspection procedure with separate gas supply);
(g) Cal-port gas inlet calibration, zero, and span instructions;
(h) Information concerning the nearest service facility where equipment can be serviced; and
(i) The warranty provisions for the analyzer, including a list of warranty repair stations by name, address and telephone number.
(j) The analyzer shall be maintained in accordance with the manufacturer's recommended maintenance schedule and records of this maintenance service shall be maintained for examination by the Department.

7.2 Calibration of Exhaust Gas Analyzers.

The Department shall use and require for use in the calibration of exhaust gas analyzers, calibration/span gases and containers meeting the guidelines contained in Section 7.1.5.

7.3 Gas Span and Leak Check:

7.3.1 A Certified Emissions Mechanic shall perform a gas calibration of the exhaust gas analyzer, with an approved calibration/span gas, within three (3) days prior to performing any emissions test, and a leak check within twenty-four (24) hours prior to performing any emissions test. The gas calibration and leak check must be performed in accordance with the analyzer specifications as referenced in Appendix A.

7.3.2 The analyzer instruction manual and other Department approved information shall be reviewed by the mechanic to ensure that proper procedures are being used for performing the gas calibration check.

7.3.3 Gas Span and leak checks shall not be required for stations or analyzers that have received prior approval by the Department to be classified as OBDII only test stations or analyzers.

7.4 At any time where the analyzer requires repairs in order to be used in accordance with these Regulations, the certified station shall notify the Department that the analyzer is "Out-of-Service" and shall again notify the Department after repairs are made and before testing is resumed.

8.0 PERMIT REQUIREMENTS OF THE VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM STATION.

8.1 Permit Required.

8.1.1 No person shall in any way represent any place as an official I/M Program Station unless the station is operated under a valid permit issued by the Department.

8.1.2 The Director is authorized to issue or deny permits for the emissions inspection of vehicles and the issuance of Certificate of Compliance and Waivers.

8.1.3 No permit for any official I/M Program Station may be assigned, transferred, or used by any person other than the original owner identified on the permit application for that specific I/M Program Station. The permit shall be posted in a conspicuous place within public view on the premises.

8.1.4 Application for an I/M Program Station permit shall be made to the Department upon a form provided by the Director. No permit shall be issued unless the Director finds that the facilities, tools and equipment of the applicant comply with the requirements of these Regulations and that competent personnel, certified under the provisions of Section 11.0, are employed and will be available to make inspections and adjustments, and the operation thereof will be properly conducted in accordance with these Regulations.

8.1.4.1 An I/M Station shall notify the Department if the station does not have a Certified Emissions Mechanic employed.

8.1.4.2 An I/M station shall comply with all the terms stated in the permit application and all the requirements of these Regulations, including any technical bulletins sent to the station.

8.1.4.3 As a condition for permitting all I/M Program Stations, the following tools shall be available for performance of the inspection and maintenance of motor vehicles:

(a) A Department approved exhaust gas analyzer, as referenced in APPENDIX A ;

(b) An accurate tachometer with a suitable pickup that allows for proper testing and adjustment of the vehicle to be tested;

(c) An accurate dwell meter;

(d) An ignition timing light;

(e) A propane enrichment kit for idle mixture adjustment;

(f)Department approved reference materials that contain idle speed, idle mixture, timing, dwell, fast idle speed specifications, and ready reference information covering the application of emissions control systems for the model years and makes of vehicles involved in the Vehicle Emissions Inspection/Maintenance Program;

(g) Sufficient hand tools for proper performance of the inspection and maintenance of the vehicle;

(h) A Department approved calibration/span gas and equipment for performing the gas calibration/span check;

(i) A suitable non-reactive tail pipe extender or probe adapter for inspecting vehicles with screened or baffled exhaust systems;

(j) The analyzer manufacturer's maintenance and calibration manual which must be retained in the inspection area;

(k) All forms, Technical Bulletins, and other information materials provided by the Department;

(l) An approved adaptor for testing dual exhaust vehicles;

8.1.5 All facets of the official I/M Program shall be performed by the Certified Emissions Mechanic including:

8.1.5.1 Analyzer preparation, calibration checks, and leak checks;

8.1.5.2 Exhaust gas sampling and analysis for purposes of an official emissions test for issuance of a Certificate of Compliance;

8.1.5.3 The five parameter adjustments (if appropriate);

8.1.5.4 Preparation of reports, forms, and certificates;

8.1.5.5 Accessing the official emissions testing section of the analyzer; and

8.1.5.6 All other aspects of the official emissions test including but not limited to: the tampering inspection, inserting the exhaust probe, hooking up the tachometer, entering data into the analyzer, preconditioning the vehicle, and signing certificates and inspection forms.

8.2 An I/M Program Station shall be kept in good repair and in a safe condition for inspection purposes free of obstructions and hazards.

8.3 Permit Duration and Renewal.

8.3.1 The permit for I/M Program Stations shall be issued annually and shall expire on the last day of the year in which it was issued. The permit shall be renewable sixty days prior to the date of expiration.

8.3.2 It is the responsibility of the owner/operator of the inspection station to pursue the permit renewal through appropriate channels.

8.3.3 Inspection Station to hold County Harmless: In making application for a permit or for its renewal, such action shall constitute a declaration by the applicant that the County shall be held harmless from liability incurred due to action or inaction of I/M Program Station's owners or their employees.

8.4 Temporary Permits may be issued on a case by case basis for fleet testing only.

8.4.1 A fleet is defined as ten (10) or more vehicles with the same owner(s).

8.4.2 Only I/M Program stations permitted to operate in Utah County may apply for a temporary permit.

8.4.3 Any station requesting a temporary permit must notify the Vehicle Emissions Office 24 hours in advance by completing an application provided by the Department. The 24 hour notice may be waived at the Department's discretion.

8.4.4 Temporary permits may be purchased in accordance with the fee schedule for any 5-day calendar period or portion thereof. The station may charge the fleet owner the cost of the temporary permit plus testing fees in accordance with the fee schedule in Appendix B.

8.4.5 A temporary permit will expire at the end of the day specified on the application or when the analyzer is removed from the temporary permit location whichever occurs first.

8.4.6 Before any testing can be performed under a temporary permit, the analyzer must be certified on location by the Department. There must be a certified mechanic present to do the testing. The certified mechanic must have a current Emissions Control Systems Application handbook or manual approved by the Department, and other equipment as required by the Department.

8.4.7 The I/M Program station is subject to penalties in Section 4.2 for any violations of the Vehicle Emissions Regulations that may occur during operation with a temporary permit.

9.0 INSPECTION PROCEDURE.

9.1 The official emissions inspection shall be solely performed by a Certified Emissions Mechanic who has been certified at the station where the inspection is being performed and Department approved inspection procedures are to be followed.

9.2 If the mechanic is unable, unqualified, or unwilling to make the required repairs or adjustments, should the vehicle fail the emissions test, he shall notify the owner/operator of the vehicle before the emissions test is administered.

9.3 The entire inspection shall take place within the reach of the analyzer hose or OBDII interface.

9.4 The temperature of the inspection area shall be between 41° Fahrenheit and 110° Fahrenheit during the inspection.

9.5 The analyzer shall be kept in an area that provides adequate protection from the weather, wind, and extreme temperatures.

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

9.7 The emissions mechanic shall not inspect or test any motor vehicle with a mechanical condition which may cause injury to inspection personnel or damage to the inspection station or test equipment or which may affect the validity of the test, 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 high visible emissions.

9.8 Any time an engine stalls during an emissions test, the test shall be restarted. If an inspector cannot complete a test because of continuous stalling, fluctuating RPM measurements, or RPM measurements that are not within the Department specified parameters, then these problems shall be corrected before the test is continued.

9.9 When using a vehicle title, registration or previous test record, the mechanic shall verify the vehicle identification number (VIN) with that on the vehicle and shall accurately record it on the inspection analyzer.

9.9.1 The mechanic shall enter completely and accurately all the information required as part of the data entry procedure for the official vehicle emissions test on the approved UTAH2000 analyzer.

9.10 The mechanic shall:

9.10.1 Examine the emissions/tune-up specification decal (sticker) under the hood and check an approved reference manual to determine if the vehicle was manufactured with a catalytic converter, air injection reaction (AIR) system, PCV System, EGR System, and Fuel Evaporative System.

9.10.2 On 1996 and newer model year vehicles follow the OBD test procedures in accordance with Appendix F.

9.10.2.1 On 1996 and newer vehicles, fail the OBDII system tampering inspection if it is determined that the vehicle computer has been reprogrammed to defeat the factory OBDII system. This includes, but is not limited to, reprogramming to ignore readiness monitors, hard coding readiness monitor status, ignoring DTC's or reporting false information to the emissions analyzer.

9.10.2.2 On 1996 and newer vehicles, fail the OBDII system tampering inspection if it is determined that the vehicle has any computer sensor bypass or emulator devices installed to defeat the factory OBDII system. This includes, but is not limited to, oxygen sensor emulators, oxygen sensor extenders or spacers, fixed or variable resistors installed in place of engine sensors, reprogramming the vehicle computer to emulate proper OBDII function or reporting false information to the vehicle computer.

9.10.3 On 1990 and newer vehicles, visually inspect for the presence and apparent operability of the AIR System, catalytic converter, EGR System, Evaporative Control System, PCV System, and gas tank cap in accordance with Department procedures and record the information in the emissions analyzer. If these parts or systems have been removed or are inoperable, the owner shall repair or replace the parts or systems before the emissions test may be continued.

9.10.4 On 1989 and older vehicles, visually inspect for the presence and apparent operability of the AIR system and catalytic converter in accordance with Department procedures, and record the information in the emissions analyzer.

9.10. 5 For all vehicles, if a part or parts are necessary to bring a vehicle into compliance is/are not available by the time the vehicle's registration is due, the owner/operator may obtain a signed form to that effect from a manufacturer, dealer, or mechanic who has verified the non availability of the part(s). The owner/operator shall then take such proof to the Department. The Director may

issue a Temporary Waiver, for a period of time and under such conditions as he has determined, so that the vehicle may be registered. The owner shall have until the expiration of the time period specified by the Director to complete the necessary repairs or replacement, and submit a Certificate of Compliance or Waiver to the Director to verify that the part(s) have been installed and that the vehicle is in compliance with all provisions of these Regulations. The Director is under no obligation to issue these Waivers.

9.10. 6 A time extension, not to exceed the period of the inspection frequency, may be granted to obtain needed repairs on a vehicle in the case of economic hardship when waiver requirements have not been met. After having received a time extension, a vehicle must fully pass the applicable test standards before becoming eligible for another time extension. The extension for a vehicle shall be tracked and reported by the program. The Director is under no requirement or obligation to issue these time extensions.

Sections 9.11 through 9.18 apply only to 1995 and older model year vehicles that receive tailpipe emissions tests.

9.11 The analyzer shall be warmed up and stabilized prior to performing any inspection.

9.12 Each vehicle shall be checked to determine that it is at normal operating temperature by feeling the top radiator hose or by checking the temperature gauge. Each vehicle shall be at normal operating temperature before performing the emissions inspection.

9.13 The inspection shall be performed with the transmission in "park" or "neutral" and with all accessories off and the emergency brake applied.

9.14 The analyzer probe shall be inserted into the exhaust pipe at least twelve inches or as recommended by the analyzer manufacturer, whichever is greater.

9.15 If a baffle or screen prevents probe insertion of at least twelve inches, a suitable probe adapter or snug fitting, non-reactive hose which effectively lengthens the exhaust pipe shall be used.

9.16 For all vehicles equipped with a multiple exhaust system that does not originate from a common point, both sides shall be tested simultaneously with an approved adaptor.

9.17 When inspecting a vehicle under windy conditions, the tailpipe shall be shielded from the wind with a suitable cover.

9.18 For 1995 Model Year Vehicles and older:

9.18.1 With the tachometer properly attached;

9.18.2 The vehicle shall be tested according to the testing sequence as detailed in the Analyzer specifications referenced in Appendix A as programmed into the analyzer testing sequence. Vehicles failing because of excessive exhaust dilution shall repair the dilution problem prior to continuing the emission test. The dilution standard shall be contained in the analyzer specifications as referenced in Appendix A and adjusted when the Department determines by analysis that an adjustment is necessary to yield a more accurate level of emissions readings.

9.19 A Certificate of Compliance shall be issued for a:

9.19.1 1995 model year vehicle and older, if the vehicle tailpipe emissions levels are the same as or less than the applicable emissions standards; and

9.19.2 For 1990 through 1995 model year vehicles, the vehicle passes the visual inspection described in Section 9.10, and

9.19.3 For 1989 and older model year vehicle, the vehicle passes or fails the visual inspection in Section 9.10 and the tailpipe emissions levels are the same as or less than the applicable emissions standards, and

9.19.4 For 1996 and newer model year vehicle, the vehicle passes the visual inspection described in Section 9.10 and the vehicle passes the OBDII test described in APPENDIX F.

9.20 All testing procedures for restart testing, second chance testing, etc, shall be followed as contained in the analyzer specifications referenced in Appendix A.

9.21 If the vehicle fails the initial emissions inspection, the owner shall have fifteen calendar days in which to have repairs or adjustments made and return the vehicle to the I/M Program Station that performed the initial inspection for one (1) free re-inspection. A station other than the initial testing station may charge ½ of the posted inspection fee for a re-inspection. In order to be in compliance, the vehicle that failed the initial test shall meet the following conditions:

9.21.1 A Certificate of Compliance shall be issued if all of the following are met:

9.21.1.1 The vehicle is re-tested;

9.21.1.2 The vehicle emissions levels are the same as or less than the applicable emissions standards; and

9.21.1.3 For 1990 and newer model year vehicles, the vehicle passes the visual emissions inspection as provided for in Section 9.10.

9.21.1.4 For 1996 and newer Model Year Vehicles, the vehicle passes the visual inspection described in Section 9.10 and the vehicle passes the OBDII test described in APPENDIX F.

9.22 A Certificate of Waiver shall be issued by meeting cut-points as established in Appendix E, and subject to the following conditions:

9.22.1 A Certificate of Waiver shall be issued for 1968 to 1980 model year vehicles if all of the following requirements are met:

9.22.1.1 Air pollution control devices (catalytic converter, and AIR system) are in place and apparently operable on the vehicle as specified in Section 9.10. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted; and

9.22.1.2 The vehicle continues to exceed applicable emission standards after two hundred fifty dollars ($250) of acceptable emissions related repairs have been performed and the adjustments required by Section 10.0 have been performed by a Certified Emissions Mechanic as part of the $250 (two hundred fifty dollars) in emissions related repairs. Proof of repair costs shall be provided for the vehicle to the

Department in the form of an itemized bill, invoice, work order, manifest or statement in which emissions related parts are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid business license for automotive work, then the cost of labor shall not be included in the $250.

9.22.2 A Certificate of Waiver shall be issued for 1981 through 1995 model year vehicles if all of the following requirements are met:

9.22.2.1 Air pollution control devices applicable and specified in Section 9.10 of these Regulations are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted; and

9.22.2.2 At least three hundred fifty dollars ($350) has been spent on acceptable emissions related repair costs for that specific vehicle, and if proof of repair costs for that specific vehicle have been provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emissions related parts are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid business license for automotive work, then the cost of labor shall not be included in the $350.

9.22.3 A Certificate of Waiver shall be issued for 1996 and newer model year vehicles if all of the following requirements are met:

9.22.3.1 The appropriate air pollution control devices installed by the manufacturer are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted; and

9.22.3.2 At least four hundred fifty dollars ($450) has been spent on acceptable emissions related repair costs for that specific vehicle, and if proof of repair costs for that specific vehicle have been provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emissions related parts are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid business license for automotive work, then the cost of labor shall not be included in the $450.

9.22.3.3 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.

9.22.4 Any vehicle that experiences an increase in any0 tailpipe emissions levels or an increase in the number of OBDII fault codes shall not be eligible for an emissions repair waiver regardless of the amount spent in attempting to repair the vehicle.

9.22.5 As used in Sections 9.22.1 and 9.22.2, acceptable emissions related repairs:

9.22.5.1 Refers to those expenditures and costs associated with the adjustment, maintenance, and repair of the motor vehicle which are directly related to reduction of exhaust emissions necessary to comply with the applicable emissions standards, cut-points, and procedures;

9.22.5.2 Does not include adjustments, maintenance, or repairs performed prior to the official emissions test.

9.22.5.3 Does not include the fee paid for the test;

9.22.5.4 Does not include costs associated with the repairs or replacements required by Section 9.10 or the replacement, 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.

9.22.5.5 Does not include repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution.

9.22.5.6 Refers to repairs, maintenance, and diagnostic evaluations of the following systems, if done according to manufacturer's specifications, to the extent that the purpose is to reduce exhaust emissions:

(a) Air Intake Systems;

(b) Ignition Systems:

(c) Fuel Control Systems;

(d) Emissions Control Systems except as noted in Section 9.22.4.4.

(e) Basic Engine Systems.

9.23 Qualifying repairs include repairs of emission control components listed in section 9.22.5.1 and 9.22.5.6 performed within 60 days of the test date.

9.24 Certificates of Waiver shall only be issued by the Department unless the Department determines other acceptable methods of issuing the Waivers. A waiver shall only be issued after determining that the vehicle complies with the requirements of this Section for waiver issuance. An automobile dealer is not eligible to receive a waiver on a vehicle being sold and registered by a licensed dealership.

9.25 Prior to referring the owner to the Department for determining waiver eligibility, the I/M Station/Mechanic shall verify that the repair and eligibility requirements of this Section have been met.

9.26 The Certificate and Inspection records shall be completed accurately, signed immediately and filed and distributed, as required by the Department. The customer shall be given the appropriate copy.

9.27 Vehicles capable of being operated on both gaseous and liquid petroleum fuels shall be tested for both fuels in accordance with the UTAH2000 analyzer specifications as referenced in Appendix A to these Regulations .

9.28 When a vehicle owner requests an emissions test, the mechanic shall perform the inspection in the testing mode of the approved UTAH2000 analyzer. Performing a screening test in the manual mode of the approved UTAH2000 analyzer or on a non approved analyzer shall be a violation of these Regulations if the vehicle owner requested an emissions test. No adjustments or repairs shall be made prior to a requested I/M inspection.

10.0 ADJUSTMENT PROCEDURES.

10.1 The following adjustments should be performed on all 1980 and older vehicles (where applicable) that fail the I/M test and must be performed by an I/M Certified Mechanic before a vehicle will be eligible for an emissions waiver.

10.2 The high altitude specifications for idle speed, idle air/fuel mixture, ignition timing, and dwell, shall be determined for the purpose of adjustment. If no high altitude specifications are available, the mechanic shall refer to the emissions tune up specification decal in the engine compartment or sea level specifications taken from a suitable reference manual for proper specifications. Fuel control systems designed with sealed, tamper resistant adjustment screws for air/fuel mixture shall be adjusted according to manufacturer's specifications and resealed. On vehicles that have limiter caps on the fuel control systems, the limiter caps shall be removed and the air/fuel ratio adjusted to meet manufacturer's specifications and the proper limiter caps shall be reinstalled. The adjustment procedures shall be as follows:

10.2.1 Failed vehicle readings of CO and HC shall be recorded BEFORE any adjustments are made;

10.2.2 The dwell, if applicable, shall be checked with a dwell meter to determine if it is within the recommended tolerance of _+ 2 degrees of specifications. The dwell shall be reset if it exceeds this tolerance.

10.2.3 The idle speed shall be checked with a tachometer to determine if it is within _+ 50 rpm of the manufacturer's specifications. If it is not, it shall be set to within _+ 50 rpm of the manufacturer's specifications;

10.2.4 The ignition timing shall be checked, using a timing light or engine analyzer, to determine if it is within +4 degrees to -2 degrees of the recommended setting while the engine is idling at the specified speed. If the timing exceeds this tolerance, it shall be adjusted until it falls within +4 degrees to -2 degrees of the recommended setting;

10.2.5 The idle air/fuel ratio shall be adjusted according to manufacturer's suggested procedures and/or specifications using an infrared analyzer, propane enrichment kit, or tachometer;

10.2.6 The choke shall be checked and adjusted according to manufacturer's suggested procedures and/or specifications, if the choke is not sealed;

10.2.7 After completing the preceding steps, the idle speed shall be readjusted to manufacturer's specifications;

10.2.8 The performed adjustments shall be entered in the required data base of the analyzer.

10.3 Engine Changes.

10.3.1 All vehicles which qualify for testing under this section shall be tested by the Department only.

10.3.2 Vehicles qualifying for testing under this section shall not be eligible for a repair waiver.

10.3.3 EPA engine switching guidance will be enforced. There will be no downgrades allowed (ie., removing feedback fuel injection and installing a carburetor) Engine upgrades will be considered on a case-by-case basis if EPA policy is followed and the engine meets or exceeds the requirement for the year and class of vehicle in which it is installed and there is reasonable basis for knowing that emissions are not adversely affected.

11.0 TESTING AND CERTIFICATION OF APPLICANT FOR EMISSIONS MECHANICS.

11.1 Certification Required.

11.1.1 No person shall perform any part of the official emissions inspection for the issuance of a Certification of Compliance unless the person possesses a valid emissions mechanic certificate issued by the Department.

11.1.1.1 As a condition of certification, each new applicant and existing mechanics agree to allow the Department to keep a facial photograph on file to be used for identification or administrative purposes.

11.1.2 Applications for an Official Emissions Mechanic Certificate shall be made upon a form to be prescribed by the Department. No certificate shall be issued unless the applicant has shown adequate competence by successfully completing the written and practical portions of the emissions mechanic certification requirements as specified in these Regulations.

11.1.2.1 No certificate shall be issued if the Department determines that the applicant's transportation vehicle does not comply with the vehicle registration requirements and emissions inspection requirements for the applicants' county of residence.

11.1.3 An applicant shall comply with all of the terms stated in the permit application and with all the requirements of these Regulations.

11.1.4 An applicant shall complete a Department approved training course and shall demonstrate knowledge and skill concerning the performance of emissions inspections and adjustment of vehicles to manufacturer's specifications. Such knowledge and skill shall be shown by passing:

11.1.4.1 A written qualification test including knowledge of the following:
(a) Operation and purposes of emission control systems;
(b) Relationship of HC and CO to timing and carburetion;
(c) Adjustment to manufacturer's and high altitude specifications;
(d) Inspection procedures as outlined in these Rules and Regulations;
(e) Operation of an exhaust gas analyzer including the performance of a gas calibration and leak check;
(f) The provisions of Section 207(b) warranty provisions of the Federal Clean Air Act; and

(g) The provisions of these Regulations and other Department policies and procedures.

11.1.4.2 A performance qualification test including the following:
(a) Visual inspection and knowledge of the function of the required emission control equipment;
(b) Demonstration of skill in the proper use, care, maintenance, and calibration and leak checking of approved analyzer;
(c) Demonstration of ability to conduct the emissions inspection;
(d) Demonstration of ability to adjust the engine system to manufacturer's and high altitude specifications; and
(e) Demonstration of ability to accurately and legibly complete the inspection forms.

11.1.5 A signed Hands-on Performance check sheet shall be necessary for successful completion of the Performance Qualification Test. The Hands-on Performance check sheet shall be signed by Department personnel or other person approved by the Department.

11.1.6 The Department shall issue an Emission Mechanic Certificate to an applicant upon successful completion of the requirements of Section 11.0.

11.1.7 The Emissions Mechanic Certificate shall be valid only at the station where the mechanic is presently employed. If the mechanic is later employed at another station, he shall notify the Department of the employment change. He shall also be required to be certified there prior to performing any emissions tests. A separate certificate number may be issued for use at the additional station as determined by the Department. Also, an additional mechanic certification fee shall be charged as specified in Appendix B. That certification will expire on the same date as the original.

11.2 Requalification Requirements for All Emissions Mechanics.

11.2.1 Upon determination, by the Director, of the necessity of updating the qualifications for emissions mechanics, they shall be required to re-qualify.

11.2.2 Emissions mechanics shall be required to re-qualify annually and within a specified time period, determined by the Director. Failure to re-qualify within the required period of time shall result in suspension or revocation of the emissions mechanic's certification as described in these Regulations.

11.3 Certification Expiration.

11.3.1 The Mechanic Certificate shall be issued annually and shall expire one year from the date of issuance. The certificate shall be renewable sixty days prior to the date of expiration.

11.3.2 It is the responsibility of the mechanic to pursue the renewal of the Mechanic Certificate.

12.0 EMISSIONS STANDARDS FOR MOTOR VEHICLES EXHAUST GASES.

12.1 In order to obtain a valid emissions Certificate of Compliance, exhaust emissions from a motor vehicle subject to an annual exhaust gas emission inspection shall not exceed the

maximum concentrations for carbon monoxide (CO) and Hydrocarbons (HC) as specified in Appendix C of this Ordinance or shall pass an OBD inspection as specified in Appendix F of this Ordinance.

Maximum concentration cut-points shall be determined by the County Commission - as needed - to meet the National Ambient Air Quality Standards established by the Environmental Protection Agency. The established cut-points contained in Appendix C shall remain in effect until changed by order of the County Commission. Any change in cut-points, shall be effective upon the first day of any calendar month designated by the County Commission. Cut-points shall be established by considering the following factors:

12.1.1 To provide for the required stringency;

12.1.2 The existing ambient air quality;

12.1.3 The requirements for air quality currently in effect as promulgated by the Environmental Protection Agency, the Utah State Department of Health, and the Department. The cut-points established shall be part of an overall progress in accordance with EPA guidelines to achieve the required tailpipe reduction of CO and HC from motor vehicles measured from the date this program is implemented;

12.1.4 The general level of emission control technology on vehicles registered in the county;

12.1.5 Population growth and other factors which may reasonably be expected to impact CO and HC concentrations in the atmosphere;

12.1.6 The likelihood that a particular cut-point will achieve desired air quality goals;

12.1.7 To ensure compliance with the requirements of Section 41-6a-1642, Utah Code Annotated, 1953, as amended; and

12.1.8 To ensure compliance with the federally approved State Implementation Plan.

12.2 Before changing the cut-points (excluding waiver cut-points), the Director shall cause notice thereof to be issued to each I/M Program Station and to the public by publication at least once in a newspaper of general circulation in the county at least thirty days prior to approval. Such notice shall indicate that written comment on the proposed cut-point levels will be received by the County Commission until fifteen days prior to the approval of the cut-points. The County Commission shall consider any written comment timely submitted and, should good cause appear, may alter or suspend the proposed cut-points as appropriate. Otherwise, the proposed cut-points shall take effect on the date determined by the County Commission.

12.3 Smoking Vehicle Requirements:

12.3.1 Smoking vehicle test procedures are defined in APPENDIX G.

13.0 CERTIFICATES OF COMPLIANCE AND WAIVERS.

13.1 No person shall make, issue or knowingly use any imitation or counterfeit of an official Certificate of Compliance or Waiver/number.

13.2 No person shall knowingly use stolen or counterfeit certificates/numbers.

13.3 No refund or credit shall be allowed for unused certificates/numbers, except as provided in Section 13.10.

13.4 Purchase of Certificates of Compliance/numbers.

13.4.1 Certificates of Compliance/numbers shall be purchased only from a Department approved vendor. Payment for certificate numbers shall be made by electronic transfer, or other methods approved by the Department. Sales shall only be made to a representative of the I/M Program Station possessing an acceptable form of identification. Certificates of Compliance numbers purchased will be loaded into the I/M Program station following a successful transaction.

13.4.2 Certificates of Compliance/numbers shall be sold at the cost adopted by the Board of County Commissioners and referenced in Appendix B, in lots to be determined by the Department. The Department may limit the number of certificate numbers purchased to the number that the Department feels can be secured and stored safely.

13.4.3 Certificates of Compliance/numbers shall not be sold, loaned, transferred, or given to any other I/M Program Station, or any unauthorized individual. The I/M Program Station shall at all times account for all Certificate/numbers that have been purchased by the station.

13.5 Certificates of Compliance shall only be issued after being printed by the approved analyzer printer dedicated to the printing of certificates. Completion of certificates by handwritten information or the use of a non dedicated printer by any person or station other than the Department or Director is strictly prohibited. The Certificates shall be signed only after being printed and shall be signed immediately after printing.

13.6 Certificates of Compliance and Waivers shall not be issued until an inspection has been performed as required by these Regulations.

13.7 Certificates of Compliance/numbers shall be used in sequential order by I/M Stations.

13.8 Certificates of Compliance/numbers found to be missing, stolen, or unaccounted for, shall be reported to the Department within twenty four hours and the station shall cease performing emissions tests until an investigation by the Department has been completed and the Department reauthorizes the station to again begin testing.

13.9 I/M Program Stations shall have Certificates of Compliance on hand at all times.

13.10 Upon final cancellation, suspension or revocation of the I/M Program Permit of any station, the station owner, manager or other responsible person shall immediately surrender all unused Certificates of Compliance/numbers to the Department. The Department shall receipt and refund the fee paid for unused Certificates of Compliance/numbers to the station owner according to the Utah County Auditor's procedures. Upon transfer or termination of business ownership, the station permit and all Certificates of Compliance/numbers shall be immediately forwarded to the Department.

Any person acquiring a business that has been permitted as an official I/M Program Station, is prohibited from using any Permit or emissions Certificate/numbers issued to the former business.

13.11 Any analyzer manufacturer or their authorized representative who repossesses or otherwise removes an approved I/M analyzer from an official I/M Station shall immediately notify the Department.

14.0 DISCIPLINARY PENALTIES AND RIGHT TO APPEAL.

14.1 When the Department, or its representative(s), receives information of a violation of any regulation contained herein which may result in a permit denial, revocation or suspension, the department shall, notify the affected entity, in writing, informing the entity of the violation and penalties to be enforced, and further informing the entity of the right of appeal and of the date, time, and location of an appeals hearing, if one has been scheduled, together with a copy of Appendix D. No appeal may be made on a formal warning.

14.1.1 In considering the appropriate administrative action to be taken as indicated in Appendix D, the Director shall consider the following:

14.1.1.1 whether the violation was unintentional or careless;

14.1.1.2 the frequency of the violation or violations;

14.1.1.3 the audit and covert audit history of the station and the mechanic;

14.1.1.4 whether the fault lies with the mechanic or with the station.

14.1.2 After consideration of the factors in Section 14.1.1 the Director may take appropriate administrative action as indicated in Appendix D against either the I/M station, the I/M mechanic or both.

14.2 Appeals Hearing Procedure:

14.2.1 A recorded appeals hearing shall be held at the request of the affected entity in order to determine the accuracy of information obtained by the department and whether there are mitigating factors which would justify a reduction of the imposed penalties.

14.2.2 The requesting party may bring to the hearing any witnesses and any evidence believed to be pertinent to disciplinary action.

14.2.3 The appeal shall be heard by the Vehicle Inspection and Maintenance Appeal Board ("I/M Board"), a Board consisting of at least three persons, who are not employees of the Utah County Health Department, appointed by the Utah County Commission. The I/M Board shall have the discretion to determine which witnesses shall be heard and what evidence is relevant.

14.2.4 Violations determined to be intentional or flagrant shall result in the maximum enforcement of the penalty schedule pursuant to Appendix D herein.

14.2.5 In considering whether to reduce a penalty indicated by Appendix D, the I/M Board and the department shall consider the following:

14.2.5.1 whether the violation was unintentional or careless;

14.2.5.2 the frequency of the violation or violations;

14.2.5.3 the audit and covert audit history of the station and the mechanic

14.2.5.4 whether the fault lies with the mechanic or with the station.

14.3 Written notice of the final determination of the I/M Board, including the Board's finding under Section 14.2.5 hereof, shall be made within ten (10) working days after the conclusion of the appeals hearing.

14.4 After receiving a suspension, a station may request a reduction in length of the suspension pursuant to a consent agreement. A substitute consent agreement allows the department to substitute a monetary penalty in lieu of the suspension time.

14.4.1 As a condition of a consent agreement and depending on the severity and nature of the violation(s), the station owner may be required to install video surveillance monitoring of all inspection areas. The station owner shall bear the cost of installation and maintenance of this equipment. The duration of the installation and operation of the video equipment will be determined by the Department and shall not exceed two (2) years from the original suspension. Access to the inspection area video images shall be available to the Department any time during the required duration without advanced station notification or approval.

14.5 For stations, monetary penalties assessed pursuant to a consent agreement shall be as follows: A sliding percentage scale based on the number of similar violation occurrences within a two year time period (½)(average I/M tests per day [calculated from tests conducted over the last 12 months or length of time the station has been open, whichever is less)(number of suspension days)(dollar amount per test). The maximum monetary fee settlement cannot exceed 10,000.00.

14.6 For mechanics, monetary penalties assessed pursuant to a consent agreement shall be as follows: $100 minimum to $500 maximum in $100 increments (equal to 15 days or any portion thereof, of suspension time, up to 75 days) in lieu of all or a portion of the suspension.

15.0 PENALTY.

15.1 Any person who is found guilty of violating any of the provisions of these Rules and Regulations, either by failing to do those acts required herein or by doing a prohibited act, shall be guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he shall be guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.

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

15.3 The city attorney, or, if appropriate, the County Attorney, may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these Rules and Regulations.

15.4 In addition to other penalties imposed by a court of competent jurisdictions, any person(s) found guilty of violating any of these Rules and Regulations shall be liable for all expenses incurred by the Department.

15.5 A Penalty Schedule for permit warning, suspension, or revocation is adopted as Appendix D and may be amended by the County Commission as the Commission deems necessary to accomplish the purposes of these Regulations.

16.0 SEVERABILITY.

If any provision, clause, sentence, or paragraph of these Regulations or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these Regulations. The valid part of any clause, sentence, or paragraph of these Regulations shall be given independence from the invalid provisions or application and to this end the provisions of these Regulations are hereby declared to be severable.

17.0 EFFECTIVE DATE.

December 16, 2014

APPENDIX F

OBDII TEST PROCEDURES

The following test procedure is to be followed for 1996 model year vehicles or newer:

1. A complete official test must be performed anytime an inspection is requested. Do not perform the tampering inspection or any part of the OBDII inspection without initiating an official test on the analyzer.

2. Locate the DLC on the vehicle being tested. Connect the vehicle to the analyzer. If the DLC is missing, has been tampered with, or is otherwise inoperable then the vehicle fails the test and must be repaired.

3. Turn the ignition switch to the off position for at least 30 seconds.

4. Visually examine the instrument panel to determine if the malfunction indicator light (MIL) illuminates when the ignition key is turned to the key on/engine off position. Enter your visual inspection result into the analyzer.

5. Start the engine and follow the analyzer screen prompts until the test is complete.

6. For 1996-2000 model year vehicles two (2) not ready flags are allowed for a passing test. For 2001 and newer vehicles one (1) not ready flag is allowed. If the not ready status exceeds these numbers the vehicle must be driven additional miles until readiness monitors are set "ready" or repairs have been made allowing readiness flags to set ready.

7. Vehicles with MIL illumination while running, regardless of DTC'S, fail the inspection and will require repairs.

8. Certain vehicles have been determined by the EPA to be OBDII deficient. The analyzer software will maintain a list of these vehicles and perform a modified OBDII test.

9. 1996-2004 vehicles that run on dedicated CNG, or bi-fuel CNG/gasoline, will receive a modified test that includes a partial OBDII test that checks MIL command status, DTC presence and MIL bulb functionality in addition to a tailpipe test. Overall Pass/fail determination will be based on passing all of these parameters. OBDII system readiness is not used in determining a pass or fail on these vehicles.

10. 1996-2007 vehicles between 8501 and 14,000 GVWR will receive a modified test that includes a partial OBDII test that checks MIL command status, DTC presence and MIL bulb functionality in addition to a tailpipe test. Overall pass/fail determination will be based on passing all of these parameters. OBDII system readiness is not used in determining a pass or fail on these vehicles.

APPENDIX G

SMOKING VEHICLE TEST PROCEDURES

The following test procedures shall be used to validate repairs on vehicles that have been cited by law enforcement under Title 41-6a-1626 of the Motor Vehicle Act as having excessive visible emissions and issued a "fix it" ticket. These test procedures may also be used to determine whether or not a vehicle is in violation of state or local vehicle emission laws as a result of a smoking vehicle citizen complaint.

G-1.1 Gasoline Vehicles.

(1)(a) In accordance with Utah Code 41-6a-1626(2)(i) and State Code R-307-305-3 (2) a gasoline powered vehicle may not emit visible contaminants during operation. Steam emitted from the tailpipe of a vehicle during winter months is not considered a visible contaminant.

(1)(b) The Department shall use a smoke opacity meter or EPA method 9 to determine visual opacity. If no visible emissions are observed, the vehicle shall receive a two speed idle test as described in section 9.0 of this ordinance. A two speed idle test may be used on all vehicles regardless of model year when determining the presence of excess exhaust pollutants.

(1)(c) If the Department determines that testing in addition to subsection (1)(b) is necessary to make a final determination the vehicle shall be operated on a chassis dynamometer to simulate normal operating conditions ranging between 0 and 50 MPH.

(1)(d) If the vehicle is determined to have visual emissions after these tests are completed, additional repairs must be performed to correct the problem. The vehicle will also be prevented from being tested at any of the Utah County decentralized testing stations until proper repairs have been completed, and verified by the Department.

(1)(e) If it is determined that the vehicle has been sufficiently repaired or does not emit any visible emissions a certificate of compliance will be issued to the owner for use in satisfying the repair requirement of the "fix it" ticket.

G-1.2 Diesel Vehicles.

(2)(a) 1998 and newer diesel vehicles may be tested by the Department or one of the Utah County certified decentralized diesel inspection stations. All 1997 and older diesel vehicles must be tested at the Health Department Technical Center. The vehicle owner will be responsible to pay the posted inspection fee amount to the testing entity.

2)(b) In accordance with Utah Code 41-6a-1626 (3)(c) and State Code R-307-305-6 all emission control equipment that was originally installed on the vehicle must be properly maintained and operational at all times.

(2)(c) A diesel powered vehicle must pass a tampering inspection of the following applicable components:

1. (CAT) Catalytic Converter
2. (DPF) Diesel Particulate Filter
3. (SCR) Select Catalytic Reduction (diesel exhaust fluid)
4. (EGR) Exhaust Gas Recirculation
5. OBDII System

(2)(d) Vehicles 1997 and older will be tested for opacity with a smoke opacity meter or EPA Method 9 while being operated on a chassis dynamometer at a steady state speed of 50 MPH and at the maximum fuel delivery rate with the transmission in direct drive. The opacity limits listed in Utah Code Title 41-6a-1626 shall be used to determine a passing or failing result. The limits are:

> For vehicles manufactured before January 1, 1973, and all non-turbocharged vehicles, visual contaminants shall not exceed 40% opacity.
>
> For vehicles manufactured on or after January 1, 1973 visual contaminants shall not exceed 20% opacity.

(2)(e) Vehicles 1998 and newer will be tested using their OBDII system, if originally equipped by the manufacturer. If a vehicle was not originally equipped with OBDII technology when manufactured then the visual tampering portion of the inspection will be used to determine a passing or failing result. If OBDII test results have been determined to be inconclusive the vehicle may be tested for opacity using the test procedures outlined in (2)(d) above. The OBDII inspection will test the following items:

1. (MIL) Malfunction Indicator Lamp (must pass bulb check)
2. Readiness monitors (must all be set to ready)
3. (DTC) Diagnostic Trouble Codes (must not have any current codes)
4. MIL must not be illuminated, or commanded on, while running
5. The manufactures original computer program or an EPA or CARB (California Air Resources Board) approved aftermarket program.

(2)(f) Vehicles that have an off-road program installed or have had their OBDII system removed, illegally modified, or rendered inoperable will fail the OBDII System visual tampering portion of the inspection and must be repaired. If the Department does not recognize an aftermarket computer program as certified or approved it shall be the vehicle owner's responsibility to provide documented proof of certification by a recognized laboratory or regulatory agency.

(2)(g) If it is determined by testing that the vehicle fails the tampering inspection, exceeds the opacity standards or fails the OBDII test then additional repairs must be performed to correct the problem.

(2)(h) If it is determined by testing that the vehicle has been sufficiently repaired or passes these testing requirements a certificate of compliance will be issued to the owner for use in satisfying the repair portion of the "fix it" ticket.

(2)(i) Vehicles over 14,001 GVWR will be tested using a SAE (Society of Automotive Engineers) J1667 snap idle smoke test.