

UTAH STATE IMPLEMENTATION PLAN

SECTION X

**VEHICLE INSPECTION
AND MAINTENANCE PROGRAM**

PART B

DAVIS COUNTY

Adopted by the Utah Air Quality Board
December 5, 2012

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approved and adopted May 29, 2012.
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UTAH STATE IMPLEMENTATION PLAN
SECTION X
AUTOMOTIVE INSPECTION AND MAINTENANCE (I/M) PROGRAM
PART B
DAVIS COUNTY

1. Applicability

Davis County I/M program requirements: Davis County was designated nonattainment for the 1-hour ozone National Ambient Air Quality Standard (NAAQS) on January 6, 1992 (56 FR 56694, November 6, 1991) and classified as "moderate". Davis County was redesignated to an attainment/maintenance area for the 1-hour ozone NAAQS on August 18, 1997 (62 FR 38213, July 17, 1997).

Utah was previously required by Sections 182 and 187 of the Clean Air Act to implement and maintain an Inspection and Maintenance (I/M) program in Davis County that met the minimum requirements of 40 CFR Part 51 Subpart S and that was at least as effective as the EPA's Basic Performance Standard as specified in 40 CFR 51.352. However, the Basic Performance Standard requirement is no longer applicable as the nonattainment area in Davis County have been redesignated to attainment / maintenance for the 1-hour ozone NAAQS. Parts A and B of Section X, together with the referenced appendices, continue to demonstrate compliance with the 40 CFR Part 51 provisions for Inspection and Maintenance Program Requirements for Davis County and produce mobile source emission reductions that are sufficient to demonstrate continued maintenance of the 1-hour ozone NAAQS. In addition, the Davis County I/M program is a control measure to attain and maintain EPA's particulate NAAQS in Davis County.

2. Summary of Davis County I/M Program

Below is a summary of Davis County's I/M program. Section X, Part D Appendices 1 – 2 contain the essential documents for Davis County's I/M program.

Network Type: Davis County's I/M program is a decentralized, test-and-repair network.

Test Convenience: There are approximately 120 permitted I/M stations within Davis County. Specific operating hours are not specified by the county. Some stations that test and/or service only one type of vehicle are permitted. There are also government and private fleet permitted stations that are not open to the public.

Subject fleet: All model year 1968 and newer vehicles registered or principally-operated in Davis County are subject to the I/M program except for exempt vehicles.

Test frequency: Vehicles less than two years old as of January 1 on any given year are exempt from an emissions inspection. Vehicles two years old and less than six years old

as of January 1 on any given year are inspected every other year as per Utah Code 41-6a-1642(6). All vehicles six years old and older as of January 1 on any given year are inspected annually.

Station/inspector Audits: Davis County's I/M program will regularly audit all permitted I/M inspectors and stations to ensure compliance with county I/M ordinance and policies. Particular attention will be given to identifying and correcting any fraud or incompetence with respect to vehicle emissions inspections. Compliance with recordkeeping, document security, analyzer maintenance, and program security requirements will be scrutinized. Davis County I/M program will have an active covert compliance program to minimize potential fraudulent testing. Davis County audit procedures are provided in Appendix 2 of this part of Section X.

Waivers: Davis County's I/M program may issue waivers under limited circumstances. The waiver procedure can be found in Davis County's I/M ordinance provided in Appendix 1. Davis County will take corrective action as needed to maintain a maximum waiver rate of 1% of the initially failed vehicles, or the Utah Air Quality Board will revise the SIP and emission reductions claimed based on the actual waiver rate. The conditions for issuing waivers are specified in Davis County's I/M ordinance and meet the minimum waiver issuance criteria specified in 40 CFR Subparts 51.360.

Test Equipment: Specifications for Davis County's emission analyzer and its I/M test procedures, standards and analyzers are provided in Davis County's I/M ordinance provided in Appendix 1. Test equipment and procedure were developed according to good engineering practices to ensure test accuracy. Analyzer calibration specifications and emissions test procedures meet the minimum standards established in Appendix A of the EPA's I/M Guidance Program Requirements, 40 CFR Part 51 Subpart S.

Test Procedures:

- The following vehicles are subject to an OBD II inspection:
 - 1996 and newer light duty vehicles¹ and
 - 2008 and newer medium duty vehicles²
- The following vehicles are subject to a two-speed idle test that is compatible with Section VI (Preconditioned Two Speed Idle Test) in Appendix B of the EPA I/M Guidance Program Requirements, 40 CFR 51, Subpart S:
 - 1995 and older vehicles,

¹ Light duty vehicles have a Gross Vehicle Weight of 8500 lbs or less.

² Medium duty vehicles have a Gross Vehicle Weight greater than 8500 lbs but less than 14,000 lbs

- 1996 to 2007 medium and heavy duty vehicles³ and
- 2008 and newer heavy duty vehicles.

3. I/M SIP implementation

The I/M program ordinance, policies, procedures, and activities specified in this I/M SIP revision have been implemented and shall continue until a maintenance plan without an I/M program is approved by EPA in accordance with Section 175 of the Clean Air Act as amended.

³ Heavy Duty vehicles have a Gross Vehicle Weight greater 14,000 lbs

Pending

3-2012

**DAVIS COUNTY ENHANCED
VEHICLE EMISSIONS
INSPECTION/MAINTENANCE
PROGRAM ORDINANCE**

JANUARY 2012



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10.12.010 Adopted

The Davis County Enhanced Vehicle Emissions Inspection/Maintenance Program Ordinance compiled in book form and bearing the date of _____, three (3) copies of which book are on file in the office of the Davis County Clerk, and one (1) copy which is on file in the office of the Davis County Health Department, is adopted as the Davis County Enhanced Vehicle Emissions Inspection/Maintenance Program Ordinance and is incorporated into this chapter. (Ord. 7-1996 § 1 (part))

10.12.020 Definitions

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

1. Accuracy: the degree by which an analyzer is able to determine the concentration of pollutants of interest.
2. AIR (Air Injection Reaction) System: a system for providing supplementary air into a vehicle's exhaust system to promote catalytic reaction.
3. Air Intake Systems: systems that allow for the induction of ambient air, including when applicable, preheated air into the engine combustion chamber for the purpose of mixing with a fuel for combustion.
4. Analyzer Certification: the analyzer has met the operating criteria, specifications and requirements of the Environmental Health Services Division of the Davis County Health Department.
5. ASE: the National Institute for Automotive Service Excellence.
6. Audit: a periodic quality assurance check performed by the Division on equipment and personnel regulated under this Chapter.
7. Auditor: an employee of the Division who performs audits.
8. Authorized Representative: an individual granted authority to act on behalf of the Division.
9. Automotive Imports (imported vehicles): vehicles manufactured for use outside of the United States that may not meet USEPA emissions requirements for the year manufactured.
10. Backstop Provisions: actions that may be taken by the Division to meet USEPA Requirements.
11. BAR 97: refers to California Bureau of Automotive Repair Analyzer Specifications which became effective in 1997.
12. 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, also pre- and post-combustion emissions control device integrity.
13. Bench: the main sample processing assembly of an engine exhaust gas analyzer including detectors, sampling tubes, processor boards, infrared sources and power supply, etc.
14. Calibration: the process of establishing or verifying the accuracy of an analyzer or other test equipment using precisely known values/concentrations.
15. Calibration Gases: gases of accurately known concentrations that are used as references for establishing or verifying the calibration curve and accuracy of an analyzer.
16. Carbon Monoxide (CO): a colorless, odorless, asphyxiating gas produced by the

- incomplete burning of fuels.
17. Catalytic Converter: a post-combustion device used to reduce the toxicity of emissions from an internal combustion engine.
 18. Certificate or Certificate of Compliance: a document used in the Vehicle Emissions Inspection/Maintenance Program to certify that the vehicle has met the requirements of this Chapter.
 19. Certification: assurance by an authorized source, whether it be the Federal Government, a laboratory, the manufacturer, the State, or the Division, that a specific product or statement is in fact true and meets all applicable requirements.
 20. Certified Enhanced Basic Test Station (Test Station): a stationary business permitted by the Division and operated as required by this Chapter to perform Enhanced I/M Inspections.
 21. Certified Emissions Repair Facility and Enhanced Basic Test Station (Repair Facility): a stationary business permitted by the Division which engages in emissions related repairs to vehicles, and which meets the requirements of this Chapter to perform Enhanced I/M Inspections.
 22. Certified Emissions Repair Technician (Repair Technician) and Emissions Tester: a person currently permitted by the Division who diagnoses emissions related faults, and supervises emissions related repairs and adjustments to bring vehicles into compliance with the requirements of this Chapter. The Repair Technician also performs emissions tests.
 23. Certified Emissions Tester (Tester): a person currently permitted by the Division who tests (inspects) vehicles in a Division permitted I/M Program Station to determine their compliance with vehicle emissions standards, also referred to as a Technician.
 24. Compressed Natural Gas (CNG) Vehicles: motor vehicles which are propelled by a compression-ignited engine using compressed natural gas fuels.
 25. CO: Carbon Monoxide.
 26. Consent Agreement: a monetary penalty paid to the Division in lieu of suspending a permit.
 27. County: Davis County, Utah.
 28. Curb Idle: the manufacturer's specified idle speed.
 29. Cut Points (Emissions Standards): the maximum allowable concentrations of Carbon Monoxide (CO) and Hydrocarbons (HC) for a given weight class and model year of a motor vehicle; the maximum allowable smoke opacity limits for a given weight class and model year of a motor vehicle; or compliance to OBDII interrogation.
 30. Davis County Centralized Emissions Testing Facility: the Certified Enhanced Basic Test Station operated by the Division.
 31. Dedicated Printer: the printer on the approved Emissions Inspection Analyzer (EIA) which is used solely to print certificates, VIRs, and other official Division required documents.
 32. Diesel I/M Program Fleet Station (Diesel Fleet Station): a private, public or government facility with a fleet of twenty five (25) or more vehicles that has a valid permit, issued by the Division, to perform Diesel Opacity Inspections on their own vehicles in accordance with this Chapter.
 33. Diesel I/M Program Station (Diesel Station): a permitted facility meeting the requirements of this Chapter.
 34. Diesel Opacity Inspector: an individual permitted by the Division to perform Opacity Inspections on Diesel Vehicles, also referred to as a Technician.

35. Diesel Opacity Inspection: an inspection of a diesel powered vehicle by a Diesel Opacity Inspector employed by a Diesel I/M Program Station, Fleet Station or the Division.
36. Diesel Opacity Inspector Permit: the permit issued by the Division to an individual who has successfully completed the Division Diesel Opacity testing and training requirements.
37. Diesel Opacity Analyzer: an opacity meter with any additional hardware or software required by the Division to perform an official Diesel Opacity Inspection in accordance with this Chapter and a type of Emissions Inspection Analyzer (EIA).
38. Diesel Powered Motor Vehicle: vehicles which are propelled by a compression-ignited engine using diesel fuels.
39. Diesel Vehicle Inspection/Maintenance Program: the opacity inspection and repair program for diesel powered vehicles established by the Division, pursuant to Section 41-6a-1644, Utah Code Annotated 1953, as amended.
40. Director: the Director of the Environmental Health Division of the Davis County Health Department or an authorized representative.
41. Division: the Davis County Environmental Health Division.
42. Domiciled: the County in which primary residence is located.
43. Dynamometer: a vehicle power absorption device which has the ability to approximate or simulate actual on-road operation of motor vehicles through the application of variable loading.
44. Emissions: substances expelled into the atmosphere from any opening down-stream of the exhaust valve of a motor vehicle, particularly air contaminants produced by combustion and/or incomplete combustion as well as hydrocarbon evaporation from the fuel system and the crankcase.
45. Emissions Control Device: a design element or device installed on a motor vehicle by the manufacturer to comply with the standards of the Clean Air Act, 42 USC, Section 7521, including but not limited to the Oxygen Sensor, Catalytic Converter and the Fuel Inlet Restrictor; and devices integral to the Exhaust Gas Recirculation (EGR) System, the Evaporative Emissions Control System, the Positive Crankcase Ventilation (PCV) System, the Air Injection System, the Fuel Metering System and the Ignition System.
46. Emissions Inspection Analyzer (EIA): an analyzer approved by the Division for use in the areas of Utah requiring inspections as specified in Section 41-6a-1642 and 41-6a-1644, Utah Code Annotated, 1953, as amended. 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 Division for this use in accordance with this Chapter as an official test instrument.
47. Emissions Related Repair: the inspection, adjustment, repair or replacement of motor vehicle engine systems, subsystems or components necessary to bring a vehicle into compliance with the emissions standards set forth in this Chapter.
48. Emissions Standard (Cut Points): the maximum allowable concentrations of Carbon Monoxide (CO) and Hydrocarbons (HC) for a given weight class and model year of a motor vehicle; the maximum allowable smoke opacity limits for a given weight class and model year of a motor vehicle; or compliance to OBDII interrogation.
49. Engine Switching: a situation where one engine is removed from a vehicle and is not replaced by an engine that is identical to the original engine.
50. Enhanced Basic I/M Inspections or Testing: testing as approved by the Division applicable to motor vehicles of model years and vehicle weight classifications specified by this

Chapter and the Division.

51. Enhanced Vehicle Emissions Inspection/Maintenance Program: the program established by the Division pursuant to Section 41-6a-1642 through 1644, Utah Code Annotated 1953, as amended.
52. E.P.A.: the United States Environmental Protection Agency.
53. Evaporative Control System: an Emissions Control System that prevents the escape of fuel vapors from the fuel tank or air cleaner, and stores them to be burned in the combustion chamber.
54. Exemption Form: a document used to verify that a vehicle is exempt from the testing and repair/adjustment requirements of this Chapter.
55. Exhaust Gas Analyzer: a computerized analyzer approved by the Division for use in the areas of Utah requiring inspections as specified in Section 41-6a-1642, Utah Code Annotated, 1953, as amended. 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 Division for this use in accordance with the Chapter as an official test instrument; a type of Emissions Inspection Analyzer (EIA).
56. Exhaust Gas Recirculation (EGR) System: an emissions control system that recycles or recirculates a portion of the exhaust gases back to the engine combustion chambers.
57. Facility: Davis County Centralized Technical/Testing Facility.
58. Farm Truck: a truck registered as a farm truck under the provisions of the Utah State Statute §41-1a-102.
59. Federal Installation: any property or facility subject to the jurisdiction of any department, agency, or instrumentality of the executive, legislative, or judicial branches of the Federal government.
60. Fuel Control Systems: mechanical, electromechanical, galvanic or electronic parts or assemblies that regulate the air/fuel ratio in an engine to provide a combustible charge.
61. 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.
62. Gaseous Fuel: petroleum gases and natural gases in liquefied or gaseous forms.
63. Gross Vehicle Weight Rating (GVWR): the total vehicle weight, including load, as designated by the vehicle manufacturer.
64. 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.
65. Heavy Duty Motor Vehicles: non-diesel trucks and vans that are 1978 and older, with a 6001 or greater GVWR rating, and 1979 and newer model year vehicles with over 8501 GVWR; Diesel vehicles with a 14,001 pounds GVWR or greater.
66. High Altitude Specifications: tune-up specifications that have been provided by the manufacturer to the Environmental Protection Agency (EPA) for vehicles operating 4,000 feet or more above sea level.
67. Hydrocarbons (HC): unburned or incompletely burned fuel.
68. Idle Mode: a condition where the vehicle engine is at operating temperature and running at the RPM rate specified by the manufacturer's curb idle speed, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position and the transmission is in park or neutral. This condition must be achieved without placing a load on the engine to decrease the RPM to the specified rate.

69. Ignition Systems: parts or assemblies that are designed to initiate and time the ignition of a compressed air/fuel charge.
70. I/M Program: the Davis County Enhanced Vehicle Emissions Program.
71. Inspection: vehicle emissions or opacity test performed for the purpose of determining whether a vehicle qualifies for issuance of a Certificate of Compliance.
72. Inspection Area: the area that is occupied by the Emissions Inspection Analyzer (EIA), test equipment and the vehicle being inspected.
73. Inspector: a Certified Emissions Repair Technician, Certified Emissions Tester or Certified Diesel Opacity Inspector.
74. KOEO: means key on engine off.
75. KOER: means key on engine running.
76. Light Duty Motor Vehicle: any non-diesel passenger vehicle, 1978 and older light duty truck with a 6000 GVWR rating or less or 1979 and newer truck with an 8500 GVWR rating or less; any diesel vehicle with 8500 pounds GVWR or less.
77. Medium Duty Vehicle: a diesel vehicle with a GVWR between 8,501 and 14,000 pounds.
78. MIL Light (Malfunction Indicator Lamp): a warning lamp used to inform the driver that a problem has been detected and vehicle service/repair is required.
79. Model Year: the vehicle model year as designated by the manufacturer.
80. Motor Vehicle: a self-propelled motorized vehicle with an internal combustion powered engine which is registered for use on public roads and/or streets. Motor vehicles exempted from the inspection requirements of this Chapter are listed in Section 10.12.070 of this Chapter. The term "vehicle" is synonymous with motor vehicle for the purposes of this Chapter.
81. 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.
82. MSO: Manufacturer's Statement of Origin, Manufacturer's Certificate of Origin, or a similar document accompanying each newly manufactured vehicle provided by the new vehicle manufacturer.
83. N/A: Not applicable.
84. Non-Certified Person: any person who has not been permitted by the Division to perform official Enhanced Vehicle Emissions Inspection/Maintenance Inspections.
85. OBDII: On Board Diagnostics, second generation.
86. OBDIII: On Board Diagnostics, third generation.
87. Occurrence: an event, incident, episode or circumstance, that happens or takes place during an official Enhanced Vehicle Emissions Inspection/Maintenance inspection that does not comply with approved policies or procedures; The action or instance of occurring. Each violation of this Chapter that occurs is considered as a separate occurrence.
88. Off Highway Vehicle: a vehicle licensed or allowed to operate exclusively off highways.
89. On Board Diagnostics: an emissions control diagnostics system installed on a vehicle as required by the Clean Air Act, 42 USC, Section 7521(m), which identifies deterioration or malfunction of vehicle systems and stores the information for retrieval.
90. Opacity: the degree to which the exhaust plume obscures the view expressed in percentage of obstruction or the degree expressed in percent to which transmittance of light is reduced by the exhaust plume.
91. Opacity Inspection: the testing of diesel powered vehicles using procedures prescribed in the Chapter in order to determine the magnitude (expressed as a percentage) of obscured

- light (opacity) due to exhaust constituents, mainly fine particles.
92. Opacity Meter: an optical instrument which is designed to provide continuous real-time measurement of the opacity of diesel exhaust gases and particulates which pass through the optical unit.
 93. Ordinance: the total of this document, including any appendices approved by the Davis County Commission.
 94. PCV System (Positive Crankcase Ventilation System): an Emissions Control System which returns crankcase vapors to the combustion chamber.
 95. PM 2.5: particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers as measured by an EPA reference or equivalent method.
 96. Permit: a document issued by the Division to a person or facility granting them authority to perform Enhanced or Diesel Opacity Inspections in accordance with this Chapter.
 97. Primary Residence: the place where an individual permanently resides, 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. Other tests may include where a person votes, spouse resides, children attend school, is employed, identifies as an address on a drivers license, holds a resident hunting or fishing license, etc.
 98. Probation: to subject an individual or station to a period of testing and trial to ascertain fitness for a job; Critical examination and evaluation or subjection to such examination and evaluation.
 99. Prompts: instructions and/or data fields requiring data input to the Emissions Inspection Analyzer (EIA).
 100. Reciprocity: a written agreement between Davis County and any other county(s) operating a comparable enhanced or diesel testing program whereby the certificate from that/those county(s) would be accepted for vehicle registration in Davis County.
 101. Reconstructed Vehicle: a vehicle that has been materially altered from its original construction by the removal, addition or substitution of essential parts (frame and body), new or used.
 102. Referee Inspection: an Emissions or Opacity Inspection conducted by the Division for the purpose of resolving disputes or gathering data.
 103. Registered or Registration: the process by which a motor vehicle receives a license so that it can be legally operated on public streets and highways.
 104. Replica Vehicle: a vehicle that all components are purchased in a kit similar to a model car. A motor vehicle with a body that is or resembles a model year prior to 1975, and that may have a significant drive train or equipment upgrade and is for occasional pleasure rides and is not used for general daily transportation. A Replica Vehicle is not a vintage vehicle or a special interest vehicle.
 105. Revoke: to formally cancel, to make null and void by withdrawing, recalling or reversing. To retract, repeal or invalidate.
 106. RPM: revolutions per minute as pertaining to engine crankshaft speed.
 107. SAE: Society of Automotive Engineers.
 108. Smoking Vehicle: a diesel powered vehicle emitting excessive visible emissions. A gasoline powered vehicle emitting visible emissions. The engine and power mechanism of every gasoline powered motor vehicle may not emit visible contaminants during operation except while the engine is being brought up to the recommended operating temperature.

109. Specially Constructed Vehicle: a motor vehicle requiring registration to be operated on public highways and streets which is often a replica of a classic car type and is usually made from the chassis of an existing motor vehicle, a chassis made up of parts from more than one vehicle type, or a chassis made from "scratch" often with a replica body from a kit attached to the chassis. It may also be homemade without the use of a kit and they may also be factory manufactured. Those made from a kit are often called "Kit Cars."
110. Station: an I/M Program Station or Fleet Station, including all station personnel, employees and owner(s).
111. Strip Chart Recorder: an instrument which receives and records data from one or more electrical inputs and displays that information in the form of real-time, continuous (non-impact) tracings on paper.
112. Suspend: to disallow a permitted Station or Technician the privilege of performing Enhanced Vehicle Emissions Inspection/Maintenance inspections for a specific period of time.
113. Tampering: the altering or removal of emissions control devices and/or emissions-related equipment, the use of fuels other than those required by the manufacturer's specification as found in the motor vehicle owner's manual, or engine modifications which may include but are not limited to, Exhaust Systems, Air Intake Systems, Ignition Systems, Internal Engine Modifications or Engine Switching, etc.
114. Technical Bulletin: a document issued by the Division to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emissions Inspection/Maintenance Program.
115. Technical Center: a facility operated by the Division for technical or administrative support of the Enhanced Vehicle Emissions Inspection/Maintenance Program.
116. Technician: a permitted Emissions Tester, Repair Technician or Diesel Opacity Inspector.
117. Temporary Waiver: a document issued by the Division which allows the temporary registration of a vehicle based upon a vehicle owner's compliance with the conditions of the Division.
118. Training Program: a formal program administered, conducted or approved by the Division for the education of permit holders in basic emissions control technology, inspection procedures, diagnosis and repair of emissions-related problems, Enhanced Vehicle Emissions Inspection/Maintenance Program policies and procedures and this Chapter.
119. United States Environmental Protection Agency: also referred to as EPA or USEPA.
120. Vehicle Inspection Report (VIR): a report printed by the Emissions Inspection Analyzer (EIA) at the end of the test which enumerates the results of the test. The VIR is signed by the permitted technician performing the test and the person who presented the vehicle for Inspection.
121. 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 Ordinances even though specific emissions standards have not been met.
122. Wide Open Throttle (WOT): accelerations used to purge the exhaust system of any residual exhaust prior to an Opacity Inspection applicable to Heavy Duty Diesel Vehicles.

10.12.030 Purpose

It is the purpose of this Chapter to reduce air pollution levels by requiring inspections of in-use

motor vehicles of all fuel types and by requiring emissions related repairs/adjustments for those vehicles that fail to meet prescribed standards so as to:

- A. protect and promote the public health, safety and welfare;
- B. improve air quality;
- C. reduce the aesthetic affront of visible air pollution;
- D. comply with Federal requirements contained in the Clean Air Act Amendments of 1990, PL 101-549; and
- E. comply with the law enacted by the Legislature of the State of Utah, Section 41-6a-1642 through 1644, Utah Code Annotated, 1953, as amended; and with the Utah Air Quality Board requirements under subsection 19-2-104.

10.12.040 Jurisdiction of the Division

All aspects of the Enhanced Vehicle Emissions Inspection/Maintenance Program within Davis County enumerated in Section 10.12.030 shall be subject to the direction and control of the Division.

10.12.050 Powers and Duties

- A. The Division shall be responsible for the enforcement and administration of this Chapter and any other powers vested in it by law and shall:
 - 1. require the submission of information, reports, plans and specifications from Certified Emissions Repair Facilities and/or Enhanced Basic Test Stations, Diesel Stations or Diesel Fleet Stations and Certified Repair Technicians and/or Emissions Testers and Diesel Opacity Inspectors as necessary to implement the provisions, requirements and standards of this Chapter;
 - 2. issue permits, certifications and charge fees as necessary to implement the provisions, requirements and standards of this Chapter;
 - 3. perform audits of I/M Program Stations, issue orders and/or notices, hold hearings, levy administrative penalties, and negotiate consent agreements as necessary to effect the purposes of this Chapter;
 - 4. take samples and make analyses required to ensure that the provisions of this Chapter are met;
 - 5. provide voluntary Centralized Enhanced Vehicle Emissions inspections of motor vehicles; and
 - 6. develop policies and procedures necessary to ensure that the provisions and purposes of this Chapter are met and accomplished.
- B. The Division may issue warnings, place on probation, suspend, revoke or deny a permit of any I/M Program Station and/or negotiate a monetary penalty in lieu of suspending a permit under a consent agreement, and/or require the surrender of the permit and unused Certificates of Compliance and other official documents of such I/M Program Station upon showing that:
 - 1. a vehicle was inspected and issued a Certificate of Compliance by station personnel that did not, at the time of inspection, comply with all applicable policies, procedures, Technical Bulletins, standards and this Chapter;
 - 2. a Certificate of Compliance was issued to a vehicle without an approved

- Enhanced Vehicle Emissions Test being performed;
 - 3. a vehicle was inspected and rejected by the Station when, in fact, the vehicle was determined by the Division to be in such condition that it did comply with the requirements of this Chapter;
 - 4. a vehicle was inspected and was given a "passing" result for the Tampering portion of the Inspection as detailed in this Chapter that did not at the time of inspection comply with the requirements of this Chapter;
 - 5. a vehicle was inspected by an individual that did not hold a valid permit;
 - 6. the Station is not regularly open and available to perform inspections with regularly set business hours, Mondays through Fridays (except for fleet facilities);
 - 7. the Station has violated any provision of this Chapter or Division policy properly promulgated for the operation of a Station;
 - 8. the Station was not equipped as required by this Chapter;
 - 9. the Station is not operating at the location specified on the permit;
 - 10. the Emissions Inspection Analyzer (EIA) has been tampered with or altered in any way contrary to the certification and maintenance requirements of the analyzer;
 - 11. the Station denied access or failed to permit a representative of the Division to conduct an Audit or other necessary business;
 - 12. the Station performed unnecessary repairs not justified by the results of the Enhanced Vehicle Emissions Test;
 - 13. a vehicle was tampered, altered or in any way changed from the manufacturer's original specifications and/or certified configuration with or without an Enhanced Vehicle Emissions Test being performed;
 - 14. false, inaccurate or misleading information is knowingly communicated to any person or in any certificate, record or document regarding the Enhanced Vehicle Emissions I/M Program;
 - 15. a permit is obtained or attempted to be obtained fraudulently or deceptively;
 - 16. an Audit failed;
 - 17. an owner or employee of a Station threatened, harassed, stalked or assaulted an employee of the Division or any person having an Enhanced Vehicle Emissions Test or repaired subsequent to any requirement of this Chapter; or
 - 18. in accordance with Sections 41-6a-1642 through 1644 Utah Code Annotated, 1953, as amended, an Enhanced Vehicle Emissions Test for a Weber, Salt Lake, or Utah County resident was performed, but not as required by the Regulations/Ordinances adopted by the applicable county and/or the Emissions Inspection Analyzer (EIA) prompts.
- C. The Division may issue warnings, place on probation, suspend, revoke or deny the permit of, or negotiate a monetary penalty in lieu of suspending a permit under a consent agreement with a Certified Emissions Repair Technician, Certified Emissions Tester or Diesel Opacity Inspector and require the surrender of this permit upon showing that:
- 1. the inspector issued a Certificate of Compliance without performing an approved Enhanced Vehicle Emissions Test;
 - 2. the inspector denied the issuance of a Certificate of Compliance to a vehicle that

- at the time of the Enhanced Vehicle Emissions Test, complied with the requirements of this Chapter;
3. the inspector issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with the requirements of this Chapter;
 4. the inspector inspected and recorded "pass" on the Tampering Inspection for a vehicle that did not, at the time of the Enhanced Vehicle Emissions Test, comply with the tampering requirements of the Tampering Inspection detailed in this Chapter, regardless of whether a Certificate of Compliance was issued or not;
 5. the inspector signed a Certificate of Compliance prior to an Enhanced Vehicle Emissions Test being performed;
 6. the inspector performed an Enhanced Vehicle Emissions Test, but not in accordance with applicable policies, procedures, Technical Bulletins, and this Chapter;
 7. the inspector knowingly allowed a non-certified person to perform an official Enhanced Vehicle Emissions Test or any portion of an Enhanced Vehicle Emissions Test, or gain access to the official testing portion of the Emissions Inspection Analyzer (EIA);
 8. the inspector signed an inspection form or Certificate of Compliance stating that he/she had performed an Enhanced Vehicle Emissions Test when, in fact, he/she did not;
 9. the inspector performed an out of county emissions test as required by Sections 41-6a-1642 through 1644, Utah Code Annotated, 1953, as amended, but did not perform it as required by the Ordinances or Regulations governing such testing in these counties, if reciprocity with other counties is in effect;
 10. the inspector knowingly communicated false, inaccurate or misleading information to any person or in any certificate, record or document regarding the Enhanced Vehicle Emissions I/M Program;
 11. the inspector obtained or attempted to obtain a permit fraudulently or deceptively;
 12. the inspector performed unnecessary repairs not justified by the results of the Enhanced Vehicle Emissions Test;
 13. the inspector tampered with, altered or in any way changed a vehicle from the manufacturer's original specifications and/or certified configuration with or without performing an Enhanced Vehicle Emissions Test; or
 14. an inspector or other individual at the station is in violation of this Chapter, and:
 - a. the I/M Station Owner or other responsible person had knowledge of the inspector's violation; or
 - b. the I/M Station Owner or other responsible person had no direct knowledge of the violation but is found to be careless in the oversight of the inspector; or
 - c. the station has a history of violations.
- D. The Division shall respond according to policies and procedures to complaints regarding the fairness and integrity of Enhanced Vehicle Emissions Tests and shall provide a method that Enhanced Vehicle Emissions Test results may be challenged if

there is a reason to believe them to be inaccurate.

- E. The Division or the Division's authorized representative is responsible for performing all Enhanced Vehicle Emissions Tests on Light, Medium and Heavy Duty Vehicles.
- F. The Division may perform periodic Enhanced Vehicle Emissions Tests during normal business hours on any vehicle that has or will be inspected by a Station.

10.12.060 Scope

It shall be unlawful for any person to fail to comply with any policy, procedure, Technical Bulletin, standard or regulation promulgated by the Federal Government, the State, or the Division, unless expressly waived by this Chapter.

10.12.070 General Provisions

Subject to the exceptions in Section 10.12.070.F, individuals with their primary residence in Davis County must register their motor vehicles in Davis County and motor vehicles that are or will be registered in Davis County shall be subject to an Enhanced Vehicle Emissions Test performed by any certified I/M Program Station as specified in this Chapter or other entity approved by the Director.

- A. It is unlawful for any person with a primary residence in Davis County to register a vehicle in any Utah county without providing a valid Certificate of Compliance or Waiver.
- B. A Certificate of Compliance or Waiver or evidence that the motor vehicle is exempt from the Inspection/Maintenance Program requirements (as defined in Section 10.12.070) shall be presented to the County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee paid (See Section 10.12.070) as conditions precedent to annual registration or annual renewal of registration of a motor vehicle.
 - 1. All 1968 and newer model year gaseous fueled vehicles and all light and medium duty 2008 and newer diesel powered vehicles shall be subject to an Enhanced Vehicle Emissions Test at any certified I/M Program Station or other entity approved by the Director, including the county Centralized Testing Facility. All 2007 and older diesel powered vehicles shall be tested at the Centralized Emission Testing Facility or other facility as approved by the Director.
 - 2. No vehicle will be tested if it is found to be in an unsafe mechanical condition. This would include fuel leaks, coolant leaks, MIL light illuminated (Diesel Vehicles only), exhaust leaks or any other condition that could harm the vehicle, equipment or personnel.
- C. Commercial fleet vehicles that are operated from a facility located within Davis County shall be subject to an Enhanced Vehicle Emissions Test at any certified I/M Program Station or other entity approved by the Director.
- D. A Certificate issued to a dealer licensed with the State of Utah and issued in the dealer's name, shall be valid for registration purposes for a period of eleven (11) months as specified in Section 41-3-303, Utah Code Annotated, 1953, as amended.
- E. A dealer issuing a temporary permit for a vehicle registered in Davis County must supply proof of the vehicle's compliance with this Chapter to the new owner in the form of an official Vehicle Inspection Report (VIR).

- F. Owners of publicly-owned vehicles (Federal, State, County or City) shall comply with the Inspection Program requirements. 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 Enhanced Vehicle Emissions Testing requirements of this Chapter, and as required by Section 118 of the Clean Air Act as amended in 1990.
- G. Reciprocity with other vehicle emissions programs within the state will be allowed as long as Tampering, Opacity, HC, CO, OBDII or other standards meet or exceed those required by this Chapter in accordance with Section 41-6a-1643, Utah Code Annotated, 1953, as amended.
- H. Requesting a fraudulent Enhanced Vehicle Emissions Test is a violation of this Chapter.
- I. Vehicle Exemption. The following vehicles are exempt from the requirements of this Chapter:
 - 1. All agricultural implements of husbandry and any motor vehicle that qualifies for an exemption as required by Section 41-1a-102 Utah Code Annotated, 1953, as amended;
 - 2. Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;
 - 3. Any motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a motorcycle with a maximum of three wheels or less);
 - 4. Any vehicle registered exclusively as an Off Highway Vehicle;
 - 5. Any non-diesel powered vehicle 1967 model year or older;
 - 6. Any new vehicle being sold for the first time that has a valid MSO (Manufacturer's Statement of Origin) form;
 - 7. Any motor vehicle which qualifies for legislative or diplomatic exemptions;
 - 8. Heavy-duty diesel vehicles that meet all of the following requirements:
 - a. Have an apportioned registration;
 - b. Are 26,000 lbs. GVWR or greater;
 - c. Have logged more than 50% of their vehicle miles outside of the state; and
 - d. Are within the first three (3) model years.
- J. It shall be the responsibility of the Certified Emissions Repair Technician and/or Tester, or Diesel Opacity Inspector to inform the owner/operator of the vehicle that the vehicle is not required to have an Enhanced Vehicle Emissions Test for vehicle registration purposes if a vehicle is exempted from the I/M Program requirements by this Section.
- K. Owners of heavy-duty diesel vehicles may request that a Division representative perform on-site Enhanced Vehicle Emissions Tests at a location other than a County owned test facility. On-site tests by the Division shall only be performed in accordance with the following requirements:
 - 1. A minimum of five (5) heavy-duty diesel vehicles must be provided;
 - 2. All test sites must comply with local zoning Ordinances for the performance of these inspections and be approved by the Division prior to inspections being performed; and
 - 3. On-site diesel opacity inspections for emergency response vehicles will not be subject to a minimum number of vehicles at one location.

- L. Official signs for I/M Program Stations:
 - 1. All I/M Program Stations, except those Enhanced Basic I/M Program 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 Division;
 - 2. The Enhanced Vehicle Emissions standards as promulgated under authority of this Chapter shall be posted in a conspicuous place on the Station premises, if required by the Division;
 - 3. The Enhanced Basic I/M Program Station shall post on a clear and legible sign the fees charged by the Station for the performance of the Enhanced Vehicle Emissions Tests; and
 - 4. The signs required by this Section shall be located so as to be readily noticeable in the public view.
- M. Required references, tools and equipment as noted in Section 10.12.090, supplies, records, unused Certificates of Compliance and other required forms shall be kept at the Station at all times and shall be available for inspection or collection by the Division at any time the Station is open for business.
- N. Records of completed Enhanced Vehicle Emissions Tests and duplicate copies of Certificates of Compliance issued shall be kept at the Diesel I/M Program Fleet Stations at all times for a period of not less than eighteen (18) months and shall be available for inspection or collection by the Division at any time by the Division at any time the Station is open for business. Upon completion of an on-line data input system, this requirement will no longer be enforced. Until such time as diesel tests data can be input into the County system, no additional Diesel Opacity Stations will be permitted.
- O. A periodic inspection and audit shall be made by a Division representative to verify compliance with this Chapter for each Station.
 - 1. During the time of the inspection and audit by the Division, the Division representative shall have exclusive access to the approved Emissions Inspection Analyzer (EIA).
 - 2. The Division representative may check the accuracy of the Emissions Inspection Analyzer (EIA) using Division approved audit procedures to verify that the analyzer is reading within the tolerances established by the Division. Analyzers not reading within the audit tolerances shall be recalibrated to acceptable tolerances or placed "out of service".
- P. The fees assessed by this Chapter shall be determined according to a fee schedule adopted by the Davis County Commission. The Fee Schedule is referenced in Section 10.12.240 of this Chapter and may be amended by the Davis County Commission as the Commission deems necessary to accomplish the purposes of this Chapter.
 - 1. An Air Pollution Control (APC) Fee is hereby assessed upon every motor vehicle registered in Davis County annually at the time of registration of the vehicle, including those vehicles that are exempted from the inspection requirements of this Chapter by Section 10.12.070.
 - 2. Those Stations participating in the program hereunder may charge fees for the required service:
 - a. If a vehicle fails the inspection, the owner is entitled to one (1) free re-

- inspection if the owner returns to the Station that performed the original Enhanced Vehicle Emissions Test within fifteen (15) days, for an Enhanced Basic I/M Program Decentralized Station or thirty (30) days for the County operated Test Facility, from the date of the initial test. The Station shall extend the free re-inspection time to accommodate the vehicle owner if the Station is unable to schedule the retest of the vehicle within the time period. The test fee shall be the same whether the vehicle passes or fails the inspection;
- b. Subsequent Enhanced Vehicle Emissions Tests of failed vehicles and tests of failed vehicles after the allotted free re-inspection time frame shall not exceed the initial test fee;
 - c. Upon notification by the Division, a 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; and
 - d. Duplicate Certificates of Compliance may be issued to a vehicle owner/operator within two (2) months of the initial Enhanced Vehicle Emissions Test. Fees for the duplicate certificate may not exceed the amount specified in Section 10.12.240.
3. These fees are subject to change and may be amended as deemed necessary by the Davis County Commission and are enumerated in Section 10.12.240 of this Chapter.
- Q. If a vehicle fails an Enhanced Vehicle Emissions Test and is within the time and mileage requirements of the Federal Emissions Warranty contained in the Federal Clean Air Act, the Certified Emissions Repair Technician and/or Tester or Opacity Inspector shall inform the owner/operator that he/she may qualify for warranty coverage of emissions related repairs as provided by the vehicle manufacturer and mandated by the Federal Environmental Protection Agency.
- R. The Station shall display in an area readily accessible to the public any informational pamphlets required by the Division.
- S. All permits and Certificates of Compliance and Certificate of Compliance numbers issued under the provisions of this Chapter remain the property of the Division. Their use is tendered on the condition that the user complies with the requirements of this Chapter.
- T. Vehicle Idling Limitation. It shall be unlawful for any owner or operator of any Heavy Duty Diesel Vehicle to cause or permit the same to be idled for a period in excess of fifteen (15) consecutive minutes, or for a period in excess of forty-five (45) minutes in any one-hundred-twenty (120) minute period (it being the intent of this provision that an owner or operator may not circumvent the provisions of this Section by repeated turning on and off a diesel engine).
1. Exemption to Idling Limitations. Vehicles may be exempted from the idling limitation requirements of Section 10.12.070 under the following conditions:
 - a. To supply power to a refrigeration unit for the purpose of cooling the contents of a trailer;
 - b. To provide heat or air conditioning to a sleeper unit of the vehicle or to occupied buses; and
 - c. Emergency response vehicles.

2. Vehicles exempted from the Vehicle Idling Limitation of this Chapter shall not remain in an idling condition for a period longer than fifteen (15) consecutive minutes, or for a period in excess of forty-five (45) minutes in any one-hundred-twenty (120) minute period if located within five hundred (500) feet of any residence.
- U. Smoking Vehicles. The Division may investigate complaints on smoking vehicles to determine if they exceed state regulations, and may take appropriate action as per Utah Code 41-6a-1626(2)(a), 1953 as amended.
1. Except while the vehicle is being warmed to the recommended operating temperature, the engine and power mechanism of a:
 - a. gasoline powered motor vehicle may not emit visible contaminants during operation;
 - b. diesel engine manufactured on or after January 1, 1973, may not emit visible contaminants of a shade or density darker than 20% opacity; and
 - c. diesel engine manufactured before January 1, 1973, may not emit visible contaminants of a shade or density darker than 40% opacity.
 2. A person who violates the provisions of U.1 of this Section is guilty of a class C misdemeanor.
 3. A person who renders inoperable an air pollution control device on a motor vehicle is guilty of a class B misdemeanor.
- V. To ensure that future problems with VIN mismatch do not occur, it is the responsibility of the Technician/Station upon replacement of the power control module or electronic control module that proper re-flash procedures be followed so correct data and VIN number be installed on the replacement.

10.12.080 Standards and Specifications for Emissions Inspection Analyzers (EIA) and Span Gases for Equipment

- A. Emissions Inspection Analyzers (EIA) Specifications are contained in Section 10.12.230 of this Chapter.
1. Enhanced Vehicle Emissions Tests required by this Chapter for vehicles subject to Enhanced Basic I/M Inspections shall be performed using only an approved Emissions Inspection Analyzer (EIA).
 2. Any analyzer used by a Certified I/M Program Station shall be registered with and approved by the Division. Analyzers used temporarily during times of breakdown or repair of the registered analyzer shall meet all other requirements of this Section, including the approval of the Division before use.
 - a. The analyzer printers shall be maintained in such a manner that the printing of the Certificate of Compliance and Vehicle Inspection Report (VIR) shall be clearly visible. If any printer fails to properly function, then the Certified I/M Program Station shall discontinue testing until the required repairs have been performed.
 3. Running changes: Any changes to the design characteristics or component specifications that may affect the performance of an Emissions Inspection Analyzer (EIA) to be used as an official test instrument in the Davis County I/M Program shall be approved by the Division. It shall be the instrument

manufacturer's responsibility to confirm that the changes have no detrimental effect on the performance of the Emissions Inspection Analyzer (EIA).

- a. It shall be illegal for any person to modify the hardware or software of an approved Emissions Inspection Analyzer (EIA).
4. Calibration/Span Gases:
 - a. General: The instrument manufacturer and/or his designated marketing vendors shall on request supply at a reasonable cost BAR97 approved span gases 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.
 - b. Span gas blends: The span gases supplied to any Certified I/M Program Station shall meet BAR97 specifications.
5. Documentation, logistics, and warranty requirements:
 - a. An instruction manual shall accompany each Emissions Inspection Analyzer (EIA) and shall contain at least the following information for the analyzer:
 - i. A complete technical description;
 - ii. The accessories and options that are included and/or available;
 - iii. The model number, identification marking and location;
 - iv. 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;
 - v. Information concerning the nearest facility where equipment can be serviced; and
 - vi. The warranty provisions for the analyzer, including a list of warranty repair facilities by name, address and telephone number.
6. The Emissions Inspection Analyzer shall be maintained in accordance with the manufacturer's recommended maintenance schedule.

10.12.090 Requirements of the Enhanced Vehicle Emissions Inspection/ Maintenance Program Stations

- A. Permit Required.
 1. No person shall in any way represent any place as a Certified Emissions Repair Facility and/or Enhanced Basic Test Station, Diesel Station or Diesel Fleet Station unless the Station is permitted by the Division. The permit is issued on the condition that the permittee has knowledge of the requirements of this Chapter and agrees to comply with the provisions of this Chapter and any other applicable law or standard in order to maintain the permit.
 2. The Division is authorized under the provisions of this Chapter to issue or deny permits that allow persons and facilities to perform Enhanced Vehicle Emissions Tests on vehicles, to issue Certificates of Compliance and to make necessary repairs.

3. No permit for any Station may be assigned, transferred, or used by any person other than the original owner identified on the permit application for that specific Station. THE PERMIT SHALL BE POSTED IN A CONSPICUOUS PLACE WITHIN PUBLIC VIEW ON THE PREMISES.
4. Application for a Station permit shall be made to the Division upon a form provided by the Division. No permit shall be issued unless the Division finds that the facilities, tools and equipment of the applicant comply with the requirements of this Chapter.
 - a. A Station shall immediately cease testing and notify the Division if the Station does not have a Certified Emissions Repair Technician, Emissions Tester or Diesel Opacity Inspector employed, as applicable;
 - b. The Station must be at a permanent location which meets all applicable zoning requirements to provide for the inspection of vehicles, as defined in this Chapter;
 - c. The Station must pass an audit as defined by this Chapter, must employ all required personnel as listed in this Chapter, certified under the provisions of this Chapter to be available to perform Enhanced Vehicle Emissions Tests during normal business hours, conducted in accordance with this Chapter, and must meet any other requirements deemed by the Division to be essential to the purpose of this Chapter;
 - d. As a condition for permitting a Certified Emissions Repair Facility and/or Enhanced Basic Test Station, the following equipment, tools and references shall be available, maintained and updated for performance of the inspection and maintenance of motor vehicles:
 - i. a Division approved Emissions Inspection Analyzer (EIA) which conforms at a minimum, to the analyzer specifications of Section 10.12.230, to be certified to perform Enhanced Vehicle Emissions Tests;
 - ii. an emissions control application manual approved by the Division that includes high altitude specifications;
 - iii. Division approved calibration/span gas and equipment for performing the gas calibration/span check;
 - iv. a suitable non-reactive tail pipe extender or probe adapter for inspecting vehicles with screened or baffled exhaust systems;
 - v. the analyzer manufacturer's maintenance and calibration manual which must be retained in the inspection area;
 - vi. appropriate hand tools;
 - vii. shop air with regulator for analyzer zero air generator or other approved source;
 - viii. all forms, Technical Bulletins, charts and a Davis County I/M Ordinance and other information materials provided by the Division;
 - ix. an approved adaptor for testing dual-exhaust vehicles; and
 - x. all essential devices, connections and software for communications and downloads.
 - e. In addition to the requirements for a Basic Test Station, a Certified Repair Facility must have the following equipment, tools and references available

for use:

- i. emissions diagnostic and repair information for affected model year vehicles, the most current of which applies to vehicles of model years no more than two (2) years older than the current calendar year. The information may be stored on magnetic media if a device to read the media is maintained at the facility;
 - ii. scanner capability to interrogate Onboard Diagnostics of vehicles, the most current of which applies to vehicles of model years no more than two (2) years older than the current calendar year;
 - iii. voltmeter with AC and DC capability;
 - iv. DC ammeter;
 - v. ohmmeter;
 - vi. fuel or hydraulic pressure gauge;
 - vii. vacuum gauge;
 - viii. vacuum pump;
 - ix. compression tester and cylinder leak down tester;
 - x. timing light with advance capability;
 - xi. tachometer;
 - xii. dwell meter or duty cycle meter; and
 - xiii. shop air with regulator.
- f. As a condition for permitting a Certified Diesel Station or Diesel Fleet Station, the following tools, references and equipment shall be available for the performance of inspection and maintenance of diesel powered motor vehicles:
- i. a Division approved Diesel Opacity Analyzer that meets the minimum specifications as outlined in Section 10.12.300 of this Chapter;
 - ii. a Division approved personal computer capable of meeting the minimum specifications as outlined in Section 10.12.300 of this Chapter;
 - iii. a handbook, approved by the Division, that includes testing procedures to be followed by the Diesel Opacity Inspector;
 - iv. an accurate strip chart recorder or other recording device capable of recording Diesel Opacity Inspection data for analysis;
 - v. reference manuals specified and approved by the Division that contain tune-up specifications, and information covering the emissions control systems for the model years and makes of vehicles involved in the Diesel Inspection/Maintenance Program;
 - vi. sufficient hand tools for proper performance of inspection and maintenance of the vehicle;
 - vii. exhaust gas removal equipment approved by the Division;
 - viii. the Diesel Opacity Analyzer manufacturer's maintenance and calibration manual, which must remain in the inspection area;
 - ix. all forms, Technical Bulletins, and other information materials provided by the Division; and
 - x. all essential devices, connections, phone lines and software required

by the Division.

- g. Diesel Fleet Stations
 - i. Owners of vehicle fleets with twenty-five (25) or more Heavy Duty Diesel Vehicles may apply to the Division for a Diesel I/M Program Fleet Station Permit. This permit would allow fleet owners to inspect only their own heavy duty vehicles that are registered to the individual or corporation identified on the permit. A fleet station may be permitted for testing of light and medium duty vehicles with approval of the Division;
 - ii. The Fleet Station shall immediately notify the Division and surrender all unused Certificates of Compliance at such time as the Station no longer employs a Diesel Opacity Inspector; and
 - iii. The Fleet Station shall notify the Division whenever five (5) or more consecutive Diesel Opacity Inspections are scheduled to be performed within an eight (8) hour period. The Director may dispatch a field auditor to observe all or a portion of the Diesel Opacity Inspections performed.
 - 5. All facets of the official Enhanced Vehicle Emissions I/M Program shall be performed by the Certified Emissions Repair Technician and/or Tester or Diesel Opacity Inspector including:
 - a. Emissions Inspection Analyzer (EIA) preparation, calibration checks, leak checks and host communication diagnostics;
 - b. preparation of reports, forms and Certificates of Compliance;
 - c. accessing the official emissions testing section of the analyzer;
 - d. performing fuel cap pressure tests;
 - e. exhaust sampling and analysis for the purpose of a diesel opacity inspection for issuance of a Certificate of Compliance; and
 - f. all other aspects of the official Enhanced Vehicle Emissions Test, including but not limited to the tampering inspection, inserting the exhaust probe, inserting or attaching the exhaust opacity sampling equipment, hooking up the tachometer, entering data into the analyzer, preconditioning the vehicle and signing Certificates of Compliance and Vehicle Inspection Report Forms (VIRs).
 - 6. The Station shall be kept in good repair and in safe condition for inspection purposes, free of obstructions and hazards.
- B. Permit Duration and Renewal
- 1. The permit for a Certified Emissions Repair Facility and/or Enhanced Basic Test Station or Diesel Station or Diesel Fleet Station shall be issued annually and shall expire December 31 of the year for which it was issued. The permit shall become renewable sixty (60) days prior to the date of expiration.
 - 2. It is the responsibility of the owner/operator of the Station to pursue the permit renewal through appropriate channels;
 - 3. Upon approval of the completed application and payment of applicable fees, the Division may extend the permit for an additional one (1) year period.
 - 4. Station to hold Division harmless: In making application for a permit or for its renewal, such action shall constitute a declaration by the applicant that the

- Division shall be held harmless from liability incurred due to any action or inaction of a Station, owners or their employees.
5. Required permit fees and renewal fees are listed in the Fee Schedule in Section 10.12.240 of this Chapter.
 6. The Division may impose a penalty fee on a permit which expires prior to receipt of the application for renewal and payment of applicable fees.
 7. After six (6) months, an expired permit is unredeemable and a new permit must be applied for according to the procedures of this Chapter.
- C. Warning, Probation, Suspension, Revocation and Denial of Station Permit
1. The Division may give a formal warning, place on probation, suspend, revoke or deny renewal of a permit under any of the following conditions:
 - a. false, inaccurate or misleading information is knowingly communicated to any person or in any certificate, record or document regarding the Enhanced Vehicle Emissions Inspection/ Maintenance Program;
 - b. the permit is obtained or attempted to be obtained fraudulently or deceptively;
 - c. an audit failed;
 - d. evidence is exhibited that vehicles repaired by a Repair Facility under this Chapter have repeatedly failed re-inspection; or
 - e. violations of this Chapter by the owner or employees of a Station for threatening, harassing, stalking or assaulting an employee of the Division or any person having a vehicle tested or repaired subsequent to any requirement of this Chapter.
 2. The Division may reinstate a suspended permit upon compliance by the facility with the requirements of this Chapter.
 3. Upon revocation or suspension of a permit, a person shall within ten (10) business days return to the Division all materials which were issued as a result of obtaining the permit, including any signs and documents, and remove any other materials which may lead the public to believe that the facility continues to be permitted.
 4. A penalty schedule is listed in Section 10.12.260 of this Chapter, enumerating actions the Division may take against persons permitted under this Chapter.
 5. Station permits are the sole property of the Division. Only the license they represent is tendered. Permits may be suspended or revoked for violations of this Chapter. Station permits obtained through fraud or misrepresentation shall be deemed to be null and void.
- D. Personnel Requirements
1. A Certified Emissions Basic Test Station shall employ and ensure at least one (1) Certified Emissions Tester is routinely scheduled to work during the advertised operating hours of the facility.
 2. A Certified Emissions Repair Facility shall ensure that only a Certified Emissions Repair Technician diagnoses emissions related faults, and supervises or performs emissions related repairs and adjustments to bring vehicles into compliance with the provisions of this Chapter.
 3. A Certified Emissions Repair Facility shall employ at least one (1) full-time Certified Emissions Repair Technician at each Certified Emissions Repair

Facility location and ensure that a Certified Emissions Repair Technician is routinely scheduled to work during the advertised operating hours of the facility.

4. A Diesel I/M Program Station or Fleet Station shall employ and ensure at least one (1) Certified Diesel Opacity Inspector is routinely scheduled to work during the advertised operating hours of the facility.
 5. A Station will assign one (1) individual, either a manager or an Inspector, the responsibility of resolving any problems or addressing any concerns that a Division representative may identify. The selected individual or his/her representative will be at the Station and available during normal business hours, and his/her name and title will be listed on the Station permit application form.
- E. Equipment Quality Assurance
1. For all equipment required under this Chapter, a Station shall follow, at a minimum, the manufacturer's specifications for maintenance and calibration, and the procedures established by the Division.
- F. Audits
1. A Station shall allow access to Division personnel to conduct audits of the facility. Audits will be conducted at random and with no prior notification.
 2. An audit will include equipment, calibration gas and compliance with personnel requirements.
 3. Audit failure is cause for probation, suspension, revocation or denial of renewal of a facility permit.
 4. Uncooperative or abusive behavior by an employee, representative or individual at a Station is cause for audit failure.
 5. A Station shall not use any piece of equipment which fails an audit until a subsequent audit is passed.
 6. The person responsible for a Station shall allow further monitoring at the discretion of the Division to ensure quality control or to determine compliance with this Chapter.

10.12.100 Testing and Permitting of Applicants for Certified Emissions Testers and/or Repair Technicians and Diesel Opacity Inspectors

- A. A permit is required to become a Davis County Certified Emissions Tester and/or Repair Technician or a Diesel Opacity Inspector.
1. No person shall perform any part of the official Enhanced Vehicle Emissions Test for the issuance of a Certificate of Compliance unless the person possesses a valid Certified Emissions Tester and/or Repair Technician permit or Diesel Opacity Inspector permit issued by the Division.
 2. Applications for a Certified Emissions Tester, Repair Technician or Diesel Opacity Inspector permit shall be made upon a Division approved form. No permit shall be issued unless the applicant has shown adequate competence by successfully completing the written and practical portions of the permit requirements as specified in this Chapter. An applicant must meet the Certified Emissions Tester permit requirements prior to obtaining a Repair Technician permit.

3. An applicant shall comply with all of the terms stated in the permit application and with all the requirements of this Chapter.
4. To qualify for and obtain a Certified Emissions Tester permit an applicant shall complete a Division approved self-study training course which may include the purchase of a self study guide, or other Division approved training, and shall demonstrate knowledge and skill concerning the performance of emissions inspections. Such knowledge and skill shall be shown by passing:
 - a. a written qualification test including knowledge of the following:
 - i. Operation and purposes of emissions control systems;
 - ii. Inspection procedures as outlined in this Chapter;
 - iii. Operation of an Emissions Inspection Analyzer including the performance of a gas calibration and leak check;
 - iv. The provisions of Section 207(b) warranty provisions of the Federal Clean Air Act;
 - v. Knowledge of the function of Onboard Diagnostics; and
 - vi. The provisions of this Chapter and other Division policies and procedures.
 - b. A performance qualification test including the following:
 - i. Visual inspection and knowledge of the function of the required emissions control equipment;
 - ii. Demonstration of skill in the proper use, care, maintenance, calibration and leak checking of approved Emissions Inspection Analyzers (EIA);
 - iii. Demonstration of ability to conduct the emissions test; and
 - iv. Demonstration of ability to accurately perform the data input process and to legibly complete inspection forms.
 - c. If an applicant fails the required test twice, he/she may be required to take an approved training course.
5. To qualify for and obtain a Certified Repair Technician permit, an individual shall meet the following requirements:
 - a. possess a Certified Emissions Tester permit;
 - b. demonstrate five (5) years full-time employment experience as an automotive technician performing emissions related repairs on on-road vehicles not powered by diesel fuel or electricity, except that a person with two (2) full years of full-time education related to the repair of on-road vehicles not powered by diesel fuel or electricity need only demonstrate four (4) years of the required employment;
 - c. possess the following current, valid ASE certifications or Vehicle Manufacturer Specific Training:
 - i. ASE Certifications in Engine Performance (A-8) and Advanced Engine Performance Specialist (L-1); or
 - ii. Vehicle Manufacturer Specific Training (VMS): A Repair Technician must have a current Gasoline Engine Performance certification and be employed by a dealer of the same manufacturer and will be certified for repairs of that manufacturer only.
 - d. Comply with the requirements of this Chapter; and

- e. Meet any other requirements deemed by the Division to be essential to the purposes of this Chapter.
 6. In order to retain and to qualify for renewal of the Repair Technician permit, the certifications listed in subsection 5c must be maintained and kept current, and renewal requirements specified for the Certified Emissions Tester in this Section must be met.
 7. To qualify for and obtain a Diesel Opacity Inspector permit an applicant shall demonstrate knowledge, skill and competence by passing a written and performance qualification test including, but not limited to, knowledge of the following:
 - a. The requirements of this Chapter;
 - b. Operation of and proper use, care, maintenance and calibration of the Division approved Emissions Inspection Analyzer (EIA); and
 - c. Proper use and distribution of the required inspection forms, Certificates of Compliance, calibration records and supplemental documents.
 8. 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 an instructor or other person approved by the Division.
 9. The Division may issue the applicable Certified Emissions Tester, Repair Technician or Diesel Opacity Inspector permit to an applicant upon demonstration that the individual has successfully completed the requirements of this Chapter.
 10. The Certified Emissions Tester and/or Repair Technician permit or Diesel Opacity Inspector permit shall be valid only at the Station where the Technician is employed, and said permit shall be kept on the premises and readily available to the auditor. If the Certified Emissions Tester and/or Repair Technician or Diesel Opacity Inspector is later employed at a second Station, he/she shall notify the Division of the employment change. Duplicate or second permits will be issued, at the discretion of the Division, for an additional fee. The second permit will expire on the same date as the original.
 11. The fee required to obtain a Certified Emissions Tester and/or Repair Technician or Diesel Opacity Inspector permit is listed in Section 10.12.240 in the Fee Schedule.
 12. The Certified Emissions Tester and/or Repair Technician permit or Diesel Opacity Inspector permit is the sole property of the Division. The Division may suspend or revoke the permit for violations of this Chapter. Permits that were obtained through fraud or misrepresentation will be deemed null and void.
- B. Requalification requirements for Certified Emissions Testers and/or Repair Technicians and Diesel Opacity Inspectors.
1. Upon determination by the Division of the necessity of updating the qualifications for Certified Emissions Testers and/or Repair Technicians or Diesel Opacity Inspectors, they shall be required to re-qualify. Recertification requirements shall be determined by the Division.
 2. Certified Emissions Testers and/or Repair Technicians and Diesel Opacity Inspectors shall re-qualify annually. Failure to re-qualify within the required

period of time shall result in suspension or revocation of the permit as described in this Chapter.

- C. Permit Expiration
1. All permits shall be issued annually and shall expire December 31 of the current year. A permit shall be renewable sixty (60) days prior to the date of its expiration. If a Certified Emissions Tester and/or Repair Technician or Diesel Opacity Inspector Permit is obtained on or after October 1st, then the permit will be valid until December 31st of the following year.
 2. It is the responsibility of the Certified Emissions Tester and/or Repair Technician or Diesel Opacity Inspector permit holder to request the renewal of the permit.
 - a. In order to qualify for renewal of a Certified Emissions Tester and/or Repair Technician or Diesel Opacity Inspector permit, the permit holder must have paid applicable fees and completed Division required yearly updates.
- D. Warning, Probation, Suspension, Revocation and Denial of Certified Emissions Tester and/or Repair Technician and Diesel Opacity Inspector permit.
1. The Division may give a formal warning, place on probation, suspend, revoke, or deny the renewal of a permit if the Certified Emissions Tester and/or Repair Technician or Diesel Opacity Inspector:
 - a. knowingly communicates any false, inaccurate or misleading information to any person or in any certificate, record or document regarding the Enhanced Vehicle Emissions Inspection/Maintenance Program;
 - b. fraudulently or deceptively obtains or attempts to obtain a permit;
 - c. conducts a fraudulent or inaccurate test;
 - d. consistently fails to properly repair failed vehicles (Repair Technician only); and/or
 - e. threatens, coerces, harasses, offers a bribe, assaults and/or stalks a Division employee pursuant to his/her duties with the Division or any person having a vehicle tested or repaired subsequent to any requirement of this Chapter.
 2. An individual whose permit has been suspended may be subject to:
 - a. additional training or testing as approved by the Division before the permit is reinstated; and
 - b. revocation of a permit after repeated suspensions or when a suspension has exceeded six (6) months.
 3. A penalty schedule in Section 10.12.260 of this Chapter enumerates the actions the Division may take against persons permitted under this Chapter.
- E. Reciprocity for Technicians holding a permit in another Utah I/M Program. Technicians that hold a valid permit from any Utah I/M program may challenge the certification requirements of another I/M County by doing the following:
1. Purchase a mechanic handbook and study material from the County they wish to be certified in.
 2. Pass a written exam administered by the County they wish to be certified in.
 3. Pass a hand-on exam by the County they wish to be certified in.
 4. Complete any forms and pay any fees, as required by the County they wish to

be certified in.

10.12.110 Inspection Procedures for Enhanced Vehicle Emissions Tests

- A. The official Enhanced Vehicle Emissions Test shall be solely performed by a Certified Emissions Tester and/or Repair Technician or Diesel Opacity Inspector who has been permitted at the Station where the inspection is being performed, and Division approved inspection procedures are to be followed.
- B. If the Certified Emissions Repair Technician is unqualified or unwilling to make the required repairs or adjustments should the vehicle fail the emissions inspection, he/she shall notify the owner/operator of the vehicle before the emissions inspection is administered.
- C. The entire inspection shall take place within the reach of the Emissions Inspection Analyzer (EIA) hose, electrical leads or data link.
- D. The temperature of the inspection area shall be between 41° Fahrenheit and 110° Fahrenheit during the inspection.
- E. The Emissions Inspection Analyzer shall be kept in an area that provides adequate protection from the weather, wind and extreme temperatures.
- F. The electrical supply to the Emissions Inspection Analyzer (EIA) shall be able to meet the analyzer manufacturer's requirements for voltage and frequency stability. Data communication links shall be connected and functioning when applicable.
- G. The Inspector shall not test any motor vehicle with a mechanical condition which is found to be unsafe and may cause injury to inspection personnel or damage to the 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, high visible emissions – smoking vehicle (Gas Vehicles only), exhaust leaks, MIL light illuminated (Diesel Vehicles only), excessive tire wear, under inflated tires or transmission problems or any other condition that could harm the vehicle, equipment or personnel.
- H. Tampering
 1. A tampering inspection will be performed on all vehicles.
 2. Vehicles that are model years 1968-1989 with missing emission control components may receive a certificate of compliance if tailpipe readings are at or below the maximum allowable Cutpoints for that vehicle.
 3. Vehicles that are model year 1990 and newer must pass a visual tampering inspection before the test may continue.
 4. A visual gas cap inspection will include cap removal (if applicable) and inspection of the sealing surface.
 5. A functional gas cap test will be performed on some model year vehicles.
- I. Any time the Emissions Inspection Analyzer (EIA) cannot establish communication through the data link, the communication problem must be corrected before the inspection can continue.
- J. Data Entry
 1. The Inspector shall verify the vehicle license plate and vehicle identification numbers by comparing the information on the vehicle's registration or other documentation presented by the vehicle owner with those on the vehicle and

- shall accurately record them as required by the data entry process on the Emissions Inspection Analyzer (EIA), as well as any other data requirements of the Division.
2. The Inspector shall verify the owner's name and address and enter this information or scan it into the Emissions Inspection Analyzer (EIA) from the registration form. The Inspector shall determine and enter the county in which the vehicle is registered.
 3. The Inspector shall enter completely and accurately all the information required as part of the data entry procedure for the official Enhanced Vehicle Emissions Test on the Emissions Inspection Analyzer (EIA).
- K. The Inspector shall:
1. follow and complete all portions of the Enhanced Vehicle Emissions Test procedure or data entry prompts or inquiries of the Emissions Inspection Analyzer (EIA);
 2. examine the emissions/tune-up specification decal (sticker) under the hood or check an approved emissions application guide to determine if the vehicle was manufactured with a Catalytic Converter, Air Injection Reaction (AIR) System, PCV System, EGR System, Evaporative Control System, Gas Cap, Particulate Filter (DPF) and other air pollution control devices as applicable;
 3. visually inspect for the presence and apparent operability of the AIR System, Catalytic Converter, EGR System, Evaporative Control System, PCV System, Gas Cap, Particulate Filter (DPF), and other air pollution control devices as applicable;
 - a. record the visual inspection results, (pass, fail or not applicable (N/A)) in the Emissions Inspection Analyzer (EIA) showing these parts or systems pass inspection or have been removed or are inoperable; and
 - b. on non-OBDII compliant vehicles, perform a functional gas cap test in accordance with Division procedures;
- L. Each vehicle receiving a Two-Speed Idle (TSI) Test shall be checked to determine the vehicle is at normal operating temperature before performing the Emissions Inspection.
1. The vehicle shall be tested as detailed in the Emissions Inspection Analyzer (EIA) specifications referenced in Section 10.12.230 and as programmed into the Emissions Inspection Analyzer (EIA) testing sequence. Vehicles failing because of excessive exhaust dilution shall repair the dilution problem prior to continuing the emissions test. The dilution standard shall be contained in the Emissions Inspection Analyzer (EIA) specifications as referenced in Section 10.12.230 and adjusted when the Division determines by analysis that an adjustment is necessary to yield a more accurate level of emissions readings.
 2. Any time an engine stalls during a Two-Speed Idle (TSI) emissions inspection, the test shall be restarted. If a Certified Emissions Tester and/or Repair Technician cannot complete a test because of continuous stalling, fluctuating RPM measurements or RPM measurements that are not within the Division and manufacturer's specified parameters, then these problems shall be corrected before the inspection is continued.
- M. For each vehicle receiving an Opacity Test:

1. visually inspect for the presence of single or dual exhaust. If the vehicle to be tested is equipped with a dual exhaust system, only the darkest stack will be used for testing;
 2. determine the appropriate test procedure to follow, depending on the vehicle weight rating, type and model year, and then proceed with the test procedures as outlined in this Chapter;
 3. if a vehicle is unable to be tested using a particular weight category test procedure as outlined in this Chapter because of an unusual engine/chassis configuration, the Director at his/her discretion may select an alternate test procedure to be performed on the vehicle;
 4. verify for 1996 and newer medium duty diesel vehicles the Key On Engine Off (KOEO) Bulb Function and fail the vehicle if the MIL does not function; and
 5. verify for 1996 and newer medium duty diesel vehicles the Key On Engine Running function that the MIL is extinguished. Fail the vehicle if the MIL is illuminated.
- N. All testing procedures for restart testing, second chance testing, etc, shall be followed as contained in the Emissions Inspection Analyzer (EIA) specifications referenced in Section 10.12.230.
- O. For 1996 and newer OBD Certified vehicles being tested at certified Stations:
1. the Certified Emissions Tester or Repair Technician shall enter as prompted by the Emissions Inspection Analyzer (EIA) all appropriate data. After data entries have been completed the tester shall follow the OBDII Test Procedure, as prompted by the Emissions Inspection Analyzer (EIA); and
 2. after test completion, whether the vehicle passes, fails or is not ready, the Inspector shall sign all appropriate documents where indicated.
- P. OBDII (Onboard Diagnostics Generation II)
1. a Malfunction Indicator Lamp (M.I.L.) must illuminate if a system or component either fails or deteriorates to the point where the vehicle's emissions could rise above one and one-half (1½) times the Federal Test Procedure Standards. The M.I.L. must function and the Power Train Control Module (P.C.U.) must be able to take command of the M.I.L.
 2. OBDII (Onboard Diagnostics Generation II): If a light duty diesel vehicle is OBD Compliant, an OBD test shall be performed and the requirements outlined in this Chapter shall be followed.
- Q. Compressed Natural Gas (CNG) Vehicles
1. 1995 and older with switchable bi-fuel systems must comply with the appropriate County test procedures using both fuels when possible, including the visual tampering test.
 2. 1995 and older with non-switchable bi-fuel systems must on a case-by-case basis, comply with the appropriate County test procedures using both fuels when possible, including the visual tampering test.
 3. 1995 and older systems with a dedicated fuel (non-bi-fueled) must complete normal test procedure using dedicated fuel, including the visual tampering test.
 4. All 1996 through 2004 dedicated and bi-fueled systems shall receive a visual tampering test, the M.I.L. shall be tested and the M.I.L. must illuminate, KOEO (key on engine off, M.I.L. must extinguish KOER (key on engine running), and

receive a bypass code for tailpipe testing. Bi-fuel vehicles will receive a tailpipe test on each fuel.

5. All 2005 and newer systems must have a conversion kit, be OBDII compatible, and comply with a visual tampering test and prescribed OBDII and any other required testing.
- R. A Certificate of Compliance and Vehicle Inspection Report Form (VIR) shall be issued if the appropriate tests for the vehicle have been performed (tampering test, functional gas cap test, TSI, OBDII or Diesel Opacity inspection) and the vehicle has passed the specific test requirements.
- S. The Certificate of Compliance, Vehicle Inspection Report Forms (VIRS) and other inspection records shall be completed accurately, signed immediately and filed and distributed, as required by the Division. The customer shall be given the appropriate copy.
- T. Gray Market Vehicles/Automotive imports applying for registration in Davis County must have, at the minimum:
 1. gaseous fueled 1995 and older vehicles and 1996 and newer vehicles, 8501 and greater GVWR will be required to pass the tailpipe and tampering standards for the model year appearing on the registration;
 2. gaseous fueled 1996 and newer vehicles, 8500 pounds GVWR or less, must be equipped with a functioning OBDII system, and must pass the OBDII Test; and
 3. diesel fueled vehicles must meet the Tampering and Diesel Opacity cut-point standards and requirements of their U.S. counterparts.
- U. Glider Kits, Kit Vehicles, Reconstructed Vehicles, Replica Vehicles and Specially Constructed Vehicles shall comply with emissions standards applicable to the model year of the engine of the vehicle. If the engine is 1996 or newer and the vehicle's GVWR meets light-duty standards and was intended to be OBDII compliant, the vehicle must be OBDII compliant. If the engine is 2008 or newer and the vehicle was intended to be OBDII compliant, the vehicle must be OBDII compliant. It is the vehicle owner's responsibility to furnish proof of the engine's model year.
- V. The Division, Davis County Health Department, Davis County, their officials or employees shall not be held responsible for any failure of any vehicle component or system occurring during an Enhanced Vehicle Emissions Test if proper inspection procedures are followed.

10.12.120 Davis County Centralized Emissions Testing

- A. The Davis County I/M Technical and Test Facility personnel may conduct emissions (gas/diesel) tests using state of the art test equipment, hardware and software as technology advances and new test procedures become available.
- B. Two-Speed Idle (TSI), OBDII, Loaded Diesel Opacity and Diesel Snap inspections will be performed following the procedures outlined in this Chapter.
- C. Developmental emissions testing may be conducted. Vehicles tested by this method shall comply with all the requirements of the latest USEPA's Technical Guidance Documents and the requirements as outlined in this Chapter.
- D. Emissions testing equipment will be checked, maintained, calibrated and serviced in accordance with the appropriate equipment manufacturer's procedures.

- E. The Davis County Centralized Test Facility may test a portion of the fleet on a voluntary basis for modeling, air quality assurances and public convenience.
- F. The Davis County Centralized Technical/Test Facility may develop or modify all present and future I/M Program procedures.
- G. The Davis County Centralized Technical/Test Facility may perform additional testing to meet the Backstop Provisions listed in Section 10.12.190 of this Chapter, if and when necessary.

10.12.130 Emissions Standards for Motor Vehicles

- A. In order to obtain a valid Emissions Certificate of Compliance, vehicles receiving an Enhanced Vehicle Emissions Test shall not exceed the standards as adopted in Emissions Standards, Section 10.12.250 of this Chapter.
- B. Emissions Standards shall be determined by the Division and ratified by the County Commission, as needed, to meet the National Ambient Air Quality Standards established by the Environmental Protection Agency and the applicable State Implementation Plan (SIP) adopted by the Utah State Air Quality Board. The established Emissions Standards shall remain in effect until changed by order of the County Commission. Any change in Emissions Standards shall be effective upon the first day of any calendar month designated by the County Commission. The Division shall recommend Emissions Standards to the County Commission for adoption by considering the following factors:
 1. To provide for the required stringency;
 2. The existing ambient air quality;
 3. The requirements for air quality currently in effect as promulgated by the Environmental Protection Agency, the Utah State Department of Environmental Quality, and the Division. The Emissions Standards established shall be part of an overall program in accordance with EPA guidelines achieve the required tailpipe reductions of CO, HC, PM 2.5 and Opacity from motor vehicles measured from the date this program is implemented;
 4. The general level of emissions control technology on vehicles registered in the County;
 5. Population growth and other factors which may reasonably be expected to impact CO and HC concentrations in the atmosphere;
 6. The likelihood of a particular Emissions Standard to achieve desired air quality goals; and
 7. To ensure compliance with the requirements of Section 41-6a-1642 and Section 41-6a-1643, Utah Code Annotated, 1953, as amended.
- C. Upon determining the appropriate Emissions Standards, the Division shall cause notice thereof to be issued to each permitted Station and to the public by publication at least once in a newspaper of general circulation in the county at least thirty (30) days prior to the effective date. Such notice shall indicate that written comment on the proposed Emissions Standards will be received by the Division until fifteen (15) days prior to the effective date of the Emissions Standards. The Division shall consider any timely submitted written comment and, should good cause appear, may alter or suspend the proposed Emissions Standards as appropriate. Otherwise the

proposed Emissions Standards shall take effect on the date determined by the Division. The action of the Division must then be ratified by the Davis County Commission.

1. The Emissions Standards are referenced in Section 10.12.250 of this Chapter and may be amended pursuant to the provisions of this Section.

10.12.140 Certificates of Compliance and Waivers

A. Certificates of Compliance

1. No person shall make, issue or knowingly use any imitation or counterfeit of an official Certificate of Compliance or Waiver or any other official program document.
2. Certificates of Compliance or Certificate of Compliance numbers shall be purchased only from the Division or their approved representative.
3. No refund or credit shall be allowed for unused numbers, except as provided in this Section.
4. Certificates of Compliance and Certificate of Compliance numbers:
 - a. may be purchased in person, by mail or over the telephone with a debit or credit card issued to the station owner or business, or by other Division approved method via the EIA or internet purchase at an approved website, if applicable. Sales shall only be made to a representative of the Station possessing an acceptable form of identification. Certificates of Compliance may be purchased through the mail with an official business check. Cash will not be accepted through the mail;
 - b. shall be sold at the cost adopted by the Davis County Commission and referenced in Section 10.12.310, in lots to be determined by the Division. The Division may limit the number of Certificates of Compliance or Certificate of Compliance numbers purchased to the number that the Division feels can be secured and stored safely, and used in a timely manner;
 - c. shall not be sold, loaned, transferred, or given to any other Station or any unauthorized individual. The Station shall at all times account for all Certificates of Compliance or Certificate of Compliance numbers that have been purchased by the station; and
 - d. are solely the property of the Division; only the license they represent is tendered. Certificates of Compliance or Certificate of Compliance numbers obtained through fraud, misrepresentation and/or improper testing may be deemed null and void.
5. Certificates of Compliance or Certificate of Compliance numbers shall only be processed from an Emissions Inspection Analyzer's (EIA) dedicated printer. Other means of printing Certificates is strictly prohibited for Decentralized Stations except for the existing Diesel Fleet Station which uses manual emissions certificates. Certificates will be signed and dated immediately after printing.
6. A Certificate of Compliance shall not be issued until a vehicle has received an approved Enhanced Vehicle Emissions Test, conducted according to the requirements of this Chapter.
7. All unused Certificates of Compliance shall be kept in a secure place at all times to prevent loss or theft.

8. Certificates of Compliance numbers shall be used in sequential order by I/M Stations.
9. Certificates of Compliance found to be missing, stolen or unaccounted for shall be reported to the Division within twenty-four (24) hours and the Station shall cease performing Enhanced Vehicle Emissions Tests until the Division reauthorizes the Station to again resume testing.
10. Upon final cancellation, suspension or revocation of the I/M Program permit of any Station, a final communication with the Emissions Inspection Analyzer (EIA) to retrieve the current data is required, and the station owner, manager or other responsible person shall immediately surrender all unused Certificates of Compliance or Certificate of Compliance numbers to the Division or their approved representative. The Division shall receipt and refund the fee paid for unused Certificates of Compliance or Certificate of Compliance numbers to the station owner according to the Davis County Auditor's procedures. Upon transfer or termination of business ownership, the Station permit and all Certificates of Compliance or Certificate of Compliance numbers shall be immediately forwarded to the Division. Any person acquiring a business that has been permitted as a Station is prohibited from using any permit or Certificates of Compliance or Certificate of Compliance numbers issued to the former business. If the business is being sold in such a manner that the Emissions System Analyzer is part of the purchase and will be kept in Davis County for Enhanced Vehicle Emissions Testing, then any unused Certificates of Compliance or Certificate of Compliance numbers will be verified by the Auditor during the pre-opening inspection and will then be issued to the new station.
 - a. Any Emissions Inspection Analyzer (EIA) manufacturer or their authorized representative who repossesses or otherwise removes an approved I/M Emissions Inspection Analyzer (EIA) from a Station shall immediately notify the Division and shall immediately forward any Certificates of Compliance or Certificate of Compliance numbers that may still be in the Emissions Inspection Analyzer (EIA) to the Division, and will ensure a final data communication between the County and the Emissions Systems Analyzer occurs to allow the County to obtain any test records remaining on the Emissions Inspection Analyzer (EIA).

B. Temporary Waivers

1. Under certain conditions the Division may issue a temporary waiver to any vehicle, enabling that vehicle to be registered. The person to whom the temporary waiver is issued shall comply with the conditions of the temporary waiver as agreed upon by a signed affidavit. Failure to comply with the affidavit shall be considered a violation of this Chapter. The Division is under no requirement or obligation to issue these Waivers.
2. If part(s) which are necessary to bring a vehicle into compliance with this Chapter are not available, 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).
 - a. The owner/operator shall then take such proof to the Division. The Director may issue a Temporary Waiver, for a period of time and under such conditions as he determines, so that the vehicle may be registered;
 - b. The owner shall have until the expiration of the time period specified by the Director to complete the necessary repairs or replacement of malfunctioning

parts, and submit a Certificate of Compliance to the Director to verify that the parts(s) have been installed and that the vehicle is in compliance with all provisions of this Chapter; and

- c. The Director is under no obligation to issue Temporary Waivers under this section and is prohibited from issuing a Temporary Waiver for a vehicle that is emitting pollution levels that exceed visible emissions requirements or that may be deemed hazardous.

C. Certificates of Waiver

1. Diesel vehicles are not eligible to receive a Certificate of Waiver.
2. Any vehicle that experiences any increase in emissions levels shall not be eligible for a Certificate of Waiver regardless of the amount spent in attempting to repair the vehicle.
3. Certificates of Waiver shall only be issued by the Division unless the Division 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 of the Chapter and will be issued on a case by case basis.
4. Vehicles with missing emission control components are not eligible for a waiver. Air pollution control devices must be in place and operable on the vehicle as specified in Section 10.12.110. If the systems and/or devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is issued. Expenditures related to tampering repairs will not count towards the waiver amount.
5. Repairs must be performed after an official test failure, and repairs must be appropriate to the cause of the test failure.
6. Repairs must be performed by a Certified Emissions Repair Facility (permitted under Sections 10.12.090) as part of the acceptable emissions related repairs. Proof of repair costs must be provided for the Technician/Tester conducting the testing for the vehicle performed after the initial failure will be provided in the form of a dated, itemized statement in which emissions related parts/repairs and labor are specifically identified. Labor performed by non-permitted facilities will not count as acceptable emissions repair costs for purposes of obtaining a Waiver.
7. A vehicle may only receive one (1) waiver in the vehicle's lifetime.
8. A vehicle with visible emissions (smoke) is not eligible for a waiver.
9. The dollar amount required to be spent on emission related repairs after an initial failure is:
 - a. \$450.00 for 1996 and newer model year vehicles;
 - b. \$350.00 for 1981 – 1995 model year vehicles;
 - c. \$250.00 for 1968 – 1980 model year vehicles.
10. Regardless of the amount spent, the tailpipe readings must be at or below the maximum allowable waiver Cutpoints for the model year of the vehicle.
11. Acceptable emissions related repairs 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.
 - a. There has been no engine switching (as defined) or engine modifications. The emissions readings have not increased;
 - b. Does not include adjustments, maintenance or repairs performed prior to the

- official emissions test;
- c. Does not include the fee paid for the Enhanced Vehicle Emissions Test;
- d. Does not include costs associated with the repairs or replacement 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; and
- f. 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:
 - i. Air Intake Systems;
 - ii. Ignition Systems;
 - iii. Fuel Control Systems;
 - iv. Emissions Control Systems;
 - v. Basic Engine Systems; and
 - vi. Power Train Control and Management Systems.
- 12. Information regarding all performed repairs shall be entered into the appropriate database of the EIA prior to the vehicle being retested.
- 13. Prior to referring the owner to the Division for determining Waiver eligibility, the Certified Repair Technician and/or Emissions Tester shall verify that the repair and eligibility requirements of this Section have been met.
- 14. Gray Market Vehicles, model year 1995 and older, will not be eligible for a Waiver unless all emissions devices meet the U.S. counterpart federal certification for that model year of vehicle and are operational. If a U.S. counterpart does not exist then the Catalytic Converter, Evaporative Emissions Control, PCV System, EGR System and possibly AIR system will be required.
- 15. Replica Vehicles, Kit Cars and other specially constructed vehicles, model year 1995 and older, shall not receive a Waiver unless meeting all requirements of this Chapter.

10.12.150 Engine Switching

- A. Engine switching shall be allowed only in accordance with E.P.A. policy. EPA engine switching guidance will be enforced. There will be no downgrades allowed (i.e., 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 requirements 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.
- B. A vehicle that qualifies for a legal engine change will not be eligible for a cost limit waiver.
- C. Vehicles not meeting the requirements of Section 10.12.150 shall be deemed as tampered and dealt with in accordance with the tampering provisions of this Chapter.
- D. All diesel vehicles and 1984 and newer model year non-diesel vehicles with switched engines shall be verified to meet E.P.A. requirements by the Division prior to issuance of a Certificate of Compliance.
- E. Non-diesel powered 1968 to 1983 vehicles having an engine other than the original engine and emissions control configurations are deemed as tampered. These vehicles must have a

TSI inspection and meet the HC and CO standards for the model year of the vehicle in order to receive a Certificate of Compliance, and are not eligible for a Certificate of Waiver unless the vehicles are restored to the original engine and emissions control configuration.

- F. Diesel vehicles that have had their original engine changed shall be tested to the standards applicable to the model year of the vehicle, regardless of the year of the engine.
- G. Pollution control devices installed on the original engine of a diesel vehicle shall be present on the replacement engine.
- H. Costs associated with replacement of missing emissions control devices shall not apply towards the Waiver amount.
- I. If the engine has been converted to another type of fuel, the vehicle must comply with the laws governing the type of fuel which is being used in the vehicle.
- J. It is a violation of this Chapter to register a vehicle with a diesel engine as a vehicle using another type of fuel, or to register a vehicle with an engine that uses another type of fuel as a diesel.

10.12.160 Right to Appeal

- A. Within ten (10) calendar days after the Division has given a notice of violation(s), permit denial, suspension or revocation, any person(s) aggrieved may request in writing a hearing before the Division. Only a written request for hearing shall be honored by the Division. The hearing shall take place within ten (10) calendar days after the request is received. A written notice of the Hearing Officer's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The Hearing Officer may sustain, modify, enhance or reverse the action or order. The Division may negotiate a consent agreement in lieu or in addition to a permit suspension.
- B. Use of the hearing process outlined in Section 10.12.180 of this Chapter does not preclude judicial review.

10.12.170 Recall

The Division reserves the right to recall any vehicle that is suspected of a fraudulent Enhanced Vehicle Emissions Test to be subjected to a challenge test at the Davis County Centralized Technical/Testing Facility. Any or all appropriate actions that are allowed by law may be taken against parties that have been involved in fraudulent actions during or subsequent to an official Enhanced Vehicle Emissions Test.

10.12.180 Penalty

- A. Pursuant to Title 26A-1-123, Utah Code Annotated, 1953, as amended and the statutory authority of County Commissions to enact Ordinances, any person violating any of the provisions of this Chapter, either by acts of omission or commission, shall be guilty of a class B misdemeanor and penalized as provided in the Penalty Schedule, Section 10.12.260, in addition to any administrative or civil penalties provided by this Chapter and applicable state law.
 - 1. If a person is found guilty of a subsequent similar violation within two (2) years,

- he/she may be guilty of a class A misdemeanor and appropriate action may be taken.
- B. Each occurrence and/or day a violation is committed or permitted to continue shall constitute a separate violation.
 - 1. The imposition of a penalty under the provisions of this Chapter shall not prevent the revocation or the suspensions of any license or permit granted under the provisions of this Chapter or preclude any other administrative or civil penalty.
 - C. At the request of the Division, the County Attorney may initiate civil or criminal legal action against any person who violates this Chapter.
 - D. In addition to other penalties imposed by a court of competent jurisdictions, any person(s) found guilty of violating any provision of this Chapter shall be liable for all expenses, including reasonable attorneys fees and costs of court, incurred by the Division and/or the County incurred arising from the violation or enforcement of this Chapter, whether civil or criminal.
 - E. A Penalty Schedule, Section 10.12.260, lists specific violations of this Chapter by which permits issued to person(s) under the provisions of this Chapter may receive a formal warning, probation, suspension or revocation of said permit, including time-periods or fines issued. The Penalty Schedule may be amended by the Davis County Commission if deemed necessary to accomplish the purposes of this Chapter.
 - F. The Division may, at its discretion, negotiate monetary penalties in lieu of some or all of the time of permit suspensions allowed in Section 10.12.260 of this Chapter.

10.12.190 Backstop Provisions

The backstop provisions in this program are to require additional model years (1981 model year and newer, up to one half of the fleet annually), if necessary, to be tested at a centralized I/M testing facility sufficient to meet and maintain the ambient air standards.

10.12.200 Quality Assurance

Davis County may obtain an outside consultant to review test and audit data and furnish EPA required reports.

10.12.210 Severability

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

10.12.220 Auditing and Reporting

The Division shall perform overt and covert audits of Stations and shall conform with the reporting requirements as contained in Part VII Environmental Protection Agency, 40 CFR Part 51.

10.12.230 Emissions Inspection Analyzer (EIA) Specifications

In Davis County, only Division approved testing equipment will be used to perform Certified Emissions and Opacity inspections. The gas and diesel emissions analyzers (EIA's) shall only be those approved and provided by contract through the current vendor.

10.12.240 Fee Schedule

The fees assessed by the Division shall be:

Permitting of a Certified Emissions Repair Facility and/or Enhanced Basic Test Station or Diesel I/M Program Station or Fleet Station	\$300.00
Annual Renewal of a Certified Emissions Repair Facility and/or Enhanced Basic Test Station Permit or Diesel I/M Program Station or Fleet Station	\$60.00
Annual Renewal of an Expired Certified Emissions Repair Facility and/or Enhanced Basic Test Station Permit or Diesel I/M Program Station or Fleet Station	\$120.00
Permitting a Certified Emissions Repair Facility and/or Enhanced Basic Test Station or Diesel I/M Program Station or Fleet Station at a New Location	\$50.00
Permitting a Certified Emissions Repair Facility and/or Enhanced Basic Test Station or Diesel I/M Program Station or Fleet Station Under a New Business Name	\$125.00
Transferring a Certified Emissions Repair Facility Permit to a Basic Test Station Permit or from a Basic Test Station Permit to a Repair Facility Permit	\$125.00
Permitting a Certified Repair Technician, Emissions Tester or Diesel Opacity Inspector	\$30.00
Annual Renewal of a Certified Repair Technician, Emissions Tester or Diesel Opacity Inspector Permit	\$25.00
Annual Renewal of an Expired Certified Repair Technician, Emissions Tester or Diesel Opacity Inspector Permit	\$40.00
Duplicate Certified Repair Technician and/or Emissions Tester or Diesel Opacity Inspector Permit	\$12.00
Annual Renewal of a Certified Repair Technician and/or Emissions Tester or Diesel Opacity Inspector Duplicate Permit	\$12.00
Certified Emissions Tester or Diesel Opacity Inspector Study Guide	\$40.00
Transferring a Certified Repair Technician Permit to an Emissions Tester Permit or an Emissions Tester Permit to a Certified Repair Technician Permit	\$15.00

Emissions Program and Diesel Opacity Program Certificates of Compliance and/or Certificate of Compliance Numbers	\$3.25
Duplicate Emissions Program and Diesel Opacity Program Certificate of Compliance	\$3.00
Special Download of Certificate of Compliance	\$25.00
Emissions Inspection Fee and Opacity Inspection Fee	Set By Station
Air Pollution Control Fee (gasoline, diesel & other fuels--paid at time of registration)	\$3.00
Chapter Copy	\$5.00

10.12.250 Emissions Standards

A. The following schedule gives the maximum allowable concentrations for Carbon Monoxide (CO) and Hydrocarbons (HC) for both cars and trucks as determined by an approved infrared exhaust gas analyzer using the prescribed procedures.

ALL PASSENGER VEHICLES 1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS OR LESS GVWR 1979 TRUCKS AND NEWER 8,500 POUNDS OR LESS GVWR MAXIMUM CONCENTRATION STANDARDS		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1968-1969	6.0	800
1970-1974	5.0	700
1975-1976	4.0	600
1977-1979	3.0	500
1980	2.0	300
1981 - 1995	1.2	220
1996 and newer passenger vehicles & light-duty trucks (8,500 lbs or less)	N/A - OBD II	N/A - OBD II
HEAVY DUTY TRUCKS AND VANS 1978 AND OLDER 6,001 POUNDS AND OVER GVWR 1979 AND NEWER 8,501 POUNDS AND OVER GVWR MAXIMUM CONCENTRATION STANDARDS		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1968-1969	7.0	1500
1970-1978	5.0	1200
1979-1980	4.0	1000
1981 and newer	3.5	800

NOTE: These should be considered as "cut points" for maximum allowable emissions levels. Vehicles must never be reset to these emissions levels when readjustments are made, but rather shall be adjusted using manufacturer's specifications. By using manufacturer's specifications, the emissions levels should be well below the "cut points".

- B. The following schedule gives the maximum allowable concentration limits for Diesel Opacity Inspections.
1. Heavy Duty Vehicles, 14,001 pounds GVWR or more – Snap Test:
 - a. 20% Opacity for Diesel engines manufactured on or after January 1, 1996.
 - b. 40% Opacity for Diesel engines manufactured before January 1, 1996.
 2. Light Duty/Medium Duty Vehicles, 14,000 pounds GVWR and less – Dynamometer Test:
 - a. 20% Opacity for all Non-OBDII Compliant Vehicles, readings taken at cruise and Wide Open Throttle (WOT).
 3. Diesel Light/Medium Duty OBDII Compliant Vehicles will meet OBDII Standards listed in Section 10.12.330
- C. On-Board Diagnostics (OBDII) Standards: USEPA guidelines and standards will be followed.

10.12.260 Waiver Cut Points

A. In order for a waiver to be granted, the subject vehicle must first qualify by not exceeding the following maximum allowable concentrations for carbon monoxide (CO) for both cars and trucks as determined by an approved Emissions Inspection Analyzer (EIA) using the prescribed procedures. Vehicles with visible tailpipe emissions (smoke) are not eligible for waivers.

ALL PASSENGER VEHICLES 1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS OR LESS GVWR 1979 TRUCKS AND NEWER 8,500 POUNDS OR LESS GVWR MAXIMUM CONCENTRATION STANDARDS		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1968-1969	7.0	1000
1970-1974	6.0	800
1975-1976	5.0	700
1977-1979	4.0	600
1980	3.0	400
1981 - 1995	2.0	300
1996 and newer passenger vehicles & light-duty trucks (8,500 lbs or less)	1.2	220
HEAVY DUTY TRUCKS AND VANS 1978 AND OLDER 6,001 POUNDS AND OVER GVWR 1979 AND NEWER 8,501 POUNDS AND OVER GVWR MAXIMUM CONCENTRATION STANDARDS		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1968-1969	8.0	1700
1970-1978	7.0	1500
1979-1980	5.0	1200
1981 and newer	4.0	1000

B. The minimum dilution factor must also be reached as part of the testing requirement.

Note: These should be considered as “cut points” for maximum allowable emissions levels. Vehicles must never be reset to these emissions levels when readjustments are made, but rather shall be adjusted using manufacturer’s specifications. By using manufacturer’s specifications the emissions levels should be well below the “cut points”.

10.12.270 Passing Versus Waiver Cut Point Comparison

ALL PASSENGER VEHICLES				
1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS OR LESS GVWR				
1979 TRUCKS AND NEWER 8,500 POUNDS OR LESS GVWR				
MAXIMUM CONCENTRATION STANDARDS				
Model Year	% CO Passing	% CO Waiver	PPM HC Passing	PPM HC Waiver
1968 - 1969	6.0	7.0	800	1000
1970 - 1974	5.0	6.0	700	800
1975 - 1976	4.0	5.0	600	700
1977 - 1979	3.0	4.0	500	600
1980	2.0	3.0	300	400
1981 - 1995	1.2	2.0	220	300
1996 +	N/A	1.2	N/A	220

HEAVY DUTY TRUCKS AND VANS				
1978 AND OLDER LIGHT DUTY TRUCKS 6,001 POUNDS AND OVER GVWR				
1979 TRUCKS AND NEWER 8,501 POUNDS AND OVER GVWR				
MAXIMUM CONCENTRATION STANDARDS				
Model Year	% CO Passing	% CO Waiver	PPM HC Passing	PPM HC Waiver
1968 - 1969	7.0	8.0	1500	1700
1970 - 1978	5.0	7.0	1200	1500
1979 - 1980	4.0	5.0	1000	1200
1981 +	3.5	4.0	800	1000

NOTE: These should be considered as “cut points” for maximum allowable emissions levels. Vehicles must never be reset to these emissions levels when readjustments are made, but rather shall be adjusted using manufacturer's specifications. By using manufacturer's specifications, the emissions levels should be well below the “cut points”.

10.12.280 Penalty Schedule

Violation (Resets after two (2) years of no similar violations unless revoked)	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Failure to inspect or substituting a vehicle other than the vehicle on the test record <i>(intentional pass)</i>	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of permit for five (5) years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of inspection station permit for five (5) years	
Passing a failing vehicle or recording "pass" for tampering on a tampered vehicle <i>(gross negligence)</i>	Tech: 30 day suspension and mandatory retraining	Tech: 60 day suspension and mandatory retraining	Tech: Revocation of permit for five (5) years	
	Station: 15 day suspension	Station: 30 day suspension	Station: 60 day suspension	Station: Revocation of permit for five (5) years
Falsifying an inspection record or emissions certificate or failing a passing vehicle <i>(intentional)</i>	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of permit for five (5) years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of permit for five (5) years	
Non-certified person performing test <i>(gross negligence)</i>	Tech: 60 day suspension	Tech: 180 day suspension	Tech: Revocation of permit for five (5) years	
	Station: 60 day suspension	Station: 180 day suspension	Station: Revocation of permit for five (5) years	

Inaccurate or incomplete data entry <i>(incompetence)</i>	Tech: Formal warning and mandatory retraining	Tech 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of permit for five (5) years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of permit for five (5) years
Failure to follow proper test procedures <i>(incompetence)</i>	Tech: Formal warning and mandatory retraining	Tech: 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of permit for five (5) years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of inspection station permit for five (5) years

A. These penalties apply to all permits issued pursuant to this Chapter.

B. Negotiated Consent Agreements: Technician and/or 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.

Violations that have been determined to be intentional or flagrant shall result in the maximum penalties up to \$10,000. Permit revocations are not eligible for Negotiated Consent Agreements.

10.12.290 Conflicts

This Chapter supersedes all prior ordinances, resolutions and policies of Davis County to the extent they are in conflict with the specific provisions hereof. In all other respects such prior ordinances, resolutions and policies shall remain in full force and effect.

Effective Date

This Ordinance is necessary for the immediate preservation of the peace, health or safety of the County and its inhabitants and therefore shall take effect immediately upon publication in one issue of a newspaper published and having general circulation in Davis County.

This ordinance shall be effective as of June 13, 2012 (date). All ordinances and parts of ordinances in conflict herewith shall not be and the same are hereby repealed.

ENACTED AND ADOPTED this 29th day of May, 2012.

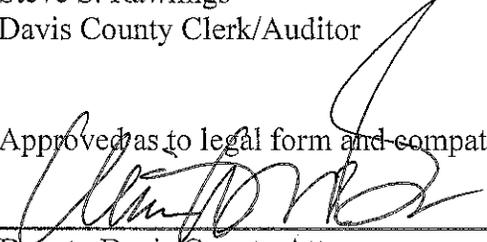
This ordinance was duly approved and adopted by the Board of County Commissioners of Davis County, Utah on the 29th day of May, 2012 with Commissioners Louenda H. Downs , P. Bret Millburn and John Petroff, Jr. voting in favor of the ordinance.
(Excused)
From Meeting

BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY

By: 
P. Bret Millburn, Chair Pro-Tem

ATTEST:

Steve S. Rawlings
Davis County Clerk/Auditor

Approved as to legal form and compatibility with state law:

Deputy Davis County Attorney

Publication Date: _____, 2012
Effective Date: _____, 2012