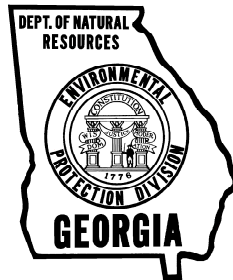

Rules for Enhanced Inspection and Maintenance Chapter 391-3-20

Effective: December 28, 2008



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GEORGIA DEPARTMENT OF NATURAL RESOURCES

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RULES FOR ENHANCED INSPECTION AND MAINTENANCE

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**RULES OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

**CHAPTER 391-3-20
ENHANCED INSPECTION AND MAINTENANCE**

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391-3-20-.12	Schedules for Emission Tests	391-3-20-.25	Repealed
391-3-20-.13	Certificate of Emissions Inspection	391-3-20-.26	Repealed

391-3-20-.01 Definitions. Amended.

The following terms as used in these rules shall have the meaning hereinafter respectively ascribed, except that to the extent terms are not defined in these rules, the Act's definitions control; and provided that definitions within any subsequent rule or subdivision thereof, which are expressly made applicable to the rule or subdivision within which they appear, shall apply for purposes of such specific rule or subdivision thereof.

- (a) "Act" means O.C.G.A. § 12-9-40 et seq., as amended, "The Georgia Motor Vehicle Emission Inspection and Maintenance Act."
- (b) "ASM test" means an Acceleration Simulation Mode 2525/5015 exhaust emission test as defined in the I/M Test Manual. This test shall be conducted using a chassis dynamometer. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.-
- (c) "Calibration" means, in the case of an emission analyzer, the process of verifying that the response curve of the emission analyzer using the applicable calibration gases is within the operational specifications. In the case of a dynamometer, "calibration" means the process of verifying that the horsepower absorbed and parasitic losses are within tolerances using a coast down procedure. In the case of a fuel cap tester, "calibration" means the process of verifying that the measured pressure drop over time is between the upper and lower control limits.
- (d) "Certificate" means the license issued by the Director to a person authorizing him or her to perform emission inspections in accordance with the requirements of the Act and this Chapter.

- (e) "Certificate of Emission Inspection" means a serially numbered form indicating that a motor vehicle has been inspected in accordance with the requirements of the Act and this Chapter.
- (f) "Department" means the Department of Natural Resources.
- (g) "Diagnostic Trouble Codes (DTC)" means that for vehicles equipped with OBD computer systems, a five digit code that is associated with a specific test of the OBD system.
- (h) "Director" means the Director of the Environmental Protection Division of the Department of Natural Resources.
- (i) "E-Certs" means Electronic Certificates of Emission Inspection that are pre-purchased for the purpose of performing an emission test.
- (j) "Emission Analyzer" means a device for measuring the concentration of certain exhaust gases emitted by a motor vehicle.
- (k) "Emission Inspection" means all tests and inspections required by the Act, this Chapter, the I/M Inspection Procedures Manual and the I/M Test Manual, including an exhaust emission test, a fuel cap test, a tampering inspection, and an on-board diagnostic system check where applicable.
- (l) "Emission Recall Compliance Check" means a determination for the existence of a recall campaign by the original equipment manufacturer of vehicles, using the procedures specified in the I/M Test Manual. Subject to the availability of recall campaign information supplied by the U.S. Environmental Protection Agency and revised test system software, EPD may modify or waive this requirement.
- (m) "Enforcement Policy" means the Georgia Department of Natural Resources Enhanced Inspection and Maintenance Program – I/M Enforcement Policy, dated July 28, 2006.
- (n) "EPA Rules" means 40 CFR Part 51, Subpart S, including appendices, and 40 CFR Part 85, Subpart W, including appendices, as of July 1, 2004.
- (o) "EPD" means the Environmental Protection Division of the Georgia Department of Natural Resources.
- (p) "Exhaust Emission Test" means the determination of the amount of specified gases in a vehicle's exhaust by use of the ASM test or the 2-speed idle test, as defined in the I/M Test Manual. The test procedures to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.
- (q) "Fleet Vehicle" means a motor vehicle owned or leased by a person engaged in a commercial activity, utility service, or government service; or a motor vehicle offered for sale, rent, or lease at a business which is licensed to sell, rent, or lease motor vehicles.
- (r) "Fuel Cap Test" means the determination of the ability of the fuel cap(s) to retain pressure, as defined in the I/M Test Manual. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.

- (s) "Gas Calibration" means the calibration of an emission analyzer by the use of a manufactured calibration gas.
- (t) "Gray Market Vehicle" means a vehicle which was not certified to meet U.S. emission standards, but which was imported into the United States under a waiver of the emission requirements.
- (u) "GVWR" means the gross vehicle weight rating, i.e., the weight of the vehicle and contents when loaded to its maximum capacity, as established by the vehicle manufacturer.
- (v) "Hot Rod" means a vehicle in which the original engine has been replaced with an engine from another manufacturer, or with a different type of engine from the same manufacturer which was never installed in that model vehicle. For the purposes of this definition, a different type of engine will include engines with a different number of cylinders from any engine which was originally installed in that make of vehicle. It will not include engines of the same family, e.g., Chevrolet V8s of 283, 305, 327, 350 and 400 cubic inch displacement, nor will it include engines different from the original, but which were also installed in that make of vehicle, e.g., gasoline for diesel engine swaps in General Motors or Volkswagen vehicles, or V8 for V6 swaps where both engines were installed in that model vehicle by the manufacturer for retail sale.
- (w) "Idle RPM" means for vehicles equipped with a manual transmission, the manufacturer's recommended engine speed with the transmission in neutral or with the clutch disengaged. For vehicles equipped with an automatic transmission, idle RPM means the manufacturer's recommended engine speed with the transmission in neutral or park.
- (x) "I/M Inspection Procedures Manual" means the Georgia Department of Natural Resources – I/M Inspection Procedures Manual - Phase III, dated September 28, 2004.
- (y) "I/M Test Manual" means the Georgia Department of Natural Resources Enhanced Inspection and Maintenance Test Equipment and Software Specifications - Phase III, dated September 28, 2004.
- (z) "Inspection Station" means a stationary facility equipped with an EPD-approved test system, the owner of which is authorized by the Director to conduct emission inspections. An inspection station may be either a public inspection station or a fleet inspection station.
- (aa) "Inspector" means a person certified by the Director to perform the emission inspections in accordance with the requirements of the Act and this Chapter. Inspectors must satisfy the requirements of this Chapter in order to be certified to perform inspections.
- (bb) "Kit Car" means a motor vehicle which does not utilize a chassis from a vehicle certified to meet emission control standards or for which the original manufacturer's identification has been eliminated due to the replacement of the vehicle's body with one of a different make and/or style.

- (cc) "Light Duty Truck" means any motor vehicle with a GVWR of 8500 pounds or less which is a light duty truck as defined by the United States Environmental Protection Agency. Pickups and vans are included in this class of vehicle.
- (dd) "Light Duty Vehicle" means a passenger car or passenger car derivative, as defined by the United States Environmental Protection Agency.
- (ee) "Management Contractor" means the person, corporation or entity under contract to design and operate the data management system and to perform certain other State Inspection Program functions.
- (ff) "Malfunction Indicator Light (MIL)" means a light on the dashboard of newer vehicles that notifies the driver that an emission related fault has been detected and the vehicle should be repaired as soon as possible.
- (gg) "Model Year" means the model year of a vehicle as designated by the vehicle manufacturer.
- (hh) "Motor Vehicle" means any contrivance propelled by power other than muscular power, used for transportation of persons or property on highways, and not operated exclusively on tracks.
- (ii) "Newer Vehicles" means vehicles with a designated model year of 1996 and up to the current test year.
- (jj) "Older Vehicles" means vehicles with a designated model year of 24 years old and newer through model year 1995.
- (kk) "On-Board Diagnostic (OBD) System" means a system installed on 1996 or later model year vehicles as required by Section 202(m) of the Clean Air Act (42 U.S.C. 7521) which is designed to identify engine or primary emission control component problems which cause excessive emission.
- (ll) "On-Board Diagnostic (OBD) System Check" means the determination of readiness codes and diagnostic trouble codes stored within the memory of the on-board diagnostic system, as specified in the I/M Test Manual. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual._
- (mm) "Owner" means the registered owner or the individual presenting the responsible motor vehicle for the emission inspection required by the Act and this Chapter.
- (nn) "Primary Emission Control Component" means the catalytic converter, air injection system, exhaust gas recirculation system or other major component, as determined by the Director, which is installed on a vehicle primarily for the purpose of emission control.
- (oo) "Public Vehicle" means a motor vehicle that is not a fleet vehicle.
- (pp) "Recognized Repair Technician" means any person professionally engaged in vehicle repair, employed by an ongoing business whose purpose is vehicle repair or possessing a nationally recognized certification for vehicle emission related diagnosis and repair.

- (qq) "State Inspection Program" means the program of vehicle emission inspections as required by the Act and this Chapter.
- (rr) "Station Owner" means the individual, partnership, firm, corporation, association, municipality, governmental agency, lessee, or other entity having control of the daily operation of an inspection station and having responsibility for the emission inspections.
- (ss) "Tampering Inspection" means the determination as to whether or not the catalytic converter(s) as installed by the original manufacturer has been removed from the vehicle or modified. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.
- (tt) "Test System" means the hardware and software necessary to perform an emission inspection, which meets the requirements of the I/M Test Manual, and has been approved by EPD.
- (uu) "Test Year" means a period running from the conclusion of one vehicle registration season to the conclusion of the next year's registration season. Test years shall be concurrent with the calendar year.
- (vv) "Vehicle" means a motor vehicle.
- (ww) "Waiver" means the official form issued by EPD, the Management Contractor or an authorized agent of EPD to the owner of a responsible motor vehicle certifying that such owner and vehicle have met the requirements in the Act and this Chapter for waiving the emission inspection requirement.
- (xx) "2-speed idle (TSI) test" means an exhaust emission test as defined in the I/M Test Manual. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Definitions" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed May 24, 1994, effective June 13, 1994. **Amended:** Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.01 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Emergency Rule 391-3-20-.038-.01 adopted. Filed December 5, 1997, effective December 3, 1997, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed December 5, 1997, effective December 25, 1997. **Amended:** Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed October 23, 1998, effective November 12, 1998. **Amended:** Filed June 18, 1999, effective July 8, 1999. **Repealed:** New Rule of same title adopted. Filed September 17, 1999, effective October 7, 1999. **Repealed:** New Rule of same title adopted. Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed December 6, 2001, effective December 26, 2001. **Amended:** Filed December 15, 2003, effective December 25, 2003. **Amended:** Filed December 7, 2004, effective January 9, 2005. **Amended:** Filed December 21, 2006, effective January 10, 2007.

391-3-20-.02 Covered Counties. Amended.

The requirements of this Chapter apply to responsible motor vehicles in the following designated counties:

- (a) Cherokee;
- (b) Clayton;

- (c) Cobb;
- (d) Coweta;
- (e) DeKalb;
- (f) Douglas;
- (g) Fayette;
- (h) Forsyth;
- (i) Fulton;
- (j) Gwinnett;
- (k) Henry;
- (l) Paulding; and
- (m) Rockdale.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Covered Counties" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed May 24, 1994, effective June 13, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.02 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Repealed:** New Rule of same title adopted. Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.03 Covered Vehicles; Exemptions. Amended.

- (1) The requirements of this Chapter apply to the following classes of gasoline-powered responsible motor vehicles, as defined by the Act, registered or pending registration in covered counties:
 - (a) All light duty vehicles 24 model years old and newer.
 - (b) All light duty trucks 24 model years old and newer with a gross vehicle weight rating of 8500 pounds or less.
- (2) The requirements of this Chapter also apply to the following vehicles in the classes listed above which are operated in covered counties:
 - (a) Vehicles which are owned and operated by a federal or state agency, municipality or other political subdivision in a covered county.
 - (b) Vehicles which are operated for 60 days or more per year on federal installations located in whole or in part in a covered county.
- (3) Vehicles which are capable of being operated on both gasoline and any alternate fuel are covered by the inspection requirements, and shall be tested on gasoline.
- (4) New vehicles are exempt from testing until the test year three years following the model year of the vehicle.
- (5) EPD may require that any vehicle registered or operated in the covered counties but which is claimed to be not subject to the requirements of the emission inspection program, be presented for verification that the vehicle is not subject.
- (6) For vehicles which do not have the original engine, the model year of the chassis will be considered the model year of the vehicle.

- (7) For kit cars, the model of the vehicle shall be deemed to be the model year of the vehicle as established in the vehicle registration database maintained by the Georgia Department of Motor Vehicle Safety.
- (8) Grandfather provisions for gray market vehicles, kit cars, and hot rods. Owners of vehicles which qualify as gray market vehicles may request special inspection standards as described in Rule 391-3-20-.05(2). Such vehicles will be subject to the special inspection standards at subsequent inspections. Kit cars and hot rods which are newly registered in the covered counties after December 31, 1998, are not eligible for the special standards.
- (9) A vehicle which is otherwise subject to the provisions of this Chapter is exempt from inspection if it is driven less than 5,000 miles per year, is 10 years old or older and the current primary registered owner is a person 65 years old or older.
- (10) No covered vehicle shall be registered in a covered county unless it has received a valid passing Certificate of Emission Inspection or a waiver meeting all requirements of the Act and this Chapter.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Covered Vehicles; Exemptions" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-03 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed June 27, 2002, effective July 17, 2002.

391-3-20-.04 Emission Inspection Procedures. Amended.

- (1) Prior to performing an emission inspection, the inspector shall determine whether the vehicle has leaking fluids, tires with cords exposed, is overheating, or is otherwise unsafe to test. The inspector shall not perform an emission inspection on any vehicle which is unsafe to test.
- (2) Inspectors shall perform a complete emission inspection on any covered vehicle presented for an inspection, in accordance with the requirements of the Act, this Chapter and the procedures established in the I/M Inspection Procedures Manual including the following:
 - (a) For newer vehicles.
 - 1. A tampering inspection. EPD may modify or waive this portion of the emission inspection subject to the availability of test system software. _
 - 2. An OBD system check. On occasion, when activated by EPD, the test system will prompt the inspector at the conclusion of the OBD system check to perform the 2-speed idle test to collect exhaust emission data. The exhaust emission date will not be used to determine Pass/Fail results of the vehicle.

3. A fuel cap test.
- (b) For older vehicles.
1. A tampering inspection. _
 2. An exhaust emission test. The inspector shall perform an ASM test on all older vehicles unless otherwise provided in this Rule. The inspector shall perform a 2-speed idle test on all full-time all-wheel drive vehicles and all full-time four-wheel-drive vehicles. The inspector may perform a 2-speed idle test on vehicles equipped with traction control systems that cannot be disengaged or deactivated as identified in the EPD approved "Traction Control Chart". Inspectors shall not perform 2-speed idle tests on vehicles that have modified suspensions or are equipped with after-market tires or wheels that prevent the inspector from performing the ASM test.
 3. A fuel cap test.
- (c) For grandfathered vehicles.
1. A tampering inspection. The inspector shall perform a tampering inspection only for those vehicles given grandfathered status by EPD that were originally equipped with a catalytic converter by the vehicle manufacturer.
 2. An exhaust emission test. The inspector shall perform a 2-speed idle test on all vehicles that have been given grandfathered status by EPD._
 3. A fuel cap test._
- (3) The station owner and inspector shall take all reasonable precautions to avoid damage to vehicles during the emission inspection.
 - (4) EPD may require alternate procedures for certain types or classes of vehicles when it determines that such alternate procedures are necessary to safely and effectively inspect such vehicles.
 - (5) Emission inspections may be performed on any vehicle when done "at motorist's request", for reasons such as performing a reciprocal inspection for a motorist to meet the emission inspection requirements in their state of residence. The inspection procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Emission Inspection Procedures" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed May 24, 1994, effective June 13, 1994. **Amended:** Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.04 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Emergency Rule 391-3-20-0.36-.04 adopted. Filed October 17, 1997, effective October 15, 1997, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Emergency Rule 391-3-20-0.38-.04 adopted. Filed December 5, 1997, effective December 3, 1997, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted.

Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed August 27, 1998, effective September 16, 1998. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed December 6, 2001, effective December 26, 2001. **Amended:** Filed December 10, 2002, effective December 30, 2002. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.05 Emission Standards. Amended.

- (1) An inspector shall not perform a tampering inspection, an exhaust emission test, a fuel cap test, or an OBD system check on a vehicle which:
 - (a) has a missing exhaust system, or
 - (b) is unsafe to test.
- (2) The inspector shall not issue a Certificate of Emission Inspection indicating an overall passing result for the emission inspection unless the inspector has inspected the vehicle in accordance with the requirements of the Act, this Chapter and the I/M Inspection Procedures Manual and the vehicle has passed the tampering inspection, the exhaust emission test, the fuel cap test, and the OBD system check where applicable.
 - (a) The vehicle shall pass the tampering inspection if:
 1. the catalytic converter(s) has not been removed or disconnected;
 2. no catalytic converter was installed by the original equipment manufacturer as determined from the emission control label or an EPD approved emission control reference manual;
 3. in the case of a vehicle which has been converted from a single exhaust system to a dual exhaust system and a catalytic converter(s) was part of the original single exhaust system configuration, a catalytic converter has been installed in each pipe of the dual exhaust system;
 4. in the case of a hot rod for which either the original vehicle or the replacement engine was equipped with a catalytic converter(s), a catalytic converter(s) has been installed; or
 5. a catalytic converter(s) installed by the original equipment manufacturer has been removed and replaced with another catalytic converter(s).
 - (b) The vehicle shall pass the exhaust emission test if:
 1. in the case of a vehicle subject to a 2-speed idle test any simultaneous pair of values for hydrocarbons and carbon monoxide, in each mode, do not exceed the exhaust levels established in the I/M Test Manual, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the I/M Test Manual.
 2. in the case of a vehicle subject to an ASM exhaust emissions test any simultaneous set of values for hydrocarbons, nitrogen oxide, and carbon monoxide do not exceed those established in the I/M Test Manual, and the

combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the I/M Test Manual.

- (i) Phase-in standards - Vehicles which are tested or retested between July 1, 1997, and the effective date of the final standards, shall not exceed the start-up exhaust emissions standards established in the I/M Test Manual.
- (ii) Final Standards - Subject to confirmation of the stringency of the final cutpoints by the U.S. Environmental Protection Agency and establishment of an effective date by EPD, vehicles which are tested or retested shall not exceed the final exhaust emissions standards established in the I/M Test Manual; or

3. in the case of a gray market vehicle, kit car, or hot rod that has been given grandfathered status by EPD under this Chapter, any simultaneous pair of values for hydrocarbon and carbon monoxide, in each mode of the 2-speed idle test, do not exceed the exhaust levels established in the I/M Test Manual for 1975 model year vehicles and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the I/M Test Manual.

(c) The vehicle shall pass the fuel cap test if:

1. the vehicle's primary fuel cap and, when equipped, one secondary fuel cap, holds pressure in accordance with the standard established by the I/M Test Manual; and
2. where a vehicle has two or more fuel caps, each fuel cap is present.

(d) The vehicles shall pass the OBD system check if:

1. the test system is able to communicate with the vehicle's OBD system;
2. the MIL illuminates with the ignition key in the "on" position and the engine not running;
3. the OBD system does not command the MIL to illuminate with the ignition key in the on position with the engine running;
4. all nonexempt OBD system monitors, as specified in the I/M Test Manual, are set to "ready"; and
5. the OBD system does not contain any fault codes which command the MIL to illuminate, as specified in the I/M Test Manual, indicating problems with the emissions control parameters monitored by the OBD system.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Emission Standards" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.05 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Emergency Rule 391-3-20-0.38-.05 adopted. Filed December 5, 1997; effective December 3, 1997, the date of adoption, to remain in

effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed: June 18, 1999, effective July 8, 1999. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed December 6, 2001, effective December 26, 2001. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.06 On-Road Testing.

- (1) Covered vehicles are expected to meet emission standards at all times. Vehicles which appear at any time, on the basis of remote sensing device readings or other methods established by the Director, to not be meeting the appropriate emission standards may be required to be presented for an emission inspection under Rules 391-3-20-.04 and 391-3-20-.05. Vehicles which fail such inspection shall be required to be reinspected and pass such reinspection as provided for by Rule 391-3-20-.15.
- (2) The Director shall establish remote sensing inspection procedures and standards which will identify vehicles that have a high probability of exceeding the emission standards in Rule 391-3-20-.05, and may establish other procedures and standards which will identify such vehicles.
- (3) The Director shall cause to be performed annually remote sensing tests equal to at least 0.5% of the covered vehicle population. Vehicles which are identified as failing the remote sensing standards twice at any time following the vehicle's last regularly scheduled emission inspection shall be presumed to be high polluting vehicles. Owners of such presumed high polluting vehicles shall be notified by mail that their vehicle has been so identified. Notifications shall not be mailed for vehicles which: 1) have already received such a notification since the last regular emission inspection, but passed the initial on-road program reinspection or 2) received a waiver at either the last regular inspection or at a subsequent on-road program reinspection.
- (4) Owners of vehicles receiving such a notification shall present the vehicle for an initial on-road program reinspection at any appropriate inspection station within 30 days following receipt of the notification. When notified, such vehicle owners shall coordinate the reinspection with EPD such that an EPD representative can witness the reinspection. The vehicle shall receive the full inspection that would be required for that vehicle for the test year during which the notification was sent.
- (5) The vehicle owner shall pay the cost of the on-road program reinspection. If the vehicle passes the initial on-road program reinspection, the vehicle shall be deemed to have met the inspection requirement for the next regularly scheduled emission inspection. Such vehicles shall be given a Certificate of Emissions Inspection that indicates that this inspection requirement has been met. If the vehicle fails the initial on-road program reinspection, payment of the inspection fee shall entitle the vehicle owner to also obtain one additional free reinspection after repairs have been made.
- (6) Vehicles failing the on-road program shall be repaired and retested as provided for by Rule 391-3-20-.15, within 30 days of the initial on-road reinspection.
- (7) For vehicles which fail the initial on-road program reinspection.

- (a) Vehicles that subsequently pass the on-road program reinspection shall be deemed to have met the inspection requirement for the next regularly scheduled emission inspection. Such vehicles shall be given a Certificate of Emissions Inspection that indicates that this inspection requirement has been met. However, if such vehicles are subsequently identified as high polluting vehicles by remote sensing, the requirements of this Rule shall continue to apply.
- (b) Vehicles that receive a waiver as the result of failure to pass the subsequent on-road program reinspection(s) shall be deemed to have met the inspection requirement for the next regularly scheduled emission inspection. Such vehicles shall be given a Certificate of Emissions Inspection that indicates that this inspection requirement has been met.
- (8) Vehicle owners shall be deemed in violation of these rules if they do not: a) obtain an on-road program reinspection within 30 days of receiving a notification under paragraph (3) of this Rule or b) either pass a reinspection or obtain a waiver within 60 days of notification.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "On-Road Testing" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed August 31, 1994, effective September 20, 1994. **Repealed:** Rule Reserved. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.06 adopted. Filed June 4 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 2, 1999, effective December 22, 1999. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed June 27, 2002, effective July 17, 2002.

391-3-20-.07 Inspection Equipment System Specifications. Amended.

- (1) Test Systems Approval.
 - (a) EPD shall approve test systems which meet all specifications established in the I/M Test Manual. Station owners may select from any test system approved by EPD. Station owners may apply for a Certificate of Authorization as a regular inspection station, which may test any covered vehicle, or a newer-vehicle-only inspection station, which may test only newer vehicles.
 - (b) Regular inspection station owners shall acquire a test system which meets the OBD and ASM requirements of this Chapter and the I/M Test Manual.
 - (c) Newer-vehicle-only inspection station owners shall acquire a test system which meets the OBD and 2-speed idle requirements of this Chapter and the I/M Test Manual.
 - (d) Fleet inspection station owners that test newer and older vehicles shall acquire a test system which meets the OBD and ASM requirements of this Chapter and the I/M Test Manual. Fleet inspection station owners that test only newer vehicles shall acquire a test system which meets the OBD and 2-speed idle requirements of this Chapter and the I/M Test Manual.
- (2) Test systems shall contain features to prevent tampering by unauthorized personnel, in accordance with the specifications contained in the I/M Test Manual. No unauthorized person shall override or circumvent or attempt to override or circumvent said anti-tampering features.

- (3) No person shall modify or install parts in a test system unless such modification or installation of parts has been approved in writing by EPD.
- (4) Station owners shall acquire all available fuel cap adapters and the most recent Stant Fuel Cap Testing Application Chart for those model year vehicles that are subject to this Chapter and are authorized to be tested at that station.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Inspection Equipment System Specifications" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.07 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed December 6, 2001, effective December 26, 2001. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.08 Quality Control and Equipment Calibration Procedures. Amended.

- (1) All test systems shall, at a minimum, be calibrated according to the procedures and schedules specified in the I/M Test Manual, as consistent with Subpart S, Appendix A of the EPA rules, or other procedures and schedules established by the Director.
- (2) No person shall operate a test system for the purpose of performing an emissions inspection unless the test system:
 - (a) has passed all calibrations, audits, and leak checks as required in the I/M Test Manual;
 - (b) in the case of a test system that is not a mobile test system, is connected to the designated data transmission line as described in 391-3-20-.09(2)(i); and
 - (c) in the case of a test system that is a mobile test system, is connected to the designated data transmission line as described in the I/M Test Manual within 72 hours of any test performed at a fleet or car dealer location and at all times when the mobile test system is located at the inspection station location identified on the Certificate of Authorization.
- (3) The Director or Management Contractor shall be allowed to enter during posted business hours any establishment holding itself out as an emission inspection station in order to monitor, inspect, audit, or investigate whether the establishment is in compliance with the requirements of the Act, this Chapter, the I/M Test Manual, and the I/M Inspection Procedures Manual.
- (4) Any station or test system that has not performed an inspection in more than three (3) months, shall not resume performing inspections until the Management Contractor has been contacted and a passing audit has been performed by the Management Contractor on the station's test system(s).

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Quality Control and Equipment Calibration Procedures" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.08 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed March 26, 1998, effective April 16,

391-3-20-.09 Inspection Station Requirements. Amended.

- 1) Classes of stations - There shall be three classes of inspection stations: regular inspection stations, newer-vehicle-only inspection stations, and fleet inspection stations. Regular inspection stations and newer-vehicle-only inspection stations shall be public inspection stations and may inspect no more than ten (10) vehicles per year which are owned incidental to the operation of the business.
 - (a) Newer-Vehicle-Only Inspection Stations
 1. A newer-vehicle-only inspection station is only authorized to inspect newer vehicles. No owner of a newer-vehicle-only inspection station shall cause an inspector employed by the newer-vehicle-only inspection station to inspect an older vehicle.
 2. The newer-vehicle-only inspection station owner shall post the vehicle model years the inspection station is authorized to inspect on the inspection station's State Emission Inspection Station sign.
 - (b) Regular Inspection Stations
 1. A regular inspection station is authorized to inspect any vehicle subject to the State Inspection Program.
 - (c) Fleet Inspection Stations
 1. Vehicle owners who operate a fleet vehicle may apply for a Certificate of Authorization under this Chapter to inspect their own fleet vehicles, but must meet certain additional requirements beyond those established for public regular or newer-vehicle-only inspection stations. Fleet inspection stations are only allowed to inspect fleet vehicles that they own or operate. No inspection of public vehicles is allowed by a fleet inspection station.
 2. Fleet inspection station owners may choose to inspect only "newer vehicles" or both "newer vehicles" and "older vehicles" depending on the composition of their fleet, and shall acquire the appropriate test system(s).
- (2) General Requirements for Inspection Stations
 - (a) Persons wishing to obtain a Certificate of Authorization to operate one or more inspection stations shall apply to EPD in a format established by EPD. One application must be submitted for each inspection station. Each application shall include all information required by the Director to determine that the proposed inspection station will meet the requirements of the Act and this Chapter and shall identify all persons having any amount of financial or operational interest in the station. Additional information that may be requested includes, but is not limited to:

1. Facility purchase or lease agreement(s);
 2. Test system purchase or lease agreement(s);
 3. Copy of accepted liability insurance application showing signature(s) of the insured;
 4. Copy of approved business license application showing signature(s) of the business owner(s); and
 5. Other documents as deemed necessary by EPD to determine all persons having any amount of financial or operational interest in the inspection station.
- (b) A station owner shall obtain all permits and licenses necessary for the establishment of inspection stations. The station shall conform to all applicable federal, state and local code requirements including, but not limited to, planning and building codes, carbon monoxide levels, ventilation, safety, and fire regulations.
- (c) Mobile Test Systems
1. EPD may approve a station owner to operate a mobile test system only at a fleet or car dealer location for the purpose of performing emission inspections only on fleet vehicles subject to the State Inspection Program that are owned or operated by that fleet or car dealer. A public inspection station owner with an approved mobile test system shall make all invoices submitted to fleet owners for emission inspections using a mobile test system available to EPD or the Management Contractor.
 2. A station owner that has been approved to operate a mobile test system at a fleet or car dealer location shall comply with all requirements for mobile testing as established in the I/M Test Manual. A station owner that has been approved to operate a mobile test system shall provide EPD or the Management Contractor with advance notice of scheduled testing of fleet or car dealer locations by 2 PM of the previous business day and shall update such notice as the schedule of testing locations is changed. The station owner may delete locations from the schedule of fleet or car dealer locations after 2 PM of the previous business day, but may not add fleet or car dealer locations to the schedule. EPD may approve an alternate procedure that provides equivalent quality assurance in lieu of a submitted schedule.
 3. A public inspection station owner that has received an approval to operate a mobile test system shall not perform emission inspections on public vehicles at a location other than at the public inspection station location identified on the Certificate of Authorization.
 4. EPD may suspend or revoke the station's Certificate of Authorization if the station owner fails to comply with the requirements of subparagraph (2)(c)
- (d) Public inspection station owners shall provide an area adequate to allow four (4) vehicles per test lane to wait for an emissions inspection.

- (e) A public inspection station owner shall display a sign approved by EPD that indicates that the facility is a State Emission Inspection Station and that shows the fee charged for performing the emission inspection. The station owner shall erect the sign in a location visible to the motoring public. All sign locations must meet State and local code requirements. Signs that are illegible, damaged or contain unapproved modifications shall be replaced with an approved sign.
- (f) Lanes at each inspection station must be of adequate length, width, and height to accommodate all normal-sized vehicles which are presented for inspection.
- (g) A station owner shall provide adequate protection for the test system to allow it to operate within specifications in all weather conditions. Any component of the test system, which affects the emission inspection results, shall not be subjected to temperatures outside the manufacturer's specifications. The air intakes on the ASM test system and the vehicle being inspected shall at all times during the inspection be exposed to the same ambient temperature, pressure and humidity conditions. The station owner shall maintain all test systems in fully operational condition.
- (h) A public inspection station owner shall provide to its customers:
 - 1. a public waiting area, which will allow the motorist to observe the emissions inspection of his or her vehicle;
 - 2. a response to inquiries and complaints in person and over the telephone during business hours;
 - 3. EPD public information materials;
 - 4. the current RepairWatch Public Report provided by EPD or the Management Contractor on repair facilities that have a documented history of emission related repairs on vehicles which have failed the emission inspection; and
 - 5. at such time that EPD provides station owners with a chart or materials pertaining to "Motorists Rights", the station owner shall maintain such item(s) in legible condition and posted or made available for motorists' uninhibited viewing as directed by EPD.
- (i) A station owner shall:
 - 1. notwithstanding the inspector's duty to properly perform emission inspections, be independently responsible for all emission inspections conducted at the inspection station(s);
 - 2. be responsible for providing adequate oversight to ensure the station and station personnel comply with the requirements of the Act, this Chapter, the I/M Test Manual, and the I/M Inspection Procedures Manual;
 - 3. obtain a dedicated data transmission line for each test system at the station to tie into the Management Contractor's database and a regular phone line for other station business;

- (i) The dedicated data transmission line must be set up for touch tone service and shall be maintained to provide connection to the Management Contractor's database.
 - (ii) The dedicated data transmission line shall be independent of other telecommunication lines at the station.
- 4. transmit all vehicle inspection data and quality assurance data that is collected to the Management Contractor's database;
- 5. ensure that the test system is connected to the data transmission line at all times, except in the case of a mobile or mobile capable test system operating offsite at a fleet or car dealer location which shall be connected to the data transmission line within 72 hours of any emission inspection;
 - (i) Mobile capable test systems shall have the test system connected at all times while being used as a non-mobile test system. The mobile capable test system shall be the sole communication device connected to the dedicated data transmission line while being used as a non-mobile test system.
 - (ii) Mobile test systems shall have a separate data transmission line for each test system. However, when the mobile test system is not located at the inspection station location, the separate data transmission line may be used for normal telephony purposes. When the mobile test system is located at the inspection station location, it must be connected to the dedicated data transmission line and remain the sole communication device connected to the dedicated transmission line until a successful data file refresh is completed.
- 6. collect, store and submit to the Management Contractor all repair information forms for each reinspection performed at their inspection station;
- 7. obtain and maintain in legible condition an EPD-approved "Traction Control Chart" at each test system capable of performing the ASM test;
- 8. obtain and maintain in legible condition an EPD-approved "OBD DLC Location Chart" at each test system capable of performing OBD system checks;_
- 9. obtain and maintain at all times in legible condition a current copy of the I/M Inspection Procedures Manual at each test system; and
- 10. obtain and maintain in good working order a portable external cooling fan to be used for the vehicle's radiator when inspectors conduct the ASM test. The cooling fan shall produce at least 3,000 cubic feet per minute (CFM) measured at no less than one (1) foot from the fan blade or fan cage/grill._
- (j) The station owner shall pay a per-paid-test program administration fee. This fee will be collected through the sale of E-Certs or other method determined by the Director. This fee will cover the cost to administer the program, including:

1. the services of the Management Contractor,
2. the cost of EPD administration,
3. the cost to affected county tax offices of monitoring vehicle registrations, and
4. any other costs attributable to the program.

(k) Liability Insurance

1. Inspection station owners, except fleet inspection station owners, conducting only 2-speed idle tests shall provide proof of \$10,000 liability insurance for the period of the Certificate of Authorization.
2. Inspection station owners, except fleet inspection station owners, conducting ASM tests shall provide proof of garage owner's liability insurance, with a garage keeper's endorsement, or equivalent liability coverage as determined and approved by the Director, for the period of the Certificate of Authorization.

(l) Hours of Operation

1. Public inspection station owners shall post the inspection station hours of operation, including hours regularly closed for meals if applicable, on the inspection station's State Emissions Inspection Station sign. Inspection station owners shall provide emissions inspections at all times during the posted hours. Public inspection station owners may provide inspections by appointment only but shall notify the Management Contractor and indicate such on the station's State Emissions Inspection Station sign.
2. The station owner shall post a "Closed" sign over the station's State Emissions Inspection Station sign when the inspection station is closed and unmanned during posted hours.

(m) A public inspection station owner shall display the Certificate of Authorization issued to the inspection station pursuant to this Chapter at said inspection station in a convenient location visible to the public.

(n) Whenever an inspector ceases employment with an inspection station, either through resignation, termination, or by other means, the station owner shall notify the Management Contractor in writing within five (5) business days of the inspector ceasing employment.

(o) No station owner, facility owner, station personnel, or facility personnel shall interfere with EPD or the Management Contractor when they are conducting an audit of the inspection station or test system(s), or when they are conducting an investigation of the emission inspection activities at a station or at any facility claiming or appearing to be an emission inspection station.

- (p) During an audit of the inspection station or test system(s) by EPD or the Management Contractor, or during an investigation of the emission inspection activities at a station, the station owner shall:
1. during normal business hours, provide prompt access to the premises where inspections are performed and to the test system(s);_
 2. provide prompt access to all station related documents and materials necessary to complete the audit or investigation; and
 3. provide prompt assistance in operating and calibrating the test system(s) as necessary to facilitate the audit or investigation, or sign a release of liability that allows EPD or the Management Contractor to operate and calibrate the test system(s) during the audit or investigation.
- (3) Additional Requirements for Fleet Test Stations.
- (a) The administrative fee charged to fleet test stations shall be at least as much as the fee charged to public test stations. This fee may be increased to cover any additional cost of increased monitoring requirements for fleet test stations.
 - (b) For fleets engaged in commercial activity, utility service or government service, maintenance and repair technicians employed by the fleet test station owner shall be certified in the area of Advanced Automotive Engine Diagnostic and Repair.
- (4) Quality Assurance for Fleet Vehicles.
- (a) EPD or the Management Contractor may require fleet test stations and mobile test stations while on-site to re-inspect randomly selected fleet or car dealer vehicles to verify that emissions inspections are being performed properly.
 - (b) EPD may require fleet test stations and mobile test stations to install a video camera surveillance system on the test system to record all emissions inspections. The video camera surveillance system shall be operated and maintained in accordance with the procedures established in the I/M Test Manual.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Inspection Stations" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed May 24, 1994, effective June 13, 1994. **Amended:** Rule re-titled "IM240 Program Inspection Station Requirements." Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule entitled "Inspection Station Requirements" adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.09 adopted. Filed June 4 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Emergency Rule 391-3-20-0.39-.09 adopted. Filed October 17, 1997, effective October 15, 1997, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Emergency Rule 391-3-20-0.38-.09 adopted. Filed December 5, 1997, effective December 3, 1997, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed August 27, 1998, effective September 16, 1998. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 2, 1999, effective December 22, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed December 6, 2001, effective December 26, 2001. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.10 Certificates of Authorization. Amended.

- (1) The Director shall issue a Certificate of Authorization to the station owner if the station owner has demonstrated to EPD that the inspection station for which the application has been submitted meets all requirements of the Act, this Chapter and the I/M Test Manual.
- (2) The Certificate of Authorization shall allow the station owner to operate an inspection station as described in its application.
- (3) The Director may suspend or revoke a Certificate of Authorization as authorized by the Act.
- (4) Unless suspended, revoked, or closed-out, the Certificate of Authorization shall be valid for two years.
- (5) Upon the sale of an inspection station, or the discontinuation of emission inspections, the station owner named on the Certificate of Authorization shall:
 - (a) provide not less than five (5) days notice to the Management Contractor of the change in ownership or the discontinuation of emissions inspections;
 - (b) maintain the data transmission line to the Management Contractor's database and electrical power to the test system until such time as the Management Contractor performs a close-out audit but for not more than 10 days after the date emissions inspections were discontinued; and
 - (c) make arrangements to provide a free reinspection to motorists which are eligible for a free reinspection under this Chapter.
- (6) A Certificate of Authorization is only valid for the owner and location for which it is issued. A Certificate of Authorization shall not be assigned, transferred, or used by any other person, business or entity, other than is shown on the Certificate of Authorization. A Certificate of Authorization shall not be assigned, transferred, or used at any location other than the location shown on the Certificate of Authorization.
- (7) The Director may deny issuance or re-issuance of a Certificate of Authorization for cause including, but not limited to, the inspection station's and it's inspectors' compliance history for the preceding four years.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Inspector Qualifications and Certification" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Rule re-titled "RG240 Program Inspection Station Requirements." Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule entitled "Certificates of Authorization" adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.10 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Repealed:** New Rule of same title adopted. Filed June 3, 1997, effective June 23, 1997. **Repealed:** New Rule of same title adopted. Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 6, 2001, effective December 26, 2001. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.11 Inspector Qualifications and Certification. Amended.

- (1) No person shall perform an emission inspection, or any part of an emission inspection, or issue a Certificate of Emission Inspection, unless he or she has completed the appropriate EPD-approved training program for the type of inspection they will be performing, obtained training on the proper operation of inspection equipment from the manufacturer of the test system that will be used to perform the emission inspections and passed a written and hands-on test of proficiency, and he or she holds a valid Certificate as a certified emission inspector issued by the Director.
- (2) The EPD-approved training program will include information on:
 - (a) air pollution, its causes and effects;
 - (b) the purpose and functions of the State Inspection Program;
 - (c) inspection regulations and procedures, including technical details and the rationale for their design;
 - (d) emission control devices, their functions, configuration, identification and inspection;
 - (e) test equipment operation, calibration and maintenance;
 - (f) quality control procedures and their purpose;
 - (g) public relations; and
 - (h) safety and health issues related to inspections.
- (3) Inspectors must demonstrate knowledge and proficiency in proper inspection procedures. Inspectors must pass (with 80% correct answers) a written test on all aspects of the training. Inspectors must also pass a hands-on test by demonstrating that they can perform all parts of the inspection correctly.
- (4) The Director shall issue a Certificate and one Inspector picture ID card to inspectors who satisfactorily complete the EPD-approved training program and pass the written and hands-on tests. Certificates may be suspended or revoked at any time, after notice and offer of a hearing, for failure to conduct inspections properly or to otherwise comply with the Act or this Chapter. The certificate shall authorize the inspector to test newer vehicles only, or shall authorize the inspector to test all vehicles. Inspectors who have been issued a certificate to perform emission inspections of newer vehicles only shall not perform an emission inspection on older vehicles.
- (5) Unless suspended or revoked, a Certificate issued by the Director is valid for two years. The Director shall reissue the Certificate upon the inspector's successful completion of an EPD approved retraining program and passing the written test.
- (6) No inspector shall perform an emissions inspection unless they wear their EPD-issued Inspector picture ID card in a clearly visible location on their front upper body area. Replacement of a lost, missing, damaged or illegible ID card is the responsibility of the inspector at the replacement cost of twenty-five dollars (\$25.00) to be paid to the Management Contractor.

- (7) No inspector shall hold, or attempt to fraudulently obtain two (2) or more valid Certificates. However, an inspector may apply for a Certificate to test all vehicles while holding a Certificate to test newer vehicles only.
- (8) Whenever an inspector, after applying for and receiving a Certificate, shall move from the address listed in his or her application, the inspector shall notify the Management Contractor of his or her change of address in writing within thirty (30) days. The address in the application or as changed by the inspector shall serve as the address for any and all notice required by law.
- (9) No person shall use a certified emission inspector's personal access code to perform any part of an emission inspection. No certified emission inspector shall use another certified inspector's personal access code to perform any part of an emission inspection. Inspectors shall not divulge or authorize the use of his or her personal access code by other persons. Inspectors shall be held responsible for all inspections performed by any person using his or her personal access code.
- (10) Whenever an inspector changes employment from one inspection station to another or ceases performing emissions inspections, the inspector shall notify the Management Contractor in writing within five (5) business days.
- (11) The Director may deny issuance or re-issuance of a Certificate for cause, including, but not limited to, the inspector's compliance history for the preceding four years.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Schedules for Emission Tests" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Rule re-titled "Inspector Qualifications and Certification." Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.11 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 2, 1999, effective December 22, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed December 6, 2001, effective December 26, 2001.

391-3-20-.12 Schedules for Emission Inspections. Amended.

- (1) The inspection term shall be annual.
- (2) All covered vehicles must have a current passing Certificate of Emission Inspection or a waiver to obtain a vehicle registration each year. A passing Certificate of Emission Inspection or a waiver shall be valid for no less than twelve (12) months and shall be used for no more than one registration renewal by the same owner, except as provided herein.
- (3) Vehicles not subject to 391-3-20-.18, which are purchased or obtained by a resident of a covered county, must receive a passing emission inspection or a waiver prior to being registered in a covered county. This inspection shall be performed within thirty (30) days of purchasing or obtaining the vehicle. Persons newly establishing residence in a covered county must receive a passing emission inspection or waiver for their covered vehicle(s) within thirty (30) days of establishing residence in the covered county.

- (4) For vehicles which are inspected under paragraph (3), if the vehicle's next registration renewal date is less than 12 months after the date of the passing emission inspection or waiver, that inspection or waiver shall be valid for the current registration and for the next registration renewal by the same owner.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Certificate of Emission Inspection" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Rule re-titled "Schedules for Emission Tests." Filed August 31, 1994, effective September 20, 1994. **Amended:** Filed April 28, 1995, effective May 18, 1995. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.12 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Filed March 27, 1998, effective April 16, 1998. **Repealed:** New Rule of same title adopted. Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 2, 1999, effective December 22, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.13 Certificate of Emission Inspection. Amended.

- (1) Inspectors shall provide the motorist or owner of a vehicle which has received an emission inspection a Certificate of Emission Inspection. The Certificate shall be in a form approved by EPD and printed by the test system such that the information on the Certificate is sharp, clear, legible, and suitable for copying. The Certificate shall include:
 - (a) the Vehicle Identification Number;
 - (b) the license plate number and state;
 - (c) the vehicle make and model year;
 - (d) the inspection date and time;
 - (e) the inspection type (initial, after-repairs reinspection);
 - (f) the inspection fee;
 - (g) vehicle odometer reading;
 - (h) fuel type;
 - (i) the test results for the exhaust emission test with engine RPM, fuel cap test, tampering inspection, and on-board diagnostic check (where applicable);
 - (j) the applicable standards;
 - (k) the pass or fail status for each test, and for the complete emission inspection;
 - (l) the vehicle engine size and number of cylinders;
 - (m) the Inspection Station's name, physical address, public access telephone number, and Certificate of Authorization Number;
 - (n) Certificate of Emission Inspection number:

- (o) the Inspector's Certificate Number, name, and signature; and
 - (p) any other information required by EPD.
- (2) In the case of a vehicle that fails the emission inspection and in addition to the failing Certificate of Emission Inspection, the inspector shall provide to the vehicle owner:
- (a) information on the possible availability of warranty emission system repairs and information provided by EPD or the Management Contractor on repairs which may be useful in repairing failed vehicles. Subject to the availability of this information supplied by the U.S. Environmental Protection Agency, and revised test system software, EPD may modify or waive this requirement;
 - (b) a repair information form. This form, provided by EPD, the Management Contractor or the test system shall include a checklist of common repairs and spaces for the repair technician to insert: his or her name; the business name, address, and telephone number; and the cost of repairs; and
 - (c) the current RepairWatch Public Report provided by EPD or the Management Contractor on repair facilities that have a documented history of emission related repairs on vehicles which have failed the emission inspection.
- (3) Station owners shall purchase E-Certs from EPD or the Management Contractor at a price established by this Chapter. The method for fee collection and E-Cert distribution shall be as established by the Director.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Emission Inspection Sticker" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Rule re-titled "Certificate of Emission Inspection." Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.13 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Rule re-titled "Certificate of Emissions Inspection." Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed August 27, 1998, effective October 1, 1998. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 2, 1999, effective December 22, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed December 6, 2001, effective December 26, 2001. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.14 Reserved.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Repairs and Retests" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Rule re-titled "Emission Inspection Sticker." Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.14 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Rule re-titled "Emissions Inspection Sticker." Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Repealed:** Rule Reserved. Filed December 2, 1999, effective December 22, 1999.

391-3-20-.15 Repairs and Reinspections. Amended.

- (1) Owners of vehicles which fail any portion of the emission inspection shall have necessary maintenance and repairs performed. Vehicles which are brought to an

inspection station operated by the same owner as the station which performed the original inspection within 30 days of an inspection failure, will be given one reinspection at no additional charge. If any additional reinspections are required to pass the inspection requirement, another inspection fee shall be charged. This fee will cover one reinspection and, if required, one additional reinspection.

- (2) Owners of vehicles presented for reinspection shall present a completed repair information form. No reinspection, whether paid or unpaid, shall be performed unless the repair information form has been completed and submitted to the inspection station. The repair information form should be completed by the repair facility which repaired the vehicle or by the vehicle owner. The information from the form shall be entered into the Management Contractor's database by the inspector performing the reinspection.
- (3) Repair of failed vehicles by the owner or other persons who are not recognized repair technicians is permitted; however, the cost of such repairs, except repairs to primary emission control components, shall not be counted toward a waiver for any 1980 or later model vehicle.
- (4) Except as noted, reinspections shall consist only of the failed portions of the previous inspection, i.e., exhaust, fuel cap, tampering, OBD, provided the previous inspection results are retrieved electronically by the test system. For an exhaust emission reinspection, the vehicle must pass the inspection for all required pollutants (HC, CO, NO_x). For an OBD system reinspection, the vehicle must pass the complete OBD system inspection.
- (5) Vehicles which pass the reinspection will receive a passing Certificate of Emission Inspection.
- (6) A station owner that is not the owner of the inspection station which performed the previous initial inspection or paid after-repairs reinspection may perform a free after-repairs reinspection provided the free after-repairs reinspection is performed within 30 days of the previous inspection, and the previous inspection was a paid inspection.
- (7) When the inspector is presented with a vehicle for a reinspection, the inspector shall verify that the vehicle being submitted for the reinspection matches the vehicle specified on the previous failing Certificate of Emission Inspection and on the repair information form.
- (8) No station owner or inspector shall charge the motorist or vehicle owner for an after-repairs reinspection, unless a new E-Cert is used and a new Certificate of Emission Inspection is issued containing a new number. The number of any previously issued Certificate of Emission Inspection shall be used only for a reinspection that is free of charge to the motorist or vehicle owner and only in accordance with the requirements of this Chapter.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. History: Original Rule entitled "Extensions, Reciprocal Tests" adopted. Filed November 1, 1993, effective November 21, 1993. Amended: Rule re-titled "Repairs and Retests." Filed August 31, 1994, effective September 20, 1994. Repealed: New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. Amended: Emergency Rule 391-3-20-0.33-.15 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. Amended: Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. Amended: Filed March 27, 1998, effective April 16, 1998. Amended: Filed September 17, 1999, effective October 7, 1999. Amended: Filed December 2, 1999, effective December 22, 1999. Amended: Filed December 8, 2000, effective December 28, 2000. Amended: Filed June 28, 2001,

effective July 18, 2001. Amended: Filed December 6, 2001, effective December 26, 2001. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.16 Extensions and Reciprocal Inspections. Amended.

- (1) Owners of vehicles which are temporarily stationed in a location which is outside the covered counties, and which cannot obtain a reciprocal inspection by another State's emission inspection program, or be easily brought to the covered counties for inspection may request an extension of time to comply. Each request for an extension shall include current proof that the vehicle and owner are stationed outside the covered counties, e.g., military orders, school registration or other documentation acceptable to EPD. Extensions may be granted for up to one year.
- (2) Vehicles stationed outside the covered counties may comply with the inspection requirement by passing a reciprocal emission inspection from an inspection program approved by the U.S. Environmental Protection Agency.
- (3) Extensions may be granted by EPD, the Management Contractor or an authorized agent of EPD.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Waivers" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Rule re-titled "Extensions, Reciprocal Tests." Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.16 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 2, 1999, effective December 22, 1999. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed December 7, 2004, effective January 9, 2005. **Amended:** Filed December 7, 2007, effective December 28, 2007.

391-3-20-.17 Waivers. Amended.

- (1) Vehicles which fail a reinspection despite expenditures over a set dollar amount on appropriate repairs and which have met certain other criteria may be granted a waiver from complying with the inspection requirements for that registration period. Expenditures must be reasonable costs as determined by the Director.
- (2) In order to obtain a waiver the following criteria must have been met:
 - (a) Repair Costs:
 1. An expenditure of at least \$450 must have been made on qualifying repairs after the vehicle fails the initial test. The \$450 level will be adjusted each year to reflect the change in the Consumer Price Index after 1989. A new level is effective at the start of each test year and will be determined by the Division in accordance with the requirements of 12-9-48(d)(2) of the Georgia Motor Vehicle Emission Inspection and Maintenance Act. For vehicles which otherwise qualify for waivers based on a prior calendar test year, the waiver limit shall be that prior year's level of qualifying repairs.

2. The cost of labor by a vehicle owner in the repair of his or her own vehicle shall not be applied toward the repair waiver amount, except that a fleet owner may apply the actual cost of labor and parts, excluding any and all overhead costs, toward the waiver amount.
- (b) Receipts for these expenditures shall be submitted by the vehicle owner. Vehicle owners shall present the vehicle for which the waiver is requested to an authorized waiver inspection facility for verification of waiver eligibility. This verification shall include an inspection of the vehicle to confirm that reported repairs have been performed and to assess possible reasons for the vehicle's failure to meet the emission requirements.
 - (c) Qualifying repairs do not include:
 1. repair or replacement of tampered emissions control equipment, after December 31, 1998;
 2. for 1980 and later model vehicles, repairs performed by persons other than a recognized repair technician, except for repairs to primary emissions control components;
 3. repairs that are unrelated to emissions performance or are inappropriate for the type of test failure.
 - (d) Motorists must utilize emission performance warranty coverage. If the vehicle is within the age and mileage limitations of the federal Clean Air Act warranty provisions contained in Section 207(b), the owner must present a written denial of warranty coverage from the manufacturer or authorized dealer.
 - (e) Repairs shall have produced a reduction in emission of pollutants which were failed during the previous initial inspection. Reinspection exhaust emission levels for pollutants which originally passed shall not exceed the relevant standards.
 - (f) Waivers shall be issued by EPD, the Management Contractor or an authorized agent of EPD. Before issuing a waiver, the issuer shall verify that receipts for qualifying repairs exceeding the established waiver amount have been submitted and that the vehicle is otherwise qualified to receive a waiver.
- (3) Waivers are valid for no less than twelve (12) months and shall be used for no more than one registration renewal.

Authority: O.C.G.A. Section 12-9-40 et seq., as amended.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Sale of Vehicles" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Rule re-titled "Waivers." Filed August 31, 1994, effective September 20, 1994. **Repealed:** Rule Reserved. Filed April 28, 1995; effective May 18, 1995. **Amended:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.17 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Filed December 5, 1997, effective December 25, 1997. **Amended:** Filed March 27, 1998, effective April 16, 1998. **Amended:** Filed October 23, 1998, effective November 12, 1998. **Amended:** Filed December 2, 1999, effective December 22, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed December 6, 2001, effective December 26, 2001. **Amended:** Filed December 10, 2002, effective December 30, 2002. **Amended:** Filed December 15, 2003, effective December 25, 2003. **Amended:** Filed December

7, 2004, effective January 9, 2005. **Amended:** Filed December 7, 2005, effective January 10, 2006. **Amended:** Filed December 21, 2006, effective January 10, 2007. **Amended:** Filed December 8, 2007, effective December 28, 2008.

391-3-20-.18 Sale of Vehicles. Amended.

- (1) No person shall sell any responsible motor vehicle, as defined by the Act, intended for highway use without a currently valid passing Certificate of Emission Inspection, as required under this Chapter, if the purchaser is required to register the vehicle in any covered county. Any person violating this Rule shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of \$100 for a first offense, \$500 for a second offense and \$1000 for each subsequent offense.
- (2) A current valid passing Certificate of Emission Inspection is not required for any motor vehicle that might otherwise be subject to pre-sale emission inspection, but is sold for salvage or for parts rather than for use as a motor vehicle on the streets and highways, provided that said vehicle is not in fact operated on the streets and highways, but is towed or hauled by some other vehicle. The purpose for which the vehicle is sold shall be indicated by the seller on the bill of sale.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Program Contractor" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed May 24, 1994, effective June 13, 1994. **Amended:** Rule re-titled "Sale of Vehicles." Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule of same title adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.18 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 2, 1999, effective December 22, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.19 Management Contractor. Amended.

- (1) The Director, on behalf of the Board of Natural Resources, may contract with any person, corporation or entity as necessary to implement and adequately enforce and ensure compliance with the State Inspection Program. The Department may contract for the design and operation of a centralized data system and other functions as determined by the Director.
- (2) The Management Contractor will be responsible for designing and maintaining an inspection database that will include all vehicles subject to inspection in the covered counties. This database will include all inspection-related information required by the Act and this Chapter or by the management contract. Access to the information in this database shall be made available to EPD for oversight, data analysis and other purposes, and to the Georgia Department of Motor Vehicle Safety for the purpose of determining compliance with the inspection requirement for vehicles which are to be registered. Data in this database may not be used for any other purpose unless specifically authorized by the Director.
- (3) The Management Contractor, and its employees, shall not be engaged in, or have any financial interest in, the repair of motor vehicles, or in the operation of any emission inspection station. Financial interest in the repair of vehicles shall include the ownership or operation of repair facilities or the sale of motor vehicles or motor vehicle parts.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Alternate Inspection Stations" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Rule re-titled "IM240 Program Contractor." Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule entitled "Management Contractor" adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.19 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed June 27, 2002, effective July 17, 2002. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.20 Referee Program. Amended.

- (1) Should a vehicle owner question the emission inspection procedures, inspection equipment accuracy or validity of the inspection results, the owner may request that a referee inspection be performed on the vehicle, provided no repairs have been made on the vehicle since the inspection in question. The owner must request the referee inspection within fifteen (15) business days of the inspection in question.
- (2) Referee inspections shall be observed by EPD or the Management Contractor at a mutually agreed upon time at the inspection station where the inspection in question was performed.
- (3) Prior to any referee inspection, EPD or the Management Contractor will review all calibration records to ensure that the analyzer and other equipment at the applicable station are meeting the appropriate specifications. EPD or the Management Contractor will then observe the referee inspection performed by station personnel to ensure that it is properly performed.
- (4) If the vehicle passes the referee test, the vehicle will be given a passing Certificate of Emission Inspection.
- (5) EPD may request that a referee inspection be performed at any time during posted business hours on a vehicle that is part of an investigation or a station or inspector(s), provided the referee inspection is performed at the station under inspection or at the station where the inspector(s) under investigation works.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Certificates of Authorization" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Rule re-titled "Alternate IM240 Program Inspection Stations" adopted. Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule entitled "Referee Program" adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.20 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed December 2, 1999, effective December 22, 1999. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.21 Inspection Fees. Amended.

- (1) The emission inspection fee shall be due from the motorist or vehicle owner when the vehicle starts the inspection process. Vehicles which are rejected prior to the start of the inspection process for being unsafe to test shall not be charged a fee.
- (2) The emission inspection fee paid by the motorist or vehicle owner to the inspection station owner shall consist of the program administration fee plus a fee for performing

the inspection. The emission inspection fee shall be established by the inspection station owner but shall be no less than \$10.00 and no more than \$25.00. The fee will cover an initial inspection, plus one free reinspection. Another reinspection fee will be charged for subsequent re-inspections; this fee will cover one reinspection and, if required, one additional reinspection.

- (3) Program Administration Fees.
 - (a) Prior to October 1, 2007, each inspection station owner shall remit to the Director a program administration fee of six dollars and ninety-five cents (\$6.95) for each E-Cert purchased.
 - (b) Effective October 1, 2007, each inspection station owner shall remit to the Director a program administration fee of four dollars and two cents (\$4.02) for each E-Cert purchased.
 - (c) Prior to October 1, 2007, for each fleet inspection station where EPD has required the installation and operation of a video camera surveillance system, the station owner shall remit to the Director a program administration fee of seven dollars and ninety-five cents (\$7.95) for each E-Cert purchased.
 - (d) Effective October 1, 2007, each fleet inspection station where EPD has required the installation and operation of a video camera surveillance system, the station owner shall remit to the Director a program administration fee of five dollars and two cents (\$5.02) for each E-Cert purchased.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Referee Program and Program Evaluation" adopted, Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed May 24, 1994, effective June 13, 1994. **Amended:** Rule re-titled "RG240 Program Inspection Stations." Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule entitled "Inspection Fees" adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.21 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed June 3, 1997, effective June 23, 1997. **Amended:** Filed October 23, 1998, effective November 12, 1998. **Amended:** Filed June 18, 1999, effective July 8, 1999. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed March 1, 2001, effective March 21, 2001. **Amended:** Filed June 28, 2001, effective July 18, 2001. **Amended:** Filed June 27, 2002, effective July 17, 2002. **Amended:** Filed December 7, 2004, effective January 9, 2005. **Amended:** Filed September 6, 2007, effective September 26, 2007.

391-3-20-.22 Enforcement. Amended.

- (1) The administration and enforcement of this Chapter shall be as prescribed in the Act, in compliance with the minimum applicable requirements as prescribed by the Georgia Administrative Procedures Act (O.C.G.A. Section 50-13-1, et seq., as amended) and in accordance with the Division's Enforcement Policy.
- (2) Suspensions and Revocations.
 - (a) Whenever a Certificate of Authorization has been suspended and that Certificate expires during the suspension period, the inspection station owner may not obtain a new Certificate of Authorization until the term of the suspension has expired. Whenever a Certificate of Authorization has been revoked or surrendered as a result of enforcement

action, the inspection station owner may not apply for a new Certificate of Authorization for a minimum of two years from the date of the revocation or surrender.

- (b) Whenever an inspector's Certificate has been suspended and that Certificate expires during the suspension period, the inspector may not obtain a new Certificate until the term of the suspension has expired. Whenever an inspector's Certificate has been revoked or surrendered as a result of enforcement action, the inspector shall surrender his or her Inspector picture ID card and may not apply for a new Certificate for a minimum of two years from the date of the revocation or surrender.
- (3) Any inspection station whose Certificate of Authorization has been revoked or surrendered as a result of enforcement action will not be eligible for listing in the RepairWatch Public Report.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Inspection Fees" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Filed May 24, 1994, effective June 13, 1994. **Amended:** Rule re-titled "Certificates of Authorization; Station Contract." Filed August 31, 1994, effective September 20, 1994. **Repealed:** New Rule entitled "Enforcement" adopted. Filed August 28, 1995, effective September 17, 1995. **Amended:** Emergency Rule 391-3-20-0.33-.22 adopted. Filed June 4, 1996, effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. Filed August 26, 1996, effective September 15, 1996. **Amended:** Filed September 17, 1999, effective October 7, 1999. **Amended:** Filed December 8, 2000, effective December 28, 2000. **Amended:** Filed December 6, 2001, effective December 26, 2001. **Amended:** Filed December 7, 2004, effective January 9, 2005.

391-3-20-.23 Repealed.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Violation of Law or Rules; Penalty" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Rule re-titled "Referee Program and Program Evaluation." Filed August 31, 1994, effective September 20, 1994. **Repealed:** Filed August 28, 1995, effective September 17, 1995.

391-3-20-.24 Repealed.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Hearings" adopted. Filed November 1, 1993, effective November 21, 1993. **Amended:** Rule re-titled "Inspection Fees." Filed August 31, 1994, effective September 20, 1994. **Repealed:** Filed August 28, 1995, effective September 17, 1995.

391-3-20-.25 Repealed.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Violation of Law or Rules; Penalty" adopted. Filed August 31, 1994, effective September 20, 1994. **Repealed:** Filed August 28, 1995, effective September 17, 1995.

391-3-20-.26 Repealed.

Authority: O.C.G.A. Section 12-9-40, et seq., as amended. **History:** Original Rule entitled "Hearings" adopted. Filed August 31, 1994, effective September 20, 1994. **Repealed:** Filed August 28, 1995, effective September 17, 1995.