

**PROPOSED AMENDMENTS TO THE RULES OF THE**  
**DEPARTMENT OF NATURAL RESOURCES**  
**ENVIRONMENTAL PROTECTION DIVISION**  
**ENHANCED INSPECTION AND MAINTENANCE, CHAPTER 391-3-20**

The Rules of the Department of Natural Resources, Chapter 391-3-20, Enhanced Inspection and Maintenance are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific rules, or such subdivisions thereof as may be indicated.

**[Note: Underlined text is proposed to be added. Lined-through text is proposed for deletion.]**

**Rule 391-3-20-.01, “Definitions,”** is amended to read as follows:

**391-3-20-.01 Definitions**

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) “Calibration” means, in the case of the Georgia Analyzer System (GAS), the process of establishing or verifying that the test values of the GAS emissions bench are accurate by using the applicable calibration gases. 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.
- (c) “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.
- (d) “Certificate of Authorization” means a certificate issued by the Director to each establishment or location designated as an official emission inspection station.
- (e) “Certificate of Emissions Inspection” means an official certificate that exhaust emissions, evaporative emissions, emission control equipment, and on-board diagnostic equipment have been inspected and approved in accordance with the Act and this Chapter. Such certificates will be furnished to official emission inspection stations by EPD to be completed and issued by such stations to the owner or operator of a responsible motor vehicle upon inspection and approval certifying that such responsible motor vehicle has been inspected and complies with the inspection and maintenance required by the Act and this Chapter.

- (f) “DLC” means the data or diagnostic link connector for a vehicle’s on-board diagnostic system.
- (g) “Dedicated data transmission line” means a unique communication line identifiable by a transmitted digital identification number which allows the Vehicle Information Database or (VID) to identify the Georgia Analyzer System (GAS) unit communicating with the VID.
- (h) “Department” means the Department of Natural Resources.
- (i) “Diagnostic Trouble Codes (DTC)” means that for vehicles equipped with on-board diagnostic (OBD) computer systems, a five digit code that is associated with a specific test of the OBD system.
- (j) “Director” means the Director of the Environmental Protection Division of the Department of Natural Resources.
- (k) “E-Certs” means blank Electronic Certificates of Emission Inspection that are pre-purchased by official emissions inspection stations for the purpose of performing emission inspections.
- (l) “Emission Inspection” means all tests and inspections required by the Act and this Chapter, including an on-board diagnostic system check~~exhaust emission test~~, a fuel cap test, a tampering inspection, and an exhaust emissions test~~on-board diagnostic system check~~ where applicable.
- (m) “Emissions Inspector Certification Training Program Manual”, means the manual supplied to inspectors during their initial and re-certification classes; the most current version of this manual is available on the Georgia Clean Air Force website at [www.cleanairforce.com](http://www.cleanairforce.com).
- (n) “Emission Recall Compliance Check” means determining whether a recall campaign has been issued by the original equipment manufacturer of a vehicle.
- (o) “E-VIN” means the Electronic Vehicle Identification Number embedded in the OBD computer system on 1996 and later model year vehicles.
- (p) “EPD” means the Environmental Protection Division of the Georgia Department of Natural Resources.
- (q) “Exhaust Emission Test” means the determination of the amount of specified gases in a vehicle’s exhaust by use of the 2-speed idle (TSI) test.
- (r) “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.
- (s) “Fuel Cap Test” means the determination of the ability of the fuel cap(s) to retain pressure.

(t) “Gas Calibration” means the calibration of the Georgia Analyzer System (GAS) by the use of a manufactured calibration gas.

(u) “Georgia Analyzer System” (GAS) means the test systems approved by EPD for use in performing emission inspections in Georgia in accordance with the Act and this Chapter.

(v) “Georgia Analyzer System Hardware and Software Specifications” (GAS Specs) means the Georgia Analyzer System Hardware and Software Specifications, Phase V, August 31, 2016, which contains the hardware and software requirements for a GAS.

(w) “Georgia’s Clean Air Force” (GCAF) means the partnership between EPD and the Management Contractor to implement Georgia’s Enhanced Motor Vehicle Emission Inspection and Maintenance Program (I/M Program).

(x) “Grandfathered Vehicle” means a vehicle manufactured outside of the United States and certified to meet foreign emission standards, but which has subsequently been legally imported into the United States and is subject to the provisions of the Act and this Chapter. Such vehicles are approved by EPD to comply with alternative tail pipe emission standards for that Model Year vehicle.

(y) “Gray Market Vehicle” means vehicles which are manufactured for use outside of, and imported into, the United States.

(z) “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.

(aa) “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.

(bb) “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 revolutions per minute (RPM) means the manufacturer’s recommended engine speed with the transmission in neutral or park.

(cc) “Inspection Term” means the period of time a certificate of emission inspection shall be considered valid. The specific period of an inspection term is established in this Chapter.

(dd) “Inspector” means a person certified by the Director to perform emission inspections in accordance with the requirements of the Act and this Chapter.

(ee) “Kit Car” means a motor vehicle which does not utilize a chassis from a vehicle certified by the manufacturer 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.

(ff) “Light Duty Truck” means any motor vehicle with a GVWR of 8500 pounds or less which has a vehicle curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons, or
3. Available with special features enabling off-street or off-highway operation and use.

(gg) “Light Duty Vehicle” means a passenger car or passenger car derivative, capable of seating 12 passengers or less with a GVWR of 8500 pounds or less.

(hh) “Management Contractor” means the person, corporation or entity under contract to design and operate the data management system and to perform other functions for the I/M Program.

(ii) “Malfunction Indicator Light (MIL)” means a light on the dashboard of OBD equipped vehicles that notifies the driver that an emission related fault has been detected and the vehicle should be repaired as soon as possible.

(jj) “Non-conforming Vehicle” means vehicles that were not built to standards set by the EPA.

(kk) “On-Board Diagnostic (OBD) System” means a computer 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 excess emissions.

(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.

(mm) “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.

(nn) “Public Vehicle” means a motor vehicle that is not a fleet vehicle.

(oo) “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.

(pp) “Responsible Motor Vehicle” means any motor vehicle defined as a light duty vehicle or a light duty truck, excluding any motor vehicle exempted from the Act and this Chapter such as vehicles not in a Covered County as defined in 391-3-20-.02.

(qq) “Revolutions per Minute” (RPM) means the number of times the crankshaft of an engine makes a complete 360 degree turn in one minute (60 seconds).

(rr) “State-Certified Emissions Inspection Station” means a facility that has met all the qualifications of this Act and this Chapter and is certified by the Director.

(ss) “Station Owner” means the individual, partnership, firm, corporation, association, municipality, governmental agency, lessee, or other entity having ownership of or control of the daily operation of an inspection station.

(tt) “Tampering Inspection” means the determination of whether the catalytic converter(s) as installed by the original manufacturer has been removed from the vehicle or modified.

(uu) “Time Extension” means any time extension as defined in section “Extensions and Reciprocal Inspections.” of these rules and 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 extending the time to comply with the emission inspection requirement.

(vv) “Vehicle” means a motor vehicle.

(ww) “Vehicle Information Database” (VID) means the data collection and management system for Georgia’s Enhanced Motor Vehicle Emission Inspection and Maintenance Program (I/M Program) that contains current and historical program data. The VID is comprised of data collection tables, including the table of inspection records. The term “VID” is used to refer to the VID as a whole or to any part, e.g., Enforcement database, Audit database, Emission Inspections database, and Waiver database.

(xx) “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 obtaining a waiver of the emission inspection requirement.

(yy) “2-speed idle (TSI) test” means an exhaust emission test where the vehicle under test is run at an idle revolutions per minute (RPM) speed and a higher RPM speed as defined in the GAS Specs.

**Rule 391-3-20-.04, “Emission Inspection Procedures,”** is amended to read as follows:

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

(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 inspect. The inspector shall not perform an emission inspection on any vehicle which is unsafe to inspect.

(2) Inspectors shall perform a complete emission inspection on any responsible motor vehicle presented for an initial inspection, in accordance with the requirements of the Act and this Chapter and the procedures as prompted by the GAS, including the following:

(a) For OBD equipped vehicles.

1. A tampering inspection.

2. An OBD system check. On occasion, when activated by EPD, the GAS 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 data will not be used to determine Pass/Fail results of the vehicle.

3. A fuel cap test.

(b) For non-OBD equipped vehicles.

1. A tampering inspection.

2. An exhaust emission test. The inspector may perform a 2-speed idle test on vehicles as prompted by the GAS.

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 or that have been subsequently equipped with a catalytic converter.

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 his or her state of residence, as allowed by the Georgia Analyzer System software. The inspection procedure to be performed by certified inspectors shall be as prompted by the GAS.

(6) Inspectors shall perform a reinspection of the portions previously failed during an emission inspection on any vehicle presented for an after repairs inspection, in accordance with the requirements of the Act and this Chapter and the procedures as prompted by the GAS.

**Rule 391-3-20-.05, “Emission Standards,”** is amended to read as follows:

#### **391-3-20-.05 Emission Standards**

(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 inspect.

(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 and this Chapter and the vehicle has passed the tampering inspection, the ~~exhaust emission test~~OBD system check, the fuel cap test, and the ~~OBD system check~~exhaust emissions test 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 vehicle emission control label;
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~~The vehicles shall pass the OBD system check 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 GAS, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the GAS; or~~the Georgia Analyzer System (GAS) is able to communicate with the vehicle's OBD system;

2. ~~in the case of a gray market vehicle, kit car, hot rod, or non-conforming vehicle 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 GAS for 1975 model year vehicles, or for the model year of the vehicle, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the GAS.~~the MIL illuminates with the ignition key in the "on" position and the engine not running, which is known as Key On Engine Off (KOEO);

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 GAS, are set to "ready";

5. the OBD system does not contain any fault codes which command the MIL to illuminate, as specified by the vehicle manufacturer, indicating problems with the emissions control parameters monitored by the OBD system; and

6. the MIL does not illuminate with the ignition key in the "on" position and the engine running, which is known as Key On Engine Running (KOER).

(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 GAS; 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~~The vehicle shall pass the exhaust emission test if:

1. ~~the Georgia Analyzer System (GAS) is able to communicate with the vehicle's OBD system;~~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 GAS, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the GAS; or

2. the MIL illuminates with the ignition key in the “on” position and the engine not running, which is known as Key On Engine Off (KOEO); in the case of a gray market vehicle, kit car, hot rod, or non-conforming vehicle 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 GAS for 1975 model year vehicles, or for the model year of the vehicle, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the GAS.

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 GAS, are set to “ready”;

5. the OBD system does not contain any fault codes which command the MIL to illuminate, as specified by the vehicle manufacturer, indicating problems with the emissions control parameters monitored by the OBD system; and

6. the MIL does not illuminate with the ignition key in the “on” position and the engine running, which is known as Key On Engine Running (KOER).

**Rule 391-3-20-.09, “Inspection Station Requirements,” is amended to read as follows:**

### **391-3-20-.09 Inspection Station Requirements**

(1) Classes of stations - There shall be two classes of inspection stations: regular inspection stations and fleet inspection stations. Regular 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) Regular Inspection Stations

1. A regular inspection station is authorized to inspect any vehicle subject to the I/M Program.

#### (b) 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 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) General Requirements for Inspection Stations

(a) Persons wishing to obtain or renew 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 ownership, financial and/or operational interest in the station. Additional information that may be requested includes, but is not limited to:

1. Explicit permission of all persons having any financial or operational interest in the station, as named in the application, authorizing the director to conduct a background check, including criminal history, on the named individuals;
2. Facility purchase or lease agreement(s);
3. Georgia Analyzer System (GAS) purchase or lease agreement(s);
4. Proof of a filed bond or a copy of accepted certificate of liability insurance;
5. Copy of approved business license or application for same showing signature(s) of the business owner(s); and
6. Other documents as deemed necessary by EPD to determine all persons having any ownership, financial and/or operational interest in the inspection station.

(b) A station owner shall obtain all permits and licenses necessary for the establishment of each inspection station. 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. All permits, licenses, leases, and/or other requirements for the station shall be maintained for the duration of the Certificate of Authorization. An update shall be filed with the Management Contractor, in a format approved by EPD, no later than the next business day for any change in the information in or submitted with the application and/or any change in the permits, licenses and/or other requirements for the station.

(c) Mobile Georgia Analyzer Systems (GAS)

1. EPD may approve a station owner to operate a mobile GAS only at a fleet or car dealer location for the purpose of performing emission inspections only on fleet vehicles subject to the I/M 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 and/or car dealers 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 GAS at a fleet or car dealer location shall comply with all requirements for mobile inspecting as established in these rules. A station owner that has been approved to operate a mobile GAS shall provide the Management

Contractor and EPD, if directed to do so by EPD, with advance notice of scheduled emission inspections of fleet or car dealer locations by 2 PM of the previous business day and shall update such notice as the schedule 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 GAS 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.

(d) Public inspection station owners shall provide an area adequate to allow four (4) vehicles per inspection 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-Certified Emissions 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 GAS to allow it to operate within specifications in all weather conditions. Any component of the GAS, which could affect the emission inspection results, shall not be subjected to temperatures outside the manufacturer's specifications. ~~The air intakes on the GAS 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 GAS 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:

(i) The current, quarterly 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;

(ii) The program Motorist Rights Poster provided at the time of station certification; and

(iii) The program Q&A brochure.

(iv) The station owner shall maintain such item(s) in legible condition and either posted or made available for motorists' uninhibited viewing.

(i) A station owner shall:

1. be 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 and this Chapter;
3. obtain and maintain in working order a secure static internet connection for each GAS at the station to ~~tie into~~connect to the VID;
4. transmit all vehicle inspection data and quality assurance data that is collected to the VID;
5. ensure that the GAS is connected to the secure static internet connection at all times, except in the case of a mobile or mobile capable GAS 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 GAS shall have the GAS connected at all times to a secure static internet connection while being used as a non-mobile GAS.

6. collect, store and submit to the Management Contractor all Emission Repair Forms for each reinspection performed at the inspection station;
7. obtain and maintain in legible condition any published OBD DLC Location Chart available or copy which is available on the GCAF website- [www.cleanairforce.com](http://www.cleanairforce.com), at each station-~~capable of performing OBD system checks~~;
8. obtain and maintain at all times in legible condition a current copy of the Emissions Inspector Certification Training Program Manual, Version 1.4 or later provided during inspector certification or copy which is available on the GCAF website-[www.cleanairforce.com](http://www.cleanairforce.com), at each station; and

(j) The station owner shall pay a per-paid-inspection 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 allowed by the Act.

(k) Liability Insurance

1. Inspection station owners, except fleet inspection station owners, conducting inspections on vehicles as defined in this Chapter shall provide proof of \$100,000 bond or liability insurance for the period of the Certificate of Authorization.
2. Inspection station owners shall notify the Management Contractor no later than the next business day upon termination of or any change in insurance coverage.

(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-Certified 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-Certified Emissions Inspection Station sign.
2. The station owner shall post a "Closed" sign over the station's State-Certified Emissions Inspection Station sign when the inspection station is closed and unstaffed 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 a format approved by EPD, within three (3) 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 GAS(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 GAS(s) by EPD or the Management Contractor, or during an investigation of the emission inspection activities at a station, the station owner shall:

1. provide prompt access to the premises, at reasonable times, where inspections are performed and to the GAS(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 GAS(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 GAS(s) during the audit or investigation.

(q) The station owner shall maintain a current mailing address, telephone number, email address and other contact information on file with EPD so that EPD may communicate with the owner on all matters regarding the station, including compliance and enforcement issues. The station owner may designate, in the station application or a written update thereto, another person to receive such communication from EPD. In that case, the station owner shall also provide that person's contact information, including email address, will be presumed to have received all communications from EPD through the person he or she has designated, and remains responsible for compliance with the requirements of the Act and this Chapter.

(3) Additional Requirements for Fleet Inspection Stations.

(a) The administrative fee charged to fleet inspection stations shall be at least as much as the fee charged to public inspection stations. This fee may be increased to cover any additional cost of increased monitoring requirements for fleet inspection stations.

(4) Quality Assurance for Fleet Vehicles.

(a) EPD or the Management Contractor may require fleet inspection stations and mobile inspection 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 inspection stations and mobile inspection stations to install a video camera surveillance system on the GAS to record all emissions inspections.

**Rule 391-3-20-.10, "Certificates of Authorization,"** is amended to read as follows:

#### **391-3-20-.10 Certificates of Authorization**

(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 and this Chapter.

(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 the station is closed-out, the Certificate of Authorization shall be valid for two years. For station owners intending to renew their certificate, a station owner

~~may~~must apply for renewal of the Certificate by submitting a complete application at least 30 days prior to the expiration of the existing Certificate.

(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 prior to the change in ownership or the discontinuation of emissions inspections;

(b) maintain the dedicated data transmission line(s) to the VID and electrical power to the GAS until such time as the Management Contractor performs a close-out audit; 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 as 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. Upon a change in ownership of an inspection station, the new owner(s) must apply for and receive a new Certificate of Authorization prior to operating the station.

(7) The Director may deny issuance or renewal of a Certificate of Authorization for cause including, but not limited to the compliance history of the inspection station, its inspectors, its employees and all persons having any ownership, financial and/or operational interest in the station.

**Rule 391-3-20-.11, "Inspector Qualifications and Certification,"** is amended to read as follows:

#### **391-3-20-.11 Inspector Qualifications and Certification**

(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:

(a) has submitted an Inspector Certification Application to EPD in a format established by EPD. The application shall include all information required by the Director to determine that the applicant meets the requirements of the Act and this Chapter. An update shall be filed with the Management Contractor, in a format approved by EPD, no later than the next business day for any change in the information in or submitted with the application.

(b) has obtained the age of 18 prior to attending the inspector training class;

(c) has completed the appropriate EPD-approved training program for the type of inspection he or she will be performing;

- (d) has obtained training on the proper operation of inspection equipment from the manufacturer of the GAS that will be used to perform the emission inspections;
  - (e) has passed a written and practical test of proficiency, and,
  - (f) 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 I/M 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) Georgia Analyzer System (GAS) 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 practical test by demonstrating that they have knowledge about conducting all parts of the inspection correctly.
- (4) The Director shall issue a Certificate and one Inspector picture ID ~~card~~badge 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.
- (5) Unless suspended, revoked or voluntarily surrendered, a Certificate issued by the Director is valid for two years from the date of issuance.
- (a) For inspectors intending to renew their Certificate, a~~A~~ complete application for renewal of an inspector's Certificate must be submitted at least 30 calendar days prior to the expiration of the existing Certificate.



(b) The Director shall renew the Certificate upon timely receipt of a renewal application, determination that there is no cause to deny the renewal in accordance with the Act or Chapter 391-3-20 of the Rules, the inspector successfully completing an EPD approved retraining program, and the inspector passing the written test.

(6) No inspector shall perform an emissions inspection unless he or she is wearing his or her EPD-issued Inspector picture ID ~~card~~badge ~~in~~also the picture is clearly visible ~~location~~ on his or her front upper body area. Replacement of a lost, missing, damaged or illegible ID ~~card~~badge is the responsibility of the inspector at a cost of twenty-five dollars (\$25.00) paid to the Management Contractor.

(7) No inspector shall hold, or attempt to fraudulently obtain two (2) or more valid Certificates.

(8) Whenever an inspector, after applying for and receiving a Certificate, moves from the address listed in his or her application, the inspector shall notify the Management Contractor of his or her change of address no later than the next business day. The address in the application or as updated by the inspector shall serve as the address for any and all notice required by law.

(9) No unauthorized 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 the personal access code of another certified emission inspector to perform any part of an emission inspection.

(10) An inspector shall not divulge or authorize the use of his or her personal access code by any other person(s). An inspector shall be held responsible for all inspections performed by any person using his or her personal access code.

(11) Before an inspector may perform emissions inspections at a station, the Management Contractor must allow the inspector access to the test system(s) at the station. Inspectors must notify the Management Contractor at least three (3) business days before they begin employment at a given station, and no later than the next business day when they cease employment at a station.

(12) The Director may deny issuance or renewal of a Certificate for cause, including, but not limited to, the inspector's compliance history.

**Rule 391-3-20-.13, "Certificate of Emission Inspection,"** is amended to read as follows:

### **391-3-20-.13 Certificate of Emission Inspection**

(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 GAS 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 inspection results for the on-board diagnostic check or the exhaust emission test with engine RPM ~~or on-board diagnostic check~~, fuel cap test, and tampering inspection;
  - (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, 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 EPA, and revised test system software, EPD may modify or waive this requirement;
  - (b) an Emissions Repair Form. This form, provided by EPD or the Management Contractor (via the GCAF website at [www.cleanairforce.com](http://www.cleanairforce.com)) or the GAS 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) access to the current, quarterly 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 EPD.

**Rule 391-3-20-.15, “Repairs and Retests,”** is amended to read as follows:

**391-3-20-.15 Repairs and Retests**

(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 Emissions Repair 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 VID by the inspector performing the reinspection.

(3) Repairs by the owner or other persons who are not recognized repair technicians are 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 newer model year 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 GAS. For an exhaust emission reinspection, the vehicle must pass the inspection for all required pollutants (HC, CO, ~~NO<sub>x</sub>~~). For an OBD system reinspection, the vehicle must pass the complete OBD system check.

(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 Emissions Repair 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.

**Rule 391-3-20-.17, “Waivers,”** is amended to read as follows:

### **391-3-20-.17 Waivers**

(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. A yearly expenditure, as required by OCGA 12-9-48(d)(2), must have been made on qualifying repairs after the vehicle fails the initial inspection. The amount will be adjusted each year to reflect the change in the Consumer Price Index after 1989, which was \$450. At the start of each inspection term, EPD will determine the new effective amount in accordance with these requirements and will make that information available at the GCAF website, [www.cleanairforce.com](http://www.cleanairforce.com). For vehicles which otherwise qualify for waivers based on a prior calendar inspection term, the waiver limit shall be that prior year's level of qualifying repairs.

2. No cost for labor performed by a vehicle owner in the repair of his or her own vehicle shall 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 inspection requirements.

(c) Receipts for parts and labor expenditures being considered for a repair waiver shall be submitted ~~on pre-printed repair forms~~ from a licensed business that performs emissions repairs to qualify. Repair forms shall adequately describe the vehicle by indicating, at a minimum, the VIN of the vehicle and shall also indicate date of service.

1. Vehicles must have qualifying repair receipts that are dated not more than 30 days prior to the initial failing inspection for the current registration cycle;

2. Repair receipts shall only be used to obtain a single waiver.

(d) Qualifying repairs do not include:

1. repair or replacement of tampered emissions control equipment;

2. 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.

(e) 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.

(f) Repairs shall address the OBD system failure or have produced a reduction in tailpipe emission of pollutants which failed during the previous initial inspection. Reinspection exhaust emission levels for pollutants which originally passed shall not exceed the relevant standards.

(g) 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 equaling or exceeding the established waiver amount have been submitted, verify the repairs have been made by presenting the vehicle for a visual inspection and that the vehicle is otherwise qualified to receive a waiver.

(3) Waivers are valid for no more than twelve (12) months and shall be used for no more than one registration.

**Rule 391-3-20-.22, "Enforcement,"** is amended to read as follows:

### **391-3-20-.22 Enforcement**

(1) The administration and enforcement of this Chapter shall be as prescribed in the Act and 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).

(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 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 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~~badge 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.