

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Department of Natural Resources, Chapter 391-3-20, Enhanced Inspection and Maintenance are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific rules, or such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) “Biometrics” means the automated recognition of individuals by means of unique physical characteristics, typically for the purposes of security. For Georgia’s Clean Air Force inspectors, biometric finger vein readers are used for biometric logins.

~~(bc)~~ “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.

~~(ed)~~ “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.

~~(de)~~ “Certificate of Authorization” means a certificate issued by the Director to each establishment or location designated as an official emission inspection station.

~~(ef)~~ “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.

(fg) “DLC” means the data or diagnostic link connector for a vehicle’s on-board diagnostic system.

(gh) “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.

(hi) “Department” means the Department of Natural Resources.

(ij) “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.

(jk) “Director” means the Director of the Environmental Protection Division of the Department of Natural Resources.

(kl) “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.

(lm) “Emission Inspection” means all tests and inspections required by the Act and this Chapter, including an on-board diagnostic system check, a fuel cap test, a tampering inspection, and an exhaust emissions test where applicable.

(mn) “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.

(no) “Emission Recall Compliance Check” means determining whether a recall campaign has been issued by the original equipment manufacturer of a vehicle.

(op) “E-VIN” means the Electronic Vehicle Identification Number embedded in the OBD computer system on 1996 and later model year vehicles.

(pq) “EPD” means the Environmental Protection Division of the Georgia Department of Natural Resources.

(qr) “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.

(~~fs~~) “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.

(~~st~~) “Fuel Cap Test” means the determination of the ability of the fuel cap(s) to retain pressure.

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

(~~uv~~) “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.

(~~wv~~) “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.

(~~wx~~) “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.~~

(~~zy~~) “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~~~~z~~) “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.

(~~baa~~) “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.

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

(~~edd~~) “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.

(~~fee~~) “Light Duty Truck” means any motor vehicle with a GVWR of 8,500 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.

(~~gff~~) “Light Duty Vehicle” means a passenger car or passenger car derivative, capable of seating 12 passengers or less with a GVWR of 8,500 pounds or less.

(~~hgg~~) “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.

(~~ihh~~) “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.

(~~jii~~) “Non-conforming Vehicle” means ~~vehicles that were not built to standards set by the EPA~~a covered vehicle that has not obtained an EPA certification or has an emissions control component that is obsolete according to the manufacturer; such a vehicle would be subject to an alternative tail pipe emissions standard based upon its model year to obtain a vehicle registration in the Georgia covered counties.

(~~kjj~~) “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.

~~(kkk)~~ “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.

~~(mmll)~~ “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.

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

~~(ennn)~~ “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.

~~(ppoo)~~ “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.

~~(pppp)~~ “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).

~~(ppqq)~~ “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.

~~(ssrr)~~ “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.

~~(tss)~~ “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.

~~(tttt)~~ “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.

~~(vvuu)~~ “Vehicle” means a motor vehicle.

~~(wwwv)~~ “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.

(~~xxww~~) “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.

(~~yyxx~~) “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-.03, “Covered Vehicles; Exemptions,” is amended to read as follows:

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

(1) The requirements of this Chapter apply to the following classes of gasoline-powered responsible motor vehicles, as defined by the Act, registered or required to be registered 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 8,500 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 County:

(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 the emission inspection requirement until the inspection term 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 State 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 Revenue, Motor Vehicle Division or its successor agency.

(8) ~~Provisions for grandfathered vehicles, i.e., gray market vehicles, kit cars, hot rods, and non-conforming vehicles are described in this subparagraph.~~ Owners of vehicles which qualify as ~~gray market or non-conforming~~ 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 model years old or older and the current primary registered owner is a person 65 years old or older.

(10) No responsible motor vehicle shall be registered in a Covered County unless it has received a valid passing Certificate of Emission Inspection, a time extension or a waiver meeting all requirements of the Act and this Chapter.

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, 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~~non-conforming vehicles.

1. A tampering inspection. The inspector shall perform a tampering inspection only for those vehicles given ~~grandfathered~~non-conforming 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~~non-conforming 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 OBD system check, the fuel cap test, and the 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~~ non-conforming vehicle 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 vehicles shall pass the OBD system check if:

1. the Georgia Analyzer System (GAS) 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, 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 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 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. in the case of a ~~gray market vehicle, kit car, hot rod, or non-conforming vehicle that has been given grandfathered~~ non-conforming 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.

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 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 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 badge so the picture is clearly visible on his or her front upper body area. Replacement of a lost, missing, damaged or illegible ID 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 or changes the telephone or e-mail address contact information, the inspector shall notify the Management Contractor of his or her change of address or contact information 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 or biometric login to perform any part of an emission inspection. No certified emission inspector shall use the personal access code or biometric login 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 or biometric login 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 or biometric login.

(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.

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