

**THE COUNTY COMMISSIONERS  
OF DAVIS COUNTY**

**ENHANCED VEHICLE EMISSION INSPECTION  
MAINTENANCE PROGRAM ORDINANCE**

**EFFECTIVE OCTOBER 16, 2002  
DAVIS COUNTY ORDINANCE 03-2002**

## Table of Contents

Section		
10.12.010	Adopted .....	1
10.12.020	Definitions .....	2
10.12.030	Purpose .....	8
10.12.040	Jurisdiction of the Division .....	8
10.12.050	Powers and Duties.....	8
10.12.060	Scope.....	10
10.12.070	General Provisions .....	11
10.12.080	Standards and Specifications for Exhaust Gas Analyzers and Span Gases for Equipment used to Perform Enhanced Basic Testing .....	13
10.12.090	Permit Requirements of the Enhanced Basic Inspection/Maintenance Program Stations .....	15
10.12.100	Inspection Procedures for Enhanced Basic I/M Program Inspections .....	16
10.12.110	Testing and Permitting of Applicants for Certified Emissions Testers and Certified Emissions Repair Technicians.....	21
10.12.120	Davis County Centralized Emissions Testing .....	23
10.12.130	Emissions Standards for Motor Vehicle Exhaust Gases not receiving an OBDII Test .....	24
10.12.140	Certificates of Compliance and Waivers .....	25
10.12.150	Engine Switching .....	27
10.12.160	Certified Emissions Tester and Certified Emissions Repair Technician...	27
10.12.170	Certified Emissions Repair Facility .....	29
10.12.180	Right to Appeal .....	31
10.12.190	Recall.....	31
10.12.200	Penalty.....	32
10.12.210	Backstop Provisions .....	32
10.12.220	Quality Assurance.....	32
10.12.230	Severability .....	32
10.12.240	Auditing and Reporting .....	32

10.12.250	UTAH2000 Analyzer Specifications .....	33
10.12.260	Fee Schedule.....	33
10.12.270	Emissions Standards Cut Points.....	35
10.12.280	Penalty Schedule .....	42

**ENHANCED VEHICLE EMISSIONS  
INSPECTION/MAINTENANCE  
PROGRAM**

**Sections:**

- 10.12.010** Adopted.
- 10.12.020** Definitions.
- 10.12.030** Purpose.
- 10.12.040** Jurisdiction of the Division.
- 10.12.050** Powers and Duties.
- 10.12.060** Scope.
- 10.12.070** General Provisions.
- 10.12.080** Standards and Specifications for Exhaust Gas Analyzers and Span Gases for Equipment used to Perform Enhanced Basic Testing.
- 10.12.090** Permit Requirements of the Enhanced Basic Inspection/ Maintenance Program Stations.
- 10.12.100** Inspection Procedures for Enhanced Basic I/M Program Inspections.
- 10.12.110** Testing and Permitting of Applicants for Certified Emission Testers and Certified Emission Repair Technicians.
- 10.12.120** Davis County Centralized Emission Testing.
- 10.12.130** Emission Standards for Motor Vehicle Exhaust Gases not receiving an OBDII Test.
- 10.12.140** Certificates of Compliance and Waivers.
- 10.12.150** Engine Switching.
- 10.12.160** Certified Emission Tester and Certified Emission Repair Technician.
- 10.12.170** Certified Emission Repair Facility.
- 10.12.180** Right to Appeal.
- 10.12.190** Recall.
- 10.12.200** Penalty.
- 10.12.210** Backstop Provisions.
- 10.12.220** Quality Assurance.
- 10.12.230** Severability.
- 10.12.240** Auditing and Reporting.
- 10.12.250** UTAH2000 Analyzer Specifications.
- 10.12.260** Fee Schedule.
- 10.12.270** Emission Standards Cut Points.
- 10.12.280** Penalty Schedule.

**10.12.010 Adopted.**

The Enhanced Vehicle Emission Inspection/Maintenance Program Ordinance compiled in book form and bearing the date of October 1, 2002, three copies of which book are on file in the office of the Davis County Clerk, and one copy which is on file in the office of the Davis County Health Department, is adopted as the Enhanced Vehicle Emission Inspection/Maintenance Program Ordinance and is incorporated into this chapter. (Ord. 7-1996 § 1 (part))

**10.12.020 Definitions.**

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

1. "Analyzer Certification" means that the analyzer manufacturer has met the operating criteria, specifications and requirements of the Environmental Health Services Division of the Davis County Health Department.

2. "Accuracy" means the degree by which an analyzer is able to determine the accurate concentration of pollutants of interest.

3. "Air Intake Systems" means systems that allow for the induction of ambient air, including, when applicable, preheated air into the engine combustion chamber for the purpose of mixing with a fuel for combustion.

4. "AIR System (Air Injection Reaction)" means a system for providing supplementary air into a vehicle's exhaust system to promote catalytic reaction.

5. "ASE" means the National Institute for Automotive Service Excellence.

6. "Audit" means a periodic quality assurance check performed by the Division, on equipment and personnel regulated under this Ordinance.

7. "Auditor" means an employee of the Division who performs audits, also referred to as a Compliance Officer at times.

8. "Bar 97" refers to California Bureau of Automotive Repair Analyzer Specifications, which became effective in 1997.

9. "Basic Engine Systems" means parts or assemblies that provide efficient conversion of a compressed air/fuel charge into useful power, including, but not limited to, valve train mechanisms, cylinder head to block integrity, piston-ring-cylinder sealing integrity, also pre- and post-combustion emissions control device integrity.

10. "Basic Enhanced Test Station" means a stationary Enhanced Basic Test Station permitted and operated as required by this Ordinance.

11. "Bench" means the main sample processing assembly of an engine exhaust gas analyzer including detectors, sampling tubes, processor boards, infrared sources and power supply, etc.

12. "Calibration" means the process of establishing or verifying the accuracy of an analyzer, using precisely known values/concentrations.

13. "Calibration Gases" means gases of accurately known concentration that are used as references for establishing or verifying the calibration curve and accuracy of an analyzer.

14. "Carbon Monoxide" means a colorless, odorless, asphyxiating gas produced by the incomplete burning of fuels. Carbon Monoxide may be referred to in this Ordinance as CO.

15. "Catalytic Converter" means a post-combustion device that oxidizes HC and CO gases and/or reduces Oxides of Nitrogen gases.

16. "Certificate" means a Certificate of Compliance.

17. "Certificate of Compliance" means a document used in the Vehicle Emissions Inspection/Maintenance Program to certify that the vehicle has met the requirements of this Ordinance.

18. "Certification" means assurance by an authorized source, whether it be a laboratory, the manufacturer, the State, or the Division, that a specific product or statement is in fact true.

19. "Certified Emissions Repair Facility" means a business permitted by the Division which engages in emissions related repairs to vehicles, and which meets the requirements of this Ordinance.

20. "Certified Emissions Repair Technician (Technician)" means a person who has successfully completed all permit requirements and has been issued a current, valid permit by the Division. A person permitted by the Division who diagnoses emissions related faults, and supervises or performs emissions related repairs and adjustments to bring vehicles into compliance with the requirements of this Ordinance.

21. "Certified Emission Tester (Tester)" means a person who has successfully completed all permit requirements and has been issued a

current, valid permit by the Division. A person permitted by the Division who tests (inspects) vehicles in a Division permitted Enhanced Basic I/M Program Station to determine their compliance with vehicle emission standards.

22. "Chemiluminescent Analyzer" means an analyzer which measures the intensity of chemiluminescent radiation from the reaction of Nitric Oxide with Ozone and, when used in conjunction with a Nitrogen Dioxide converter, permits the measurement of Oxides of Nitrogen.

23. "CO" means Carbon Monoxide.

24. "Composite Exhaust Emission Test" means the entire loaded mode exhaust emissions test, consisting of Phase 1 and Phase 2 (IM240).

25. "Constant Volume Sampler (CVS)" means a device which is used for collecting samples of diluted exhaust gas and which maintains a constant flow rate of exhaust gas and dilution air.

26. "County" means Davis County, Utah.

27. "Curb Idle" means the manufacturer's specified idle speed.

28. "Dedicated Printer" means the printer on the approved analyzer which is used solely to print certificates, VIR's, and other official Division required documents.

29. "Director" means the Director of the Environmental Health Services Division of the Davis County Health Department or his/her authorized representative.

30. "Division" means a Division of the Davis County Health Department.

31. "Domiciled" means County in which primary residence is located.

32. "Drift" means the amount the

analyzer reading changes, expressed as a percentage of full scale over a period of time. Zero Drift refers to no change of the zero reading in the zero mode. Span Drift refers to the amount of change in reading of Hydrocarbons or Carbon Monoxide when the analyzer is in the span mode.

33. "Dynamometer" means a power absorption unit which allows the road operation of a vehicle to be simulated by reproducing the inertia and road load power developed by the vehicle.

34. "EGR System" means the Exhaust Gas Recirculation System. An emissions control system that recycles or recirculates a portion of the exhaust gases back to the engine combustion chambers primarily to reduce Oxides of Nitrogen emissions.

35. "Emissions Control Systems" means parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the sole or primary purpose of reducing emissions.

36. "Emissions Control Device" means a design element or device installed on a Motor Vehicle by the vehicle manufacturer to comply with the standards of the Clean Air Act, 42 USC, Section 7521, including, but not limited to, the Oxygen Sensor, Catalytic Converter, and the Fuel Inlet Restrictor; and devices integral to the Exhaust Gas Recirculation (EGR) System, the Evaporative Emissions Control System, the Positive Crankcase Ventilation (PCV) System, the Air Injection System, the Fuel Metering System, and the Ignition System.

37. "Emissions Related Recall" means a manufacturer's plan to remedy vehicle emissions related defects or

nonconformity with new vehicle emissions standards through either a voluntary emissions recall as defined in 40 CFR, Section 85.1902 (d), 1992 edition, or a remedial plan determination made pursuant to the Clean Air Act, 42 USC, Section 7541.

38. "Emissions Related Repair" means the Inspection, adjustment, repair, or replacement of Motor Vehicle engine systems, subsystems, or components necessary to bring a vehicle into compliance with the emissions standards set forth in this Ordinance.

39. "Emission(s) Standard (Cut Point)" means the maximum allowable concentration of Carbon Monoxide (CO), Hydrocarbons (HC) and Oxides of Nitrogen (NO<sub>x</sub>) for a given weight class and Model Year of a Motor Vehicle.

40. "Emissions" means substances expelled into the atmosphere from any opening downstream of the exhaust valve of a Motor Vehicle, particularly, air contaminants produced by combustion and/or incomplete combustion. Also Hydrocarbon evaporation from the fuel system and the crankcase.

41. "Engine Exhaust Gas Analyzer" means an instrument that is capable of measuring the concentrations of certain air contaminants in the exhaust gas emanating from a Motor Vehicle which is approved by the Division for this use in accordance with this Ordinance as an official test instrument.

42. "Engine Switching" means a situation where one engine is removed from a vehicle and is not replaced by an engine that is identical to the original engine.

43. "E.P.A." means United States Environmental Protection Agency.

44. "Enhanced Basic I/M Inspections or Testing" means testing as approved by the Division applicable to Motor Vehicles of Model Years and vehicle weight classifications specified by this Ordinance and the Division.

45. "Enhanced I/M Inspections or Testing" means testing by the Division in which mass emissions are measured from a vehicle operated under load over a drive cycle as defined by EPA Technical Guidance document EPA-AA-EPSP-IM-93-1, April 1994 or a Division approved modification of those defined procedures.

46. "Enhanced I/M Program Station" means a vehicle emissions inspection station operated by the Division to perform Enhanced I/M inspections.

47. "Evaporative Control System" means an Emissions Control System that prevents the escape of fuel vapors from the fuel tank or air cleaner, and stores them in a charcoal canister to be burned in the combustion chamber.

48. "Exemption Form" means a document used to verify that a vehicle is exempt from the testing and repair/adjustment requirements of this Ordinance.

49. "Farm Truck" means a truck registered as a farm truck under the provisions of the Utah State Statute 41-1A-408.

50. "Federal Installation" means any property or facility subject to the jurisdiction of any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal government.

51. "Flame Ionization Detector"

means an analyzer which uses a Hydrogen-air flame detector to produce a signal proportional to the mass flow rate of Hydrocarbons.

52. "Fleet Facility" means a corporation or other business entity permitted by the Division to perform the functions of the inspection program for a privately owned fleet of ten or more Motor Vehicles.

53. "Fuel Control Systems" means mechanical, electromechanical, galvanic or electronic parts or assemblies that regulate the air/fuel ratio in an engine to provide a combustible charge.

54. "Gas Span Check" means the checking and adjustment, as necessary, of an exhaust gas analyzer to correspond with known concentrations of HC, NO<sub>x</sub> and CO span gases.

55. "Gas Calibration Check" means a procedure using known concentrations of HC, NO<sub>x</sub> and CO span gases to verify the accuracy of an analyzer in measuring HC, NO<sub>x</sub> and CO.

56. "Gaseous Fuel" means petroleum gases and natural gases in liquefied or gaseous forms.

57. "Automotive Imports (imported vehicle)" means a vehicle manufactured for use outside of the United States that may not meet USEPA emission requirements for the year manufactured.

58. "Gross Vehicle Weight Rating (GVWR)" means the total vehicle weight, including load, as designated by the vehicle manufacturer.

59. "Hang-up" means a situation in which Hydrocarbons cling to the surface of the sampling and analyzer systems in contact with the exhaust gas sample stream resulting in errors in HC

readings.

60. "Heavy Duty Motor Vehicles" means trucks and vans, 1978 and older, 6001 or greater GVWR rating; 1979 and newer, over 8501 GVWR.

61. "Hexane Equivalency Value" means the value derived from multiplying the propane equivalency factor (P.E.F.), as labeled on the analyzer, by the concentration of propane recorded on the calibration gas cylinder.

62. "Hydrocarbons (HC)" means unburned or incompletely burned fuel. Hydrocarbons may be referred to in this Ordinance as HC.

63. "Idle Mode" means a condition where the vehicle engine is warm and running at the RPM specified by the manufacturer's curb idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position and the transmission is in park or neutral.

64. "Ignition Systems" means parts or assemblies that are designed to initiate and time the ignition of a compressed air/fuel charge.

65. "I/M Clearance" means a stamp placed on the Motor Vehicle Registration form by an employee of the Davis County Assessor's office or the Division indicating that the Motor Vehicle represented by the Registration form is in compliance with the Inspection Program requirements.

66. "Inspection" means vehicle emissions test performed for the purpose of determining whether a vehicle qualifies for issuance of a Certificate of Compliance.

67. "Inspector" means an employee of the Division authorized to perform Inspections.

68. "Light Duty Motor Vehicle" means all passenger vehicles; 1978 and older light duty trucks, 6000 GVWR rating or less; 1979 trucks and newer, 8500 GVWR rating or less.

69. "Lock-out" means when the UTAH2000 Analyzer automatically prohibits access to the testing portion of the UTAH2000 Analyzer.

70. "Misfueling" means the introduction of improper fuel into a vehicle as prohibited under the Clean Air Act, 42 USC, Section 7545.

71. "Model Year" means the vehicle Model Year as designated by the manufacturer.

72. "Motor Vehicle" means a self-propelled motorized vehicle with an internal combustion powered engine which is registered for use on public roads and/or streets. Motor Vehicles exempted from the Inspection requirements of this Ordinance are listed in Section 10.12.070 of this Ordinance. The term "vehicle" is synonymous with Motor Vehicle for the purposes of this Ordinance.

73. "Motorcycle" means every Motor Vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground.

74. "New Motor Vehicle" means a Motor Vehicle whose equitable or legal title has never been transferred to a Person who in good faith purchases the Motor Vehicle for purposes other than resale.

75. "Non-Dispersive Infrared Analyzer" means an analyzer which uses the non-dispersive infrared analytical technique to measure components of Motor Vehicle exhaust.

76. "Off-Highway Vehicles"

means a vehicle licensed or allowed to operate exclusively off highways.

77. "OBDII" means On Board Diagnostics second generation.

78. "On Board Diagnostics" means an emissions control diagnostics system installed on a vehicle as required by the Clean Air Act, 42 USC, Section 7521(m), which identifies deterioration or malfunction of vehicle systems and stores the information for retrieval.

79. "Ordinance" means the total of this document, including any appendices approved by the Davis County Commission.

80. "Original Condition" means the condition of the Emission Control System(s) as installed by the manufacturer, but not necessarily to the original level of effectiveness.

81. "PCV System" means Positive Crankcase Ventilation System, an Emissions Control System which returns crankcase vapors to the combustion chamber.

82. "Primary Residence" means where an individual permanently resides, maintains a permanent residence more than six months during a calendar year, or where an individual lives more than six months during a calendar year. Other tests may include where a person votes, spouse resides, children attend school, is employed, identifies as an address on a drivers license, holds a resident hunting or fishing license, etc.

83. "Prompts" means instructions and/or data fields requiring data input to the UTAH2000 Analyzer.

84. "Referee Inspection" means an Emissions Inspection conducted by the Division for the purpose of resolving

disputes or gathering data.

85. "Registered or Registration" means the process by which a Motor Vehicle receives a license so that it can be legally operated on public streets and highways.

86. "Repair Station" means a permitted facility meeting the requirements of this Ordinance.

87. "Repair Technician" means a permitted individual meeting the requirements of this Ordinance.

88. "Response Time" means the period of time in seconds for an instrument to measure and display a pollutant concentration after a concentration of gases is introduced or removed from the sample probe.

89. "Safety Inspection" means a safety evaluation of a Motor Vehicle required by 41-6-117, 53-8-201, 41-1A-205, 63-460, U.C.A., 1953, as amended and in the Federal Register 49CFR 393 and 396.

90. "Smoker" means gasoline powered vehicles emitting visible emissions. The engine and power mechanism of every gasoline powered Motor Vehicle may not emit visible contaminants during operation except while the engine is being brought up to the recommended operating temperature.

91. "Specially Constructed Vehicle" means a Motor Vehicle requiring registration to be operated on public highways and streets which is often a replica of a classic car type and is usually made from the chassis of an existing Motor Vehicle, a chassis made up of parts from more than one vehicle type, or a chassis made from "scratch" often with a replica body from a kit attached to the chassis. They may also

be homemade without the use of a kit and they may also be factory manufactured. Those made from a kit are often called "Kit Cars."

92. "Stabilization" means the process of bringing an instrument into equilibrium with the ambient environment and operating conditions.

93. "Station" means an I/M Program Station, including all station personnel, employees and owner(s).

94. "Tampering" means the altering or removal of emission control devices and/or emissions-related equipment. Also, the use of fuels other than those required by the manufacturer's specification as found in the Motor Vehicle's owner's manual. Also, engine modifications which may include, but are not limited to, Exhaust Systems, Air Intake Systems, Ignition Systems, Internal Engine Modifications, Engine Switching, etc.

95. "Technician Bulletin" means a document, issued to Certified Emissions Repair Technicians, Certified Emission Testers and/or I/M Program Stations by the Division to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emissions Inspection/Maintenance Program.

96. "Temporary Waiver" means a Waiver that can only be issued by authorized Division personnel.

97. "Training Program" means a formal program administered, conducted, or approved by the Division for the education of permit holders in basic emission control technology, inspection procedures, diagnosis and repair of emissions-related problems, Vehicle Emissions Inspection/Maintenance Program policies as

outlined by this Ordinance.

98. "UTAH2000 (UT2000) Analyzer" means a computerized analyzer approved by the Division for use in the areas of Utah requiring inspections as specified in Section 41-6-163.6 and 41-6-163.7, Utah Code Annotated, 1953, as amended.

99. "Vehicle Emissions Inspection/Maintenance Program" means the program established by the Division pursuant to Section 41-6-163.6, Utah Code Annotated 1953, as amended.

100. "Vehicle Inspection Report (VIR)" means a report printed by the UTAH2000 Analyzer at the end of the test which enumerates the results of the test. The VIR is signed by the permitted tester performing the test and the person who presented the vehicle for inspection.

101. "Waiver Referral" means a document prepared and signed by a Technician/Tester, used in the Vehicle Emissions Inspection/Maintenance Program to certify that the vehicle has qualified for a Waiver which may be issued by the Division.

102. "Waiver" or "Certificate of Waiver" means a document used to verify that a vehicle has met the repair or adjustment requirements of the I/M Program Ordinances even though specific emission standards have not been met.

### **10.12.030 Purpose.**

It is the purpose of this Ordinance to reduce air pollution levels by requiring Inspections of in-use Motor Vehicles and by requiring emission related repairs/adjustments for those vehicles

that fail to meet prescribed standards so as to:

- A. Protect and promote the public health, safety and welfare.
- B. Improve air quality.
- C. Reduce the aesthetic affront of visible air pollution.
- D. Comply with Federal requirements contained in the Clean Air Act Amendments of 1990, PL 101-549.
- E. Comply with the law enacted by the Legislature of the State of Utah, Sections 41-6-163.6 Utah Code Annotated, 1953, as amended.

**10.12.040 Jurisdiction of the Division.**

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

**10.12.050 Powers and Duties.**

A. The Division shall be responsible for the enforcement and administration of this Ordinance and any other powers vested in it by law and shall:

- 1. Require the submission of information, reports, plans, and specifications from I/M Program Stations and Technician/Testers as necessary to implement the provisions, requirements, and standards of this Ordinance;
- 2. Issue permits, certifications, and charge fees as necessary to implement the provisions, requirements and standards of this Ordinance;
- 3. Perform Inspections (Audits) of any I/M Program Station, issue orders

and/or notices, hold hearings, and levy administrative penalties, as necessary to effect the purposes of this Ordinance;

4. Take samples and make analyses required to ensure that the provisions of this Ordinance are met; and

5. Make policies and procedures necessary to ensure that the provisions of this Ordinance are met and that the purposes of this Ordinance are accomplished.

B. The Division may suspend, revoke, or deny a permit of an I/M Program Station and/or negotiate a monetary penalty in lieu of suspending a permit under a consent agreement, and/or require the surrender of the permit and unused Certificates of Compliance and other official documents of such I/M Program Station upon showing that:

1. A vehicle was inspected and issued a Certificate by station personnel that did not, at the time of Inspection, comply with all applicable policies, procedures, Technician Bulletins, standards and this Ordinance;

2. A vehicle was inspected and rejected by the Station when, in fact, the vehicle was determined, by the Division, to be in such condition that it did comply with the requirements of this Ordinance;

3. A vehicle was inspected and was passed for the Tampering Inspection as detailed in this Ordinance did not at the time of Inspection comply with the requirements of this Ordinance;

4. The Station is not regularly open and available to perform Inspections with regularly set business hours, Mondays through Fridays (except for fleet facilities);

5. The Station has violated any

provision of this Ordinance, or Division policy properly promulgated for the operation of a Station;

6. The Station was not equipped as required by this Ordinance;

7. Station is not operating at the location specified on the permit;

8. The UTAH2000 Analyzer has been tampered with or altered in any way contrary to the certification and maintenance requirements of the analyzer;

9. The Station denies access to a representative of the Division to conduct an Audit/Inspection or other necessary business during regular business hours; or

10. The station performed unnecessary repairs not justified by the results of the Inspection.

11. A vehicle was tampered, altered or in any way changed from manufacturer's original specifications with or without an Inspection being performed.

12. In accordance with Sections 41-6-163.6 and 41-6-163.7 Utah Code Annotated, 1953, as amended, an Emissions Inspection for a Weber, Salt Lake, or Utah County resident was performed, but not as required by the Regulations/Ordinances adopted by the applicable county and/or the UTAH2000 Analyzer prompts.

C. The Division may suspend, revoke, or deny the permit of a Certified Emissions Repair Technician or Certified Emission Tester and require the surrender of this permit upon showing that:

1. The Certified Emissions Repair Technician or Certified Emission Tester caused a Certificate of Compliance to be issued without an

approved Inspection being made;

2. The Certified Emissions Repair Technician or Certified Emission Tester denied the issuance of a Certificate of Compliance to a vehicle that, at the time of the Inspection, complied with the law for issuance of said Certificate;

3. The Certified Emissions Repair Technician or Certified Emission Tester issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with this Ordinance;

4. The Certified Emissions Repair Technician or Certified Emission Tester inspected and recorded "pass" on the Tampering Inspection for a vehicle that did not at the time of Inspection comply with the tampering requirements of the Tampering Inspection detailed in this Ordinance, regardless of whether a Certificate of Compliance was issued or not;

5. Inspections were performed by the Certified Emissions Repair Technician or Certified Emission Tester, but not in accordance with applicable policies, procedures, Technician Bulletins, and this Ordinance;

6. The Certified Emissions Repair Technician or Certified Emission Tester allowed a non-certified person to perform an official I/M Test or gain access to the official testing portion of the analyzer;

7. The Certified Emissions Repair Technician or Certified Emission Tester signed an Inspection form or Certificate stating that he/she had performed the Emissions test when, in fact, he/she did not;

8. The Certified Emissions Repair Technician or Certified Emission

Tester performed a Weber, Salt Lake, or Utah County test as required by Sections 41-6-163.6 and 41-6-163.7, Utah Code Annotated, 1953, as amended, but did not perform it as required by the Ordinances or Regulations governing such testing in these counties, if reciprocity with other counties is in effect.

9. The Certified Emissions Repair Technician or Certified Emission Tester signed a Certificate prior to a Test being performed and prior to the Certificate being printed by the Dedicated Printer.

D. The Division shall respond, according to the policies and procedures, to complaints regarding the fairness and integrity of Inspections they receive and shall provide a method that Inspection results may be challenged if there is a reason to believe them to be inaccurate.

#### **10.12.060 Scope.**

It shall be unlawful for any person to fail to comply with any policy, procedure, Technician Bulletin, standard or regulation promulgated by the Division, unless expressly waived by this Ordinance.

#### **10.12.070 General Provisions.**

Subject to the exceptions in Section 10.12.070.E and pursuant to the schedule in Section 10.12.070.1, individuals with their primary residence in Davis County must register their Motor Vehicles in Davis County and Motor Vehicles that are or will be registered in Davis County, shall be subject to an annual exhaust gas

Emission Inspection performed by an Enhanced or Enhanced Basic I/M Program Station as specified in this Ordinance or other entity approved by the Director.

A. It is unlawful for any person with a primary residence in Davis County to register a vehicle in any other place than Davis County.

B. Beginning April 1, 1984, a Certificate of Compliance or Waiver, or evidence that the Motor Vehicle is exempt from the Inspection/Maintenance Program requirements (as defined in Section 10.12.070) shall be presented to the County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee paid (See Section 10.12.070) as conditions precedent to annual registration or annual renewal of registration of a Motor Vehicle.

1. Beginning January 1, 1998, all 1968 and newer Model Year vehicles shall be subject to an Enhanced I/M Inspection either at the County operated Enhanced I/M Program Station or at an Enhanced Basic I/M Program Station.

2. Those vehicles with Onboard Diagnostics II (OBD II) capability will be tested at locations approved by the Division.

B. A Certificate issued to a dealer licensed with the State of Utah and issued in the dealer's name, shall be valid for registration purposes for a period of six months as specified in Section 41-3-303, Utah Code Annotated, 1953, as amended. The purchaser's name, address, and phone number shall be recorded by the dealer on the back of the Certificate.

C. A dealer issuing a temporary permit for a vehicle registered in Davis County must supply proof of the

vehicle's compliance with this Ordinance to the new owner in the form of an official Vehicle Inspection Report (VIR).

D. Owners of publicly-owned vehicles shall comply with the Inspection Program requirements on an annual basis. Federally-owned vehicles and vehicles of employees operated on a federal installation that do not require registration in the State of Utah shall comply with the Emissions Testing requirements on an annual basis, and as required by Section 118 of the Clean Air Act as amended in 1990.

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

1. All agricultural implements of husbandry and any Motor Vehicle that qualifies for an exemption as required by Section 41-6-163.6 Utah Code Annotated, 1953, as amended;

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

3. Any Motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a Motorcycle).

4. Any vehicle 1967 Model Year or older.

5. Any new vehicle being sold for the first time that has a valid MSO (Manufacturer's Statement of Origin) form.

6. Any Motor Vehicle powered exclusively by a diesel-fueled engine. (These vehicles are subject to testing under other Ordinances).

7. Motor Vehicles which qualify for legislative exemptions.

F. It shall be the responsibility of

the Certified Emissions Repair Technician or Certified Emission Tester to inform the owner/operator of the vehicle that the vehicle is not required to have an official Emission Inspection for vehicle registration purposes if a vehicle exempted from the Emissions Testing requirement by Section 10.12.070 of this Ordinance is brought to the Certified Emission Repair Technician or Certified Emission Tester for an official Emission Test.

G. Official signs for Enhanced Basic I/M Program Stations.

1. All Enhanced Basic I/M Program Stations, except those Enhanced Basic I/M Program Stations authorized to inspect only their own Motor Vehicles as a fleet Inspection station, shall display in a conspicuous location on the premises an official sign provided or approved by the Division.

2. The exhaust emissions standards, as promulgated under authority of this Ordinance shall be posted in a conspicuous place on the Enhanced Basic I/M Program Station's premises, if required by the Division.

3. The Enhanced Basic I/M Program Station shall post on a clear and legible sign and in a conspicuous place at the station, the fees charged by that station for the performance of the Emissions Inspection.

4. The signs required by Section 10.12.070 shall be located so as to be easily in the public view.

H. Equipment available for inspection at Enhanced Basic I/M Inspection Stations.

1. Requesting a fraudulent Inspection is a violation of the Ordinance.

2. Required references, tools

and equipment as noted in Section 10.12.090, supplies, records, unused Certificates of Compliance, other required forms, records of completed Inspections, and duplicate copies of Certificates of Compliance issued shall be kept at the Enhanced Basic I/M Program Station at all times and shall be available for inspection and collection by the Division at any time the Enhanced Basic I/M Program Station is open for business.

3. A periodic inspection and audit shall be made by a Division representative to verify compliance with this Ordinance for each Enhanced Basic I/M Program Station.

a. During the time of the audit by the Division, the Division representative shall have exclusive access to the approved UTAH2000 Analyzer.

b. The Division representative may check the accuracy of the analyzer using Division gas to verify that the analyzer is reading within the tolerances established by the Division. Analyzers not reading within the tolerances shall be recalibrated to acceptable tolerances or placed "out of service".

4. The fees assessed upon Enhanced Basic I/M Program Stations, Certified Emissions Repair Technicians, and Certified Emission Testers shall be determined according to a fee schedule adopted by the Davis County Commission. The Fee Schedule is referenced in Section 10.12.260 to this Ordinance and may be amended by the Davis County Commission as the Commission deems necessary to accomplish the purposes of this Ordinance.

5. An Air Pollution Control Fee is hereby assessed upon every Motor

Vehicle registered in Davis County annually at the time of registration of the vehicle, including those vehicles that are exempted from the Inspection requirements of this Ordinance by Section 10.12.260.

6. Those Enhanced Basic and Enhanced I/M Program Stations participating in the program hereunder may charge fees for the required service. Those fees may not exceed, for each vehicle inspected, the following amounts:

a. Emissions Inspections are not to exceed the amount specified in Section 10.12.260. If a vehicle fails the inspection, the owner is entitled to one free Re-inspection if he/she returns to the Inspection Station that performed the original Inspection within fifteen (15) days for an Enhanced Basic I/M Program Station or thirty (30) days for the County operated Enhanced I/M Program Station from the date of the initial Inspection. The Station shall extend the free Re-inspection time to accommodate the vehicle owner if the Station is unable to schedule the retest of the vehicle within the time period. The Emissions Inspection fee shall be the same whether the vehicle passes or fails the Emission Test.

b. At the request of the Division, an Enhanced Basic I/M Program Station shall extend the free retest time for vehicle owners who were unable to complete emissions repairs because of the unavailability of parts to make the necessary repairs.

l. These fees are subject to change and may be amended as deemed necessary by the Davis County Commission and are enumerated in Section 10.12.260 of this Ordinance.

J. If a vehicle fails the Emissions Test, and is within the time and mileage requirements of the Federal Emissions Warranty contained in the Federal Clean Air Act, the Certified Emissions Repair Technician or Certified Emission Tester shall inform the owner/operator that he/she may qualify for warranty coverage of emission related repairs as provided by the vehicle manufacturer and mandated by the Federal Environmental Protection Agency. The Certified Emissions Repair Technician or Certified Emission Tester shall provide the owner with a copy or copies of the applicable emissions warranty pamphlets approved by the Division. The Enhanced Basic I/M Program Station shall display in an area readily accessible to the public any informational pamphlets required by the Division.

K. All permits and certificate numbers issued under the provisions of this Ordinance remain the property of the Division. Only their use is tendered on the condition that the user complies with the requirements of this Ordinance.

**10.12.080 Standards and Specifications for Exhaust Gas Analyzers and Span Gases for Equipment used to Perform Enhanced Basic Testing.**

A. UTAH2000 Exhaust Gas Analyzer: Specifications for the UTAH2000 Analyzer are contained in Section 10.12.250 of this Ordinance.

1. Emission Inspections required by this Ordinance for vehicles subject to Enhanced Basic I/M Inspections shall be

performed using only the UTAH2000 Analyzer.

2. Any analyzer used by an Enhanced Basic I/M Program Station shall be registered with and approved by the Division. Analyzers used temporarily during times of breakdown or repair of the registered analyzer shall meet all other requirements of this Section, including the approval of the Division before use.

a. The analyzer printers shall be maintained in such a manner that the printing of the Certificate and Inspection Report shall be clearly visible. If any printer fails to properly function, then the Enhanced Basic I/M Program Station shall discontinue testing until the required repairs have been performed.

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

a. It shall be illegal for any person to modify the hardware or software of an approved emissions analyzer.

4. Calibration/Span Gases:

a. General: The instrument manufacturer and/or his designated marketing vendors shall, on request, supply at a reasonable cost, span gases approved by the Division to any ultimate purchaser of his unit. Each new or used instrument sold by the instrument manufacturer or marketing vendor shall

have approved full span gas containers installed and operational at the time of delivery. The Division shall establish necessary procedures for approving span/calibration gases.

b. Span gas blends: The span gases supplied to any Enhanced Basic I/M Program Station shall meet BAR97 specifications. All span/calibration gases shall meet all Federal requirements for the emissions warranty coverage.

5. Documentation, logistics, and warranty requirements:

a. An instruction manual shall accompany each exhaust gas analyzer and shall contain at least the following information for the analyzer:

i. A complete technical description;

ii. The accessories and options that are included and/or available;

iii. The model number, identification marking and location;

iv. Operating maintenance including daily, weekly, and monthly, accommodations and procedures for maintaining sample system integrity including, but not limited to, leaks, hang-up, calibration and filters. The services to be performed only by the manufacturer shall be clearly identified;

v. Information concerning the nearest service facility where equipment can be serviced; and

vi. The warranty provisions for the analyzer, including a list of warranty repair facilities by name, address and telephone number;

vii. The analyzer shall be maintained in accordance with the manufacturer's recommended maintenance schedule.

B. Gas span and leak check:

1. A Certified Emissions Repair Technician or Certified Emission Tester shall perform a gas calibration of the exhaust gas analyzer, with an approved calibration/span gas, within three (3) days prior to performing any emissions test, and a leak check within twenty-four (24) hours prior to performing any emissions test. The gas calibration and leak check must be performed as prompted by the UTAH2000 Analyzer.

2. The analyzer instruction manual and other Division approved information shall be reviewed by the Certified Emissions Repair Technician or Certified Emission Tester to ensure that proper procedures are being used for performing the gas calibration check.

**10.12.090 Permit Requirements of the Enhanced Basic Inspection/Maintenance Program Station.**

A. Permit Required.

1. No person shall in any way represent any place as an Enhanced Basic I/M Program Station unless the Station is operated with a valid permit issued by the Division. The permit is tendered on the condition that the permittee has knowledge of the requirements of this Ordinance and agrees to comply with the provisions of this Ordinance and any other applicable law or standard in order to maintain the permit.

2. The Division is authorized under the provisions of this Ordinance to issue or deny permits that allow persons and facilities to perform Emissions Inspections of vehicles and to issue Certificates of Compliance.

3. No permit for any Enhanced Basic I/M Program Station may be assigned, transferred, or used by any person other than the original owner identified on the permit application for that specific Enhanced Basic I/M Program Station. THE PERMIT SHALL BE POSTED IN A CONSPICUOUS PLACE WITHIN PUBLIC VIEW ON THE PREMISES.

4. Application for an Enhanced Basic I/M Program Station permit shall be made to the Division upon a form provided by the Division. No permit shall be issued unless the Division finds that the facilities, tools and equipment of the applicant comply with the requirements of this Ordinance.

a. An Enhanced Basic I/M Program Station shall immediately cease testing and notify the Division if the Station does not have a Certified Emissions Repair Technician or Certified Emission Tester employed.

b. As a condition for permitting all Enhanced Basic I/M Program Stations, the following tools shall be available for performance of the inspection and maintenance of Motor Vehicles:

i. A Division approved exhaust gas analyzer;

ii. An emission control application manual approved by the Division, that includes high altitude specifications;

iii. Sufficient hand tools for proper performance of the Inspection;

iv. A Division approved calibration/span gas and equipment for performing the gas calibration/span check;

v. A suitable non-reactive tail pipe extender or probe adapter for

inspecting vehicles with screened or baffled exhaust systems;

vi. The analyzer manufacturer's maintenance and calibration manual which must be retained in the inspection area;

vii. All forms, Technician Bulletins, and other information materials provided by the Division;

viii. An approved adaptor for testing dual-exhaust vehicles;

ix. A Division approved modem and other ancillary devices, connections, phone lines, and software providing Division approved real time data monitoring when applicable.

5. All facets of the official Enhanced Basic I/M Program shall be performed by the Certified Emissions Repair Technician or Certified Emission Tester including:

a. Analyzer preparation, calibration checks, leak checks and real time data link function;

b. Exhaust gas sampling and analysis for purposes of an official Emissions Test for issuance of a Certificate of Compliance;

c. Preparation of reports, forms, and Certificates;

d. Accessing the official Emissions Testing section of the analyzer;

e. Performing fuel cap pressure tests; and

f. All other aspects of the official Emissions Test, including but not limited to, the Tampering Inspection, inserting the exhaust probe, hooking up the tachometer, entering data into the analyzer, preconditioning the vehicle, and signing Certificates and Inspection forms.

B. Permit duration and renewal.

1. The permit for Enhanced Basic I/M Program Stations shall be issued annually and shall expire December 31 of the year for which it was issued. The permit shall become renewable sixty days prior to the date of expiration.

2. It is the responsibility of the owner/operator of the Enhanced Basic I/M Program Station to pursue the permit renewal through appropriate channels.

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

**10.12.100 Inspection Procedure for Enhanced Basic I/M Program Inspections.**

A. The official Emissions Inspection shall be solely performed by a Certified Emissions Repair Technician or Certified Emission Tester who has been permitted at the Enhanced Basic I/M Program Station where the Inspection is being performed and Division approved Inspection procedures are to be followed.

B. If the Certified Emissions Repair Technician is unable, unqualified, or unwilling to make the required repairs or adjustments, should the vehicle fail the Emissions Test, he/she shall notify the owner/operator of the vehicle before the Emissions Test is administered.

C. The entire Inspection shall take place within the reach of the analyzer hose.

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

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

F. The electrical supply to the analyzer shall be able to meet the analyzer manufacturer's requirements for voltage and frequency stability. Real time data links shall be connected and functioning when applicable.

G. The Certified Emissions Repair Technician or Certified Emission Tester shall not inspect or test any Motor Vehicle with a mechanical condition which may cause injury to inspection personnel or damage to the Enhanced Basic I/M Program Station or test equipment or which may affect the validity of the test, until such condition is corrected. Such conditions include, but are not limited to coolant, oil, or fuel leaks, low oil or low fluid levels, and high visible emissions (smoker).

H. Any time an engine stalls during a Two-Speed Idle Emissions Test, the test shall be restarted. If a Certified Emissions Repair Technician or Certified Emission Tester cannot complete a test because of continuous stalling, fluctuating RPM measurements, or RPM measurements that are not within the Division and manufacturers specified parameters, then these problems shall be corrected before the test is continued.

I. Any time the analyzer cannot establish communication through the

data link of a 1996 or newer light-duty truck (8500 GVWR or less) or automobile, the communication problem must be corrected before the test can continue.

J. The Technician/Tester shall verify the vehicle license plate and vehicle identification numbers by comparing the information on the vehicle's registration with those on the vehicle and shall accurately record them on the UTAH2000 Analyzer.

1. The Technician/Tester shall verify the owner's name and address and enter this information into the analyzer from the registration card. The Technician/Tester shall determine and enter the county in which the vehicle is registered.

2. The Technician/Tester shall enter completely and accurately all the information required as part of the data entry procedure for the official Vehicle Emissions Test on the approved UTAH2000 Analyzer, including accessing the Division approved real time data link when applicable.

K. The Technician/Tester shall:

1. The Technician/Tester shall follow and complete all prompts or inquiries of the UTAH2000 Analyzer to include proper shut-down and establish host communication.

2. Examine the emissions/tune-up specification decal (sticker) under the hood or check an approved application guide to determine if the vehicle was manufactured with a Catalytic Converter, Air Injection Reaction (AIR) System, PCV System, EGR System, Evaporative Control System, Gas Cap and other air pollution control devices.

3. On 1984 and newer vehicles,

visually inspect for the presence and apparent operability of the AIR System, Catalytic Converter, EGR System, Evaporative Control System, PCV System, and perform a functional gas tank cap test in accordance with Division procedures and record the information in the emissions analyzer. If these parts or systems have been removed or are inoperable, the owner shall repair or replace the parts or systems before the emissions test may be continued.

4. On 1983 and older vehicles, visually inspect for the presence and apparent operability of the AIR System, Catalytic Converter, PCV System, EGR System, Evaporative Control System, Gas Cap or other air pollution control equipment required on the vehicle in accordance with Division procedures, and record the information in the emissions analyzer. If these parts or systems have been removed or are inoperable, the owner shall repair or replace the parts or systems before an Emissions Waiver may be issued.

L. The analyzer shall be warmed up and stabilized and real time data links established when applicable prior to performing any inspection.

M. Each vehicle receiving a Two-Speed Idle Test shall be checked to determine that it is at normal operating temperature. Each vehicle shall be at normal operating temperature before performing the Emissions Inspection.

1. The vehicle shall be tested according to the testing sequence as detailed in the analyzer specifications referenced in Section 10.12.250 as programmed into the analyzer testing sequence. Vehicles failing because of excessive exhaust dilution shall repair

the dilution problem prior to continuing the emission test. The dilution standard shall be contained in the analyzer specifications as referenced in Section 10.12.250 and adjusted when the Division determines by analysis that an adjustment is necessary to yield a more accurate level of emissions readings.

N. A Certificate of Compliance shall be issued if:

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

2. For 1984 and newer Model Year vehicles, the vehicle passes the visual Tampering Inspection.

O. All testing procedures for restart testing, second chance testing, etc, shall be followed as contained in the analyzer specifications referenced in Section 10.12.250.

P. Test procedure for 1996 and newer vehicles being tested at Basic Enhanced Test Stations.

1. The Certified Emission Tester or Certified Emission Tester/Repair Technician shall enter as prompted by the UTAH2000 Analyzer all appropriate data. After data entries have been completed the tester shall follow the OBDII Test Procedure, as prompted by the UTAH2000 Analyzer.

2. After test completion, whether the vehicle passes, fails, or is not ready the Tester shall sign all appropriate documents where indicated.

Q. A Certificate of Waiver shall be issued only under the following conditions:

1. A Certificate of Waiver shall be issued for 1983 and older Model Year vehicles if all of the following requirements are met:

a. Air Pollution Control devices

(Catalytic Converter, AIR System and other Emission Control Systems and devices) are in place and apparently operable on the vehicle as specified in Section 10.12.100. If the systems and/or devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted.

b. The vehicle continues to exceed applicable emission standards after \$250 (two hundred and fifty dollars) plus any additional amount specified in Section 10.12.250 has been spent on acceptable emissions related repairs performed by a Certified Emissions Repair Facility (permitted under Sections 10.12.090 or 10.12.180) as part of the acceptable emissions related repairs. Proof of repair costs shall be provided for the vehicle to the Technician/Tester conducting the testing in the form of an itemized statement in which emissions related parts are specifically identified. Labor performed by non-permitted facilities does not count as acceptable emissions repair costs for purposes of obtaining a Waiver; and

2. A Certificate of Waiver shall be issued for 1984 to 1995 vehicles if all of the following requirements are met:

a. A Certificate of Waiver can only be issued by the Division. Application for a Waiver must be made at the Technical Center. A Waiver is issued only once. The vehicle will not be issued a second Waiver.

b. Air Pollution Control Devices applicable and specified in Section 10.12.100 of this Ordinance are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or

repaired before a Waiver is issued.

c. The vehicle continues to exceed applicable emission standards after \$450 (four hundred and fifty dollars) plus any additional amount specified in Section 10.12.260 has been spent on acceptable emissions related repairs performed by a Certified Emissions Repair Facility as part of the acceptable emissions related repairs. Proof of repair costs shall be provided for the vehicle to the Technician/Tester conducting the testing in the form of an itemized statement in which emissions related parts are specifically identified. Labor performed by non-permitted facilities does not count as acceptable emissions repair costs for purposes of obtaining a Waiver;

d. A Waiver has not been issued for the vehicle in the past; and

e. The vehicle is not within the time and mileage requirements of the Federal Emissions Warranties. Any vehicle that is within the time and mileage requirements of the Federal Emissions Warranties shall not be eligible for an Emissions Repair Waiver, but shall be required to pass the emissions standards.

3. Any vehicle that experiences any increase in all emissions levels shall not be eligible for an Emissions Repair Waiver regardless of the amount spent in attempting to repair the vehicle.

4. Acceptable emissions related repairs refers to those expenditures and costs associated with the adjustment, maintenance, and repair of the Motor Vehicle which are directly related to reduction of exhaust emissions necessary to comply with the applicable emissions standards, cut points, and procedures;

a. There has been no engine switching (as defined) or engine modifications. The emissions readings have not increased.

b. Does not include adjustments, maintenance, or repairs performed prior to the official Emissions Test;

c. Does not include the fee paid for the test;

d. Does not include costs associated with the repairs or replacements of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, tampering with, or abuse of the emissions control systems;

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

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

- i. Air Intake Systems;
- ii. Ignition Systems;
- iii. Fuel Control Systems;
- iv. Emissions Control Systems;

and

- v. Basic Engine Systems; and
- vi. Power Train Control and Management Systems.

R. Information regarding all performed repairs shall be entered into the appropriate database of the analyzer prior to the vehicle being retested.

S. Certificates of Waiver shall only be issued by the Division unless the Division determines other acceptable methods of issuing the

waivers. A Waiver shall only be issued after determining that the vehicle complies with the requirements of this Section for Waiver issuance. A Waiver will not be issued to a vehicle with an illuminated Malfunction Indicator Lamp (Check Engine light).

T. Prior to referring the owner to the Division for determining Waiver eligibility, the Certified Emission Tester or Certified Emission Repair Technician shall verify that the repair and eligibility requirements of this Section have been met and shall provide the vehicle owner with the required referral form if applicable.

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

U. Vehicles capable of being operated on both gaseous and liquid petroleum fuels shall be tested for both fuels in accordance with the UTAH2000 Analyzer specifications as referenced in Appendix A to this Ordinance.

V. Automotive imports applying for registration in Davis County must at the minimum:

1. 1995 and older vehicles will be required to pass the tailpipe and tampering standards for the Model Year appearing on the registration.

2. 1995 and older vehicles will not be eligible for a waiver unless all emission devices its U.S. counterpart would be equipped with are in place and operating. If a U.S. counterpart does not exist, Catalytic Converter, Evaporative Emissions Control, PCV System, EGR System and possibly A.I.R. System will be required.

3. 1996 and newer vehicles, 8500 pounds GVWR or less, must be equipped with a functioning OBDII system, and must pass the OBDII Test.

4. 1996 and newer vehicles, 8501 pounds GVWR or over, must meet the same emissions standards as the U.S. Counterpart. These vehicles will not be eligible for a Waiver unless equipped with emission control devices that should appear on the U.S. Counterpart. If a U.S. Counterpart does not exist, Catalytic Converter, Evaporative Emissions Control, PCV System, EGR System, and possibly A.I.R. System will be required.

X. Specially Constructed Vehicles (Kit Cars).

1. Specially constructed vehicles must be tested using and passing the cut points of the Model Year coinciding with the Model Year assigned the vehicle at the time of the vehicle's registration as a specially constructed vehicle, not the Model Year of the chassis on which it may be built or the Model Year in which the engine configuration was used.

2. Specially constructed vehicles Model Year 1996 and newer must be equipped with fully functional OBDII systems and must pass an OBDII Test.

3. A specially constructed vehicle shall not receive a Waiver unless meeting all requirements of this Ordinance.

Y. OBDII (Onboard Diagnostics Generation II):

1. Federal law requires that all automotive manufacturers meet OBDII standards by 1996.

2. A Malfunction Indicator Lamp (M.I.L.) must illuminate if a system or component either fails or deteriorates to

the point where the vehicle's emissions could rise above 1-1/2 times the Federal Test Procedure Standards. The M.I.L. must function and the Power Train Control Module (P.C.U.) Must be able to take command of the M.I.L.

**10.12.110 Testing and Permitting of Applicants for Certified Emission Testers and Certified Emission Repair Technicians for Enhanced Basic I/M Inspections.**

A. Permit required.

1. No person shall perform any part of the official Emissions Inspection for the issuance of a Certificate of Compliance unless the person possesses a valid Certified Emission Tester or Certified Emission Repair Technician permit issued by the Division.

2. Applications for a Certified Emission Tester or Certified Emission Repair Technician permit shall be made upon a form to be prescribed by the Division. No permit shall be issued unless the applicant has shown adequate competence by successfully completing the written and practical portions of the permit requirements as specified in this Ordinance.

3. An applicant shall comply with all of the terms stated in the permit application and with all the requirements of this Ordinance.

4. An applicant shall complete a Division approved training course and shall demonstrate knowledge and skill concerning the performance of Emissions Inspections and adjustment

of vehicles to manufacturer's specifications. Such knowledge and skill shall be shown by passing:

a. A written qualification test including knowledge of the following:

i. Operation and purposes of emission control systems;

ii. Relationship of HC, NO<sub>x</sub> and CO to timing and carburetor adjustment;

iii. Adjustment to manufacturer's and high altitude specifications;

iv. Inspection procedures as outlined in this Ordinance;

v. Operation of an exhaust gas analyzer including the performance of a gas calibration and leak check;

vi. The provisions of Section 207(b) warranty provisions of the Federal Clean Air Act; and

vii. Knowledge of the function of Onboard Diagnostics, pressure tests and NO<sub>x</sub> emission control equipment functional tests.

viii. The provisions of this Ordinance and other Division policies and procedures.

b. A performance qualification test including the following:

i. Visual inspection and knowledge of the function of the required emission control equipment;

ii. Demonstration of skill in the proper use, care, maintenance, and calibration and leak checking of approved analyzers;

iii. Demonstration of ability to conduct the Emissions Inspection, including a pressure test and/or NO<sub>x</sub> emissions control equipment functional test if required by the Division;

iv. Demonstration of ability to adjust the engine system to manufacturer's and high altitude specifications; and

v. Demonstration of ability to accurately and legibly complete the inspection forms.

5. A signed hands-on performance check sheet shall be necessary for successful completion of the performance qualification test. The hands-on performance check sheet shall be signed by an instructor or other person approved by the Division.

6. The Division may issue the applicable permit to an applicant upon the applicant's demonstration that he/she has successfully completed the applicable requirements of Section 10.12.170 of this Ordinance.

7. The permit shall be valid only at the Enhanced Basic I/M Program Station or Certified Emission Repair Facility where the Certified Emission Tester or Certified Emission Repair Technician is presently employed. If the permittee is later employed at another Enhanced Basic I/M Program Station or Certified Emission Repair Facility, he/she shall notify the Division of the employment change. He/she shall also be required to be permitted there prior to performing any emissions tests. A separate permit number may be issued for use at the additional Enhanced Basic I/M Program Station as determined by the Division. Also, an additional permit fee may be charged. That permit will expire on the same date as the original.

B. Re-qualification requirements for all Certified Emission Testers and Certified Emission Repair Technicians.

1. Upon determination, by the Director, of the necessity of updating the qualifications for Certified Emission Testers and Certified Emission Repair Technicians, they shall be required to re-qualify.

2. Certified Emission Testers and Certified Emission Repair Technicians shall re-qualify annually. Failure to re-qualify within the required period of time shall result in suspension or revocation of the permit as described in this Ordinance.

C. Permit expiration.

1. All permits shall be issued annually and shall expire December 31 of the current year. A permit shall be renewable sixty days prior to the date of its expiration.

2. It is the responsibility of the permittee to pursue the renewal of the permit.

#### **10.12.120 Davis County Centralized Emission Testing.**

A. The Davis County I/M Technical & Test Facility personnel will conduct a variety of experimental emission (gas/diesel) tests using state of the art test equipment, hardware and software. The types of experimental and emission tests may include stand alone or a combination of the following type of emission tests:

1. I/M 240
2. DC98 Loaded
3. ASMII
4. OBD II
5. Two-Speed Idle or UTAH 2000.

B. Centralized OBDII Test.

1. The County Centralized Test Facility will conduct OBDII testing on Model Year 1996 (8500 GVWR or under) or newer vehicles, in lieu of traditional tailpipe emission test. The county will establish modeling OBDII methodology for its centralized

emissions program. The test procedures will vary based on technological advances, program efficiency and will comply with USEPA Guidelines, as stated 40 CFR, Part 51 and 85/FR/Vol. 65, No. 183.

C. Centralized Testing Procedure. The Lane Lead, under the direction of the I/M Supervisor, will select the appropriate test or tests, that each lane will be running for any given day. The vehicle owners will be greeted at the door and advised to enter the customer waiting room. The Technician will verify owner and vehicle information, drive the vehicle to the appropriate testing position, verify all engine, weight, emission control equipment, and exhaust system before continuing with the test. All pertinent information will be entered into UTAH2000 Analyzer or the county's computer database and the appropriate test(s) selected. The Inspector will perform the test as prompted by the emission test equipment. After the test is completed the Technician will sign and date the appropriate paperwork and discuss the test with the vehicle owner/operator.

1. The Centralized Emission Testers shall comply with all the requirements of the latest USEPA's Technical Guidance Documents and the requirements as outlined in this Ordinance.

2. Emission testing equipment will be checked, maintained, calibrated and serviced in accordance with the appropriate equipment manufacturers procedures.

**10.12.130 Emissions Standards for Motor Vehicle Exhaust Gases not**

**receiving an OBDII Test.**

A. In order to obtain a valid emissions Certificate of Compliance, exhaust emissions from a Motor Vehicle subject to an annual exhaust gas Emission Inspection shall not exceed the maximum concentrations for Carbon Monoxide (CO), Nitrogen Oxides (NO<sub>x</sub>) and Hydrocarbons (HC) as adopted in Section 10.12.260 of this Ordinance.

B. Maximum concentration cut points shall be determined by the Division and ratified by the County Commission as needed, to meet the National Ambient Air Quality Standards established by the Environmental Protection Agency and the applicable State Implementation Plan (SIP) adopted by the Utah State Air Quality Board. The established cut points shall remain in effect until changed by order of the County Commission. Any change in cut points shall be effective upon the first day of any calendar month designated by the County Commission. The Division shall recommend cut points to the County Commission for adoption by considering the following factors:

1. To provide for the required stringency;

2. The existing ambient air quality;

3. The requirements for air quality currently in effect as promulgated by the Environmental Protection Agency, the Utah State Department of Environmental Quality, and the Division. The cut points established shall be part of an overall program in accordance with EPA guidelines to achieve the required tailpipe reduction of CO, NO<sub>x</sub> and HC from Motor Vehicles measured

from the date this program is implemented;

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

5. Population growth and other factors which may reasonably be expected to impact CO, NO<sub>x</sub> and HC concentrations in the atmosphere;

6. The likelihood of a particular cut point to achieve desired air quality goals;

7. To ensure compliance with the requirements of Section 41-6-163.6 and Section 41-6-163.7, Utah Code Annotated, 1953, as amended.

C. Upon determining the appropriate cut points, the Division shall cause notice thereof to be issued to each Enhanced Basic I/M Program Station and to the public by publication at least once in a newspaper of general circulation in the county at least thirty (30) days prior to the effective date. Such notice shall indicate that written comment on the proposed cut point levels will be received by the Division until fifteen (15) days prior to the effective date of the cut points. The Division shall consider any timely submitted written comment and, should good cause appear, may alter or suspend the proposed cut points as appropriate. Otherwise, the proposed cut points shall take effect on the date determined by the Division. The action of the Division must then be ratified by the Davis County Commission.

1. The cut points are referenced in Section 10.12.270 to this Ordinance and may be amended pursuant to the provisions of Section 10.12.130 of this Ordinance.

#### **10.12.140 Certificates of Compliance and Waivers**

A. Under certain conditions as determined by the Division, the Division may issue a temporary Waiver enabling a vehicle to be registered. The person to whom the temporary Waiver is issued shall comply with the conditions of the temporary Waiver as agreed upon by a signed affidavit. Failure to comply with the affidavit shall be considered a violation of this Ordinance. The Division is under no requirement or obligation to issue these Waivers.

B. Any vehicle that experiences any increase in all emissions levels shall not be eligible for an Emissions Repair Waiver regardless of the amount spent in attempting to repair the vehicle.

C. Information regarding all performed repairs shall be entered into the appropriate database of the analyzer prior to the vehicle being retested.

D. Certificates of Waiver shall only be issued by the Division unless the Division determines other acceptable methods of issuing the waivers. A Waiver shall only be issued after determining that the vehicle complies with the requirements of this Section for Waiver issuance.

E. A Certificate of Waiver shall be issued to a vehicle 1996 or newer and 8500 lbs. GVWR or less only if the following requirements are met.

1. The vehicle is not within the time and mileage requirements of the Federal Emission Warranties.

2. All air pollution control devices originally installed by the manufacturer are in place and operating properly.

3. A Waiver has not been issued to the vehicle in the past.

4. The Malfunction Indicator Lamp must be functional and must be requested off by the power train control module with the engine running and all systems' readiness function tests have completed.

5. No power train modifications or engine switching (as defined) have occurred.

F. A Certificate of Waiver shall be issued to a vehicle 1996 or newer and 8501 lbs. GVWR or more only if the following requirements are met:

1. The vehicle is not within the time and mileage requirements of the Federal Emission Warranties.

2. All air pollution control devices originally installed by the manufacturer are in place and operating properly.

3. A Waiver has not been issued to the vehicle in the past.

4. The Malfunction Indicator Lamp must be functional and must be extinguished when the engine is running.

5. No power train modifications or engine switching (as defined) have occurred.

6. A minimum of \$750.00 has been spent for emissions failure repairs after failing the initial test.

7. The emissions readings did not increase upon retesting after repairs have been completed.

G. Prior to referring the owner to the Division for determining Waiver eligibility, the Certified Emission Tester or Certified Emission Repair Technician shall verify that the repair and eligibility requirements of this Section have been met and shall provide the vehicle owner with the required waiver referral form.

H. No person shall make, issue or knowingly use any imitation or

counterfeit of an official Certificate of Compliance or Waiver or any other official program documents.

I. Certificates of Compliance numbers shall be purchased only from the Division.

J. No refund or credit shall be allowed for unused numbers, except as provided in Section 10.12.140.

K. Purchase of Certificates of Compliance.

1. Certificates of Compliance numbers shall be purchased in person. Sales shall only be made to a representative of the Enhanced Basic I/M Program Station possessing an acceptable form of identification unless an alternative method is developed.

2. Certificates of Compliance shall be sold at the cost adopted by the Davis County Commission and referenced in Section 10.12.260, in lots to be determined by the Division. The Division may limit the number of Certificates purchased to the number that the Division feels can be secured and stored safely.

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

L. Certificates of Compliance shall only be issued after being printed by the approved analyzer printer dedicated to the printing of Certificates. Completion of Certificates by handwritten information or the use of a non-dedicated printer by any person other than the Division is strictly prohibited. The Certificates shall be

signed only after being printed by the dedicated printer and shall be signed immediately after printing.

M. Certificates of Compliance and Waiver shall not be issued until an Inspection has been performed as required by this Ordinance.

N. Certificates of Compliance found to be missing, stolen, or unaccounted for, shall be reported to the Division within twenty-four hours and the Enhanced Basic I/M Program Station shall cease performing Emissions Tests until an investigation by the Division has been completed and the Division authorizes the Enhanced Basic I/M Program Station to again begin testing. Re-using Certificate numbers is in violation of this Ordinance.

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

P. Upon final cancellation, suspension or revocation of the I/M program permit of any Enhanced Basic I/M Program Station, the station owner, manager or other responsible person shall immediately surrender all unused Certificates of Compliance numbers to the Division. The Division shall receipt and refund the fee paid for unused Certificates of Compliance to the station owner according to the Davis County Auditor's procedures. Upon transfer or termination of business ownership, the Enhanced Basic I/M Program Station permit and all Certificates of Compliance shall be immediately forwarded to the Division. Any person acquiring a business that has been permitted as an Enhanced Basic I/M Program Station is prohibited from using any permit or Emissions Certificates issued to the former business.

1. Any analyzer manufacturer or their authorized representative who repossesses or otherwise removes an approved I/M analyzer from an Enhanced Basic I/M Program Station shall immediately notify the Division and shall immediately forward any Certificates of Compliance that may still be in the analyzer to the Division.

#### **10.12.150 Engine Switching.**

A. Engine switching shall be allowed only in accordance with E.P.A. policy.

B. Vehicles not meeting the requirements of Section 10.12.150 shall be deemed as tampered and dealt with in accordance with the tampering provisions of this Ordinance.

C. All 1984 and newer vehicles with switched engines shall be verified to meet E.P.A. requirements by the Division prior to issuance of a Certificate of Compliance.

D. 1968 to 1983 vehicles having an engine other than the original engine and emission control configuration are deemed as tampered. These vehicles must meet the HC and CO standards for the Model Year of the vehicle in order to receive a Certificate of Compliance, and are not eligible for a Certificate of Waiver, unless they are restored to the original engine and emission control configuration.

#### **10.12.160 Certified Emission Tester and Certified Emission Repair Technician.**

- A. Certified Emission Tester.  
1. To qualify for this permit, an

individual shall:

a. Meet all of the following requirements:

b. Demonstrate two (2) years full-time employment experience as an automotive technician performing emissions related repairs on on-road vehicles not powered by diesel fuel or electricity, except that a person with two (2) full years of full-time education related to the repair of on-road vehicles not powered by diesel fuel or electricity need only demonstrate one (1) year of the required employment; and

c. Complete the Division required course; and

d. Comply with the applicable requirements of Section 10.12.110 of this Ordinance; and

e. Meet any other requirements deemed by the Division to be essential to the purposes of this Ordinance.

2. After application, approval by the Division, and on payment of applicable fees, the Certified Emission Tester permit shall be issued to the applicant. The permit is valid until December 31 of that year. It may be renewed beginning sixty (60) days prior to the expiration date. If the permit is allowed to expire, the Division may impose a penalty fee prior to renewal. Renewal is required on or before December 31 of the current year.

3. In order to qualify for renewal of a Certified Emission Tester permit, the permittee must have paid applicable fees, completed Division approved yearly update schooling and any other requirements of this Ordinance or the Division.

4. The permit fee schedule is found in Section 10.12.260 of this Ordinance.

B. Certified Emissions Repair Technician.

1. To qualify for this permit, an individual shall:

a. Demonstrate five (5) years full-time employment experience as an automotive technician performing emissions related repairs on on-road vehicles not powered by diesel fuel or electricity, except that a person with two (2) full years of full-time education related to the repair of on-road vehicles not powered by diesel fuel or electricity need only demonstrate four (4) years of the required employment; and

b. Possess all of the following current, valid ASE certifications:

c. Engine Performance (A-8);

d. Advanced Engine Performance Specialist (L-1);

e. Complete 32 hour, Division approved Enhanced I/M Failure course;

f. Comply with the applicable requirements of Section 10.12.110 of this Ordinance; and

g. Meet any other requirements deemed by the Division to be essential to the purposes of this Ordinance.

2. In order to retain the Certified Emission Repair Technician permit and to qualify for renewal, the permittee must maintain a current ASE L-1 Certification.

3. The permit fee schedule is found in Section 10.12.260 of this Ordinance.

C. Permit renewal.

1. An individual with current, valid permit as issued under Section 10.12.170 of this Ordinance may apply for permit renewal beginning sixty (60) days prior to permit expiration. If the permit is allowed to expire, the Division may impose a penalty fee prior to

renewal.

2. To renew a permit, an individual shall:

a. Submit an application to the Division; and

b. Possess current, valid applicable ASE certifications as required by this Ordinance.

3. The permit fee schedule is found in Section 10.12.260 of this Ordinance.

D. Suspension, revocation, and denial of permit.

1. The Division may suspend, revoke, or deny renewal of a permit if the Certified Emission Repair Technician or Certified Emission Tester:

a. Knowingly communicates any false, inaccurate, or misleading information to any person or in any certificate, record, or document regarding the Vehicle Emissions Inspection Program;

b. Fraudulently or deceptively obtains or attempts to obtain a permit;

c. Conducts a fraudulent or inaccurate test;

d. Consistently fails to repair failed vehicles; and/or

e. Threatens, coerces, offers a bribe, assaults, and/or stalks a Division employee pursuant to his/her duties with the Division.

2. An individual whose permit has been suspended may be subject to:

a. Additional training or testing as approved by the Division before the permit is reinstated; or

b. Revocation of a permit after repeated suspensions or when a suspension has exceeded six (6) months.

c. A permit may also be revoked for violations of this Ordinance and for

threatening, harassing, stalking or assaulting an employee of the Division or any person having a vehicle tested or repaired subsequent to any requirement of this Ordinance.

3. An individual whose permit has been revoked may reapply for a permit according to the procedures of this Ordinance, as applicable, if:

a. At least ninety (90) days have elapsed since the revocation; and

b. The individual has taken corrective action approved by the Division.

4. A penalty schedule in Section 10.12.280 of this Ordinance enumerates many of the actions the Division may take against persons permitted under this Ordinance.

D. Performance Audit. The Division shall conduct an audit of the performance of a Certified Emissions Repair Technician periodically. The audit will include an evaluation of vehicle repair history.

1. The repair history of a Certified Repair Technician may be made available to the public so that they may have the ability to determine which Technicians are most likely to repair their vehicle.

#### **10.12.170 Certified Emissions Repair Facility.**

A. Initial application and permit.

1. To qualify for a permit a person shall:

a. Submit an application to the Division;

b. Maintain a repair facility capable of making emissions related adjustments and repairs;

c. Possess all required

equipment as listed in this Ordinance;

d. Pass an audit as defined in this Ordinance; and

e. Employ all required personnel as listed in this Ordinance.

f. Meet any other requirements deemed by the Division to be essential to the purposes of this Ordinance.

2. Permit under this Section must be renewed on or before December 31 of the current year.

3. The permit fee schedule is found in Section 10.12.260 of this Ordinance.

B. Permit renewal.

1. Beginning sixty (60) days prior to expiration of a permit, a person may apply for permit renewal. Upon approval of the completed application and payment of applicable fees, the Division may extend the permit for an additional one (1) year period.

2. The Division may impose a penalty fee on a permit which expires prior to receipt of the application for renewal and payment of applicable fees. After six (6) months, an un-renewed permit is deemed unredeemable and the person may reapply according to the procedures of this Ordinance.

3. The permit fee schedule is found in Section 10.12.260 of this Ordinance.

C. Suspension, revocation, and denial of renewal of permit.

1. The Division may suspend, revoke, or deny renewal of a permit under any of the following conditions:

a. False, inaccurate, or misleading information is knowingly communicated to any person or in any certificate, record, or document regarding the vehicle Emissions Inspection program;

b. The permit is obtained, or attempted to be obtained, fraudulently or deceptively;

c. An audit failed; or

d. Evidence is exhibited that vehicles repaired by the facility under this Ordinance have repeatedly failed re-inspection.

e. A permit may also be revoked for violations of this Ordinance by the owner or employees of a Certified Emission Repair Facility and for threatening, harassing, stalking or assaulting an employee of the Division or any person having a vehicle tested or repaired subsequent to any requirement of this Ordinance.

2. The Division may reinstate a suspended permit upon compliance by the facility with the requirements of this Ordinance.

3. Upon revocation of a permit a person shall, within ten (10) business days, return to the Division all materials which were issued as a result of obtaining the permit, including any signs and documents, and remove any other materials which may lead the public to believe that the facility continues to be permitted.

4. A person whose permit has been revoked may reapply for a permit according to the procedures of this Ordinance if:

a. At least ninety (90) days have elapsed since the revocation; and

b. Corrective action approved by the Division has been taken.

5. A penalty schedule in Section 10.12.280 of this Ordinance enumerates many of the actions the Division may take against persons permitted under this Ordinance.

D. Equipment and Tool

Requirements.

1. A Certified Emissions Repair Facility shall maintain and update as required all of the following references, equipment and tools:

a. Emissions diagnostic and repair information for affected Model Year vehicles, the most current of which applies to vehicles of Model Years no more than two (2) years older than the current calendar year. The information may be stored on magnetic media if a device to read the media is maintained at the facility;

b. Scanner capability to interrogate Onboard Diagnostics of vehicles, the most current of which applies to vehicles of Model Years no more than two (2) years older than the current calendar year;

c. A voltmeter with AC and DC capability;

d. A DC ammeter;

e. An ohmmeter;

f. A fuel or hydraulic pressure gauge;

g. A vacuum gauge;

h. A vacuum pump;

i. A compression tester and cylinder leak down tester;

j. A timing light with advance capability;

k. An exhaust emissions analyzer which conforms, at a minimum, to the analyzer specifications of Section 10.12.250;

l. A tachometer;

m. A dwell meter or duty cycle meter.

E. Personnel requirements.

1. A Certified Emissions Repair Facility shall ensure that only a Certified Emissions Repair Technician diagnoses emissions related faults, and supervises

or performs emissions related repairs and adjustments to bring vehicles into compliance with the provisions of this Ordinance.

2. A Certified Emissions Repair Facility shall employ at least one (1) full-time Certified Emissions Repair Technician at each Certified Emissions Repair Facility location and ensure that a Certified Emissions Repair Technician:

a. Is routinely scheduled to work during the advertised operating hours of the facility; and

b. Fills out completely the vehicle repair form and certifies by signature on the vehicle repair form that the repairs have been performed or supervised by a Certified Emissions Repair Technician.

F. Equipment quality assurance. For all equipment required under this Ordinance, a Certified Emissions Repair Facility shall follow, at a minimum, the manufacturer specifications for maintenance and calibration, and the procedures established by the Division.

G. Audits.

1. A Certified Emissions Repair Facility shall allow access to Division personnel to conduct audits of the facility. Audits will be conducted at random and with no prior notification.

2. An audit will include equipment, calibration gas, and compliance with personnel requirements.

3. Audit failure is cause for suspension, revocation, denial or denial of renewal of a facility permit.

4. Uncooperative or abusive behavior by an employee, representative, or individual at a Certified Emissions Repair Facility is

cause for audit failure.

5. A Certified Emissions Repair Facility shall not use any piece of equipment which fails an audit until a subsequent audit is passed.

6. The person responsible for a Certified Emissions Repair Facility shall allow further monitoring at the discretion of the Division to ensure quality control or to determine compliance with this Ordinance.

**10.12.180 Right to Appeal.**

A. Within ten (10) calendar days after the Division has given a notice of violation(s), permit denial, revocation, or suspension, any person(s) aggrieved may request in writing a hearing before the Division. Only a written request for hearing shall be honored by the Division. The hearing shall take place within ten (10) calendar days after the request is received. A written notice of the Hearing Officer's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The Hearing Officer may sustain, modify, enhance or reverse the action or order.

**10.12.190 Recall.**

The Division reserves the right to recall any vehicle that is suspected of a fraudulent I/M test to be subjected to a challenge test at our centralized facility. Any or all appropriate actions that are allowed by law may be taken against parties that have been involved in fraudulent actions during or subsequent to an official Inspection.

**10.12.200 Penalty.**

A. Any person who violates any of the provisions of this Ordinance, either by failing to do those acts required herein or by doing a prohibited act, shall be penalized as provided in Section 10.12.280 in addition to any administrative or civil penalties provided by this Ordinance and applicable state law.

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

1. The imposition of a penalty under the provisions of this Ordinance shall not prevent the revocation or suspension of any license or permit granted under the provisions of this Ordinance or preclude any other administrative or civil penalty.

C. The county attorney may initiate legal action, civil or criminal, requested by the Division to abate any condition that exists in violation of this Ordinance.

D. In addition to other penalties imposed by a court of competent jurisdictions, any person(s) found guilty of violating any provision of this Ordinance shall be liable for all expenses incurred by the Division arising from the violation or enforcement of this Ordinance.

E. A Penalty Schedule for permit warning, suspension, or revocation shall be adopted as Section 10.12.280 of this Ordinance and may be amended by the Davis County Commission if deemed necessary to accomplish the purposes of this Ordinance.

F. The Division may, at its discretion, negotiate monetary penalties in lieu of some or all of the time of permit suspensions allowed in Section

10.12.280 of this Ordinance.

**10.12.210 Backstop Provisions.**

The backstop provisions in this program are to require additional Model Years (1981 Model Year and newer, up to one half of the fleet annually), if and when necessary, to be tested at an I/M 240 centralized testing facility sufficient to meet and maintain the ambient air standards.

**10.12.220 Quality Assurance.**

A minimum of one-tenth of one percent (0.1%) representative sample of the Davis County vehicle fleet will be tested in an I/M 240 lane prior to January 1, 1998 to be used for statistical analysis of the effectiveness of the DC98 Program.

**10.12.230 Severability.**

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

**10.12.240 Auditing and Reporting.**

The Division shall perform overt

and covert audits of the Enhanced Basic I/M Program Stations and shall conform with the reporting requirements as contained in Part VII Environmental Protection Agency, 40 CFR Part 51.

**10.12.250 UTAH2000 Analyzer Specifications.**

Currently, the only Analyzer certified for use in Davis County is the ESP, part number 10400-45 UTAH 2000, using only Division approved software.

**10.12.260 Fee Schedule.**

The assessed fees assessed by the Division shall be:

Permitting of an Enhanced Basic I/M Program Station	\$250.00
Host Fee for New Station	\$1,000.00
Annual Renewal of Enhanced Basic I/M Program Station Permit	\$25.00
Annual Renewal of Expired Enhanced Basic I/M Program Station Permit	\$75.00
Permitting an Enhanced Basic I/M Program Station at a New Location	\$50.00
Permitting of a Certified Emission Repair Facility*	\$250.00
Renewal of a Certified Emission Repair Facility Permit*	\$25.00
Renewal of an Expired Certified Emission Repair Facility Permit*	\$75.00
Clearing Technician/Tester Error Lockout (after 3rd/calendar year)	\$25.00
Permitting a Certified Emission Tester	\$20.00
Annual Renewal of a Certified Emission Tester Permit	\$10.00
Annual Renewal of Expired Certified Emission Tester Permit	\$30.00
Permitting of a Certified Emission Repair Technician **	\$30.00
Renewal of a Certified Emission Repair Technician Permit **	\$20.00
Renewal of an Expired Certified Emission Repair Technician Permit **	\$40.00
Emissions Certificate of Compliance	\$2.25
Emissions Certificate of Compliance effective July 1, 2003	\$2.75
Emissions Inspection Fee	up to \$20.00
Emissions Inspection Fee - effective July 1, 2003	up to \$25.00
Duplicate Certificate	\$3.00
Failure to Communicate with Host (After 3rd consecutive occurrence)	\$25.00
Air Pollution Control Fee (diesel--paid at time of registration)	\$10.00
Air Pollution Control Fee (gasoline & other fuels--paid at time of registration)	\$2.00
Ordinance Copy	\$5.00
Study Guide	\$35.00

\* Includes Enhanced Basic I/M Program Station Permit.

\*\*Includes Tester Permit.

**10.12.270 Emission Standards Cut Points.**

A. The following schedule gives the maximum allowable concentrations for Carbon Monoxide (CO) and Hydrocarbons (HC) for both cars and trucks as determined by an approved infrared gas analyzer using the prescribed procedures. The effective date for these cut points is January 1, 1998.

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

<b>HEAVY DUTY TRUCKS AND VANS</b> <b>1978 AND OLDER 6,001 AND OVER GVWR</b> <b>1979 AND NEWER OVER 8,500 POUNDS GVWR</b> <b>AND ALL 1967 AND OLDER VEHICLES</b> <b>MAXIMUM CONCENTRATION STANDARDS</b>		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1969 and older	7.0	1500
1970-1978	5.0	1200
1979-1980	4.0	1000
1981 and newer	3.5	800

The minimum dilution factor must also be reached as part of the testing requirement. The dilution factor is contained in the analyzer specifications in Section 10.12.240 and is updated as deemed necessary.

NOTE: These should be considered as “cut points” for maximum allowable emissions levels. Vehicles must never be reset to these emission levels when readjustments are

made, but rather shall be adjusted using manufacturer's specifications. By using manufacturer's specifications, the emissions levels should be well below the "cut points".

B. Exhaust Emissions Standards for Enhanced Loaded Mode I/M Inspections (DC98/IM240):

1. If the corrected, composite emission rates calculated exceed standards for any exhaust component, additional analysis of test results shall look at the second phase of the driving cycle separately. Phase 2 shall include second 94 through second 239. Second-by-second emission rates in grams, and composite emission rates in grams per mile for Phase 2 and for the entire test shall be recorded for each gas. For any given exhaust component, if the composite emission level is equal to or below the composite standard or if the Phase 2 grams per mile emission level is equal to or below the applicable Phase 2 standard, then the vehicle shall pass the test for that exhaust component.

2. Composite Exhaust Emissions Standards. Except as provided in Section 10.12.030, exhaust emissions, in grams per mile traveled, of Hydrocarbons (HC), Carbon Monoxide (CO), and Oxides of Nitrogen (NO<sub>x</sub>) from a vehicle shall not exceed the following values for the composite exhaust emissions test specified in Section 10.12.110 of this Ordinance for the indicated vehicle type or vehicle weight:

CENTRALIZED AND ENHANCED CUT POINTS

Test Type	Vehicle Type	Min. GVW	Max. GVW	Min. Mod Year	Max. Mod Year	Hi Speed HC	Hi Speed CO	Hi Speed CO <sub>2</sub>	Hi Speed NO <sub>x</sub>	Low Speed HC	Low Speed CO	Low Speed CO <sub>2</sub>	Low Speed NO <sub>x</sub>
IM240	Other	0	6,000	1981	1983	5.00	104.00	0	7.00	8.00	130.00	0	7.00
IM240	Other	0	6,000	1984	1987	2.50	72.00	0	7.00	4.00	90.00	0	7.00
IM240	Other	0	6,000	1988	1990	2.50	72.00	0	3.50	4.00	90.00	0	3.50
IM240	Other	0	6,000	1991	2050	2.00	56.00	0	3.00	3.00	90.00	0	3.00
IM240	Other	6,001	10,000	1981	1983	5.00	130.00	0	7.00	8.00	130.00	0	7.00
IM240	Other	6,001	10,000	1984	1987	2.50	72.00	0	7.00	4.00	90.00	0	7.00
IM240	Other	6,001	10,000	1988	1990	2.50	72.00	0	3.50	4.00	90.00	0	3.50
IM240	Other	6,001	10,000	1991	2050	2.00	56.00	0	3.00	3.00	70.00	0	3.00
IM240	Passenger Car	0	99,999	1981	1984	2.00	60.00	0	3.00	0	0	0	0
IM240	Passenger Car	0	99,999	1985	1990	2.00	30.00	0	3.00	0	0	0	0
IM240	Passenger Car	0	99,999	1991	1995	1.20	20.00	0	2.50	0	0	0	0
IM240	Passenger Car	0	99,999	1996	2050	.80	15.00	0	2.00	0	0	0	0
TSI	Other	0	8,500	1968	1969	800.00	6.00	0	0	800.00	6.00	0	0
TSI	Other	0	8,500	1970	1974	700.00	5.00	0	0	700.00	5.00	0	0
TSI	Other	0	8,500	1975	1976	600.00	4.00	0	0	600.00	4.00	0	0
TSI	Other	0	8,500	1977	1979	500.00	3.00	0	0	500.00	3.00	0	0

CENTRALIZED AND ENHANCED CUT POINTS

Test Type	Vehicle Type	Min. GVW	Max. GVW	Min. Mod Year	Max. Mod Year	Hi Speed HC	Hi Speed CO	Hi Speed CO <sub>2</sub>	Hi Speed NO <sub>x</sub>	Low Speed HC	Low Speed CO	Low Speed CO <sub>2</sub>	Low Speed NO <sub>x</sub>
TSI	Other	0	8,500	1980	1980	300.00	2.00	0	0	300.00	2.00	0	0
TSI	Other	0	8,500	1981	2050	220.00	1.20	0	0	220.00	1.20	0	0
TSI	Other	8,501	15,000	1968	1969	500.00	7.00	0	0	500.00	7.00	0	0
TSI	Other	8,501	15,000	1970	1978	1200.00	5.00	0	0	1200.00	5.00	0	0
TSI	Other	8,501	15,000	1979	1980	1000.00	4.00	0	0	1000.00	4.00	0	0
TSI	Other	8,501	15,000	1981	2050	800.00	3.50	0	0	800.00	3.50	0	0
TSI	Passenger Car	0	8,500	1968	1969	800.00	6.00	0	0	800.00	6.00	0	0
TSI	Passenger Car	0	8,500	1970	1974	700.00	5.00	0	0	700.00	5.00	0	0
TSI	Passenger Car	0	8,500	1975	1976	600.00	4.00	0	0	600.00	4.00	0	0
TSI	Passenger Car	0	8,500	1977	1979	500.00	3.00	0	0	500.00	3.00	0	0
TSI	Passenger Car	0	8,500	1980	1980	300.00	2.00	0	0	300.00	2.00	0	0
TSI	Passenger Car	0	8,500	1981	2050	220.00	1.20	0	0	220.00	1.20	0	0
DC98	Other	0	6,000	1968	1969	9.50	150.00	3000.00	8.50	800.00	6.00	3000.00	8.50
DC98	Other	0	6,000	1970	1974	9.50	150.00	3000.00	8.50	700.00	5.00	3000.00	8.50
DC98	Other	0	6,000	1975	1976	9.50	150.00	3000.00	8.50	600.00	4.00	3000.00	8.50
DC98	Other	0	6,000	1977	1979	9.50	150.00	3000.00	8.50	500.00	3.00	3000.00	8.50

CENTRALIZED AND ENHANCED CUT POINTS

Test Type	Vehicle Type	Min. GVW	Max. GVW	Min. Mod Year	Max. Mod Year	Hi Speed HC	Hi Speed CO	Hi Speed CO <sub>2</sub>	Hi Speed NO <sub>x</sub>	Low Speed HC	Low Speed CO	Low Speed CO <sub>2</sub>	Low Speed NO <sub>x</sub>
DC98	Other	0	6,000	1980	1980	4.00	90.00	3000.00	4.50	300.00	2.00	3000.00	4.50
DC98	Other	0	6,000	1981	1983	3.40	70.00	3000.00	4.50	220.00	1.20	3000.00	4.50
DC98	Other	0	6,000	1984	1987	1.60	40.00	3000.00	4.50	220.00	1.20	3000.00	4.50
DC98	Other	0	6,000	1988	1995	1.60	40.00	3000.00	2.50	220.00	1.20	3000.00	2.50
DC98	Other	0	6,000	1996	2050	0.60	10.00	3000.00	1.50	220.00	1.20	3000.00	1.50
DC98	Other	6,001	11,000	1968	1969	9.50	150.00	3000.00	8.50	1500.00	7.00	3000.00	8.50
DC98	Other	6,001	11,000	1970	1974	9.50	150.00	3000.00	8.50	1200.00	5.00	3000.00	8.50
DC98	Other	6,001	11,000	1975	1976	9.50	150.00	3000.00	8.50	1200.00	5.00	3000.00	8.50
DC98	Other	6,001	11,000	1977	1979	9.50	150.00	3000.00	8.50	800.00	3.50	3000.00	8.50
DC98	Other	6,001	11,000	1980	1983	4.00	90.00	3000.00	4.50	800.00	3.50	3000.00	4.50
DC98	Other	6,001	11,000	1984	1990	3.20	80.00	3000.00	4.50	800.00	3.50	3000.00	4.50
DC98	Other	6,001	11,000	1991	1995	2.40	60.00	3000.00	4.50	800.00	3.50	3000.00	4.50
DC98	Other	6,001	11,000	1996	2050	2.40	60.00	3000.00	4.00	800.00	3.50	3000.00	4.00
DC98	Passenger Car	0	6,000	1968	1969	9.50	150.00	3000.00	8.50	800.00	6.00	3000.00	8.50
DC98	Passenger Car	0	6,000	1970	1974	9.50	150.00	3000.00	8.50	700.00	5.00	3000.00	8.50
DC98	Passenger Car	0	6,000	1975	1976	9.50	150.00	3000.00	8.50	600.00	4.00	3000.00	8.50
DC98	Passenger Car	0	6,000	1977	1979	9.50	150.00	3000.00	8.50	500.00	3.00	3000.00	8.50

CENTRALIZED AND ENHANCED CUT POINTS

Test Type	Vehicle Type	Min. GVW	Max. GVW	Min. Mod Year	Max. Mod Year	Hi Speed HC	Hi Speed CO	Hi Speed CO <sub>2</sub>	Hi Speed NO <sub>x</sub>	Low Speed HC	Low Speed CO	Low Speed CO <sub>2</sub>	Low Speed NO <sub>x</sub>
DC98	Passenger Car	0	6,000	1980	1980	4.00	90.00	3000.00	4.50	300.00	2.00	3000.00	4.50
DC98	Passenger Car	0	6,000	1981	1983	8.00	130.00	3000.00	7.00	220.00	1.20	3000.00	4.50
DC98	Passenger Car	0	6,000	1984	1987	4.00	90.00	3000.00	7.00	220.00	1.20	3000.00	4.50
DC98	Passenger Car	0	6,000	1988	1990	4.00	90.00	3000.00	3.50	220.00	1.20	3000.00	4.50
DC98	Passenger Car	0	6,000	1991	1995	3.00	70.00	3000.00	3.00	220.00	1.20	3000.00	2.50
DC98	Passenger Car	0	6,000	1996	2050	0.60	10.00	3000.00	1.50	220.00	1.20	3000.00	1.50

**10.12.280 Penalty Schedule.**

<b>Violation</b>	<b>1st Occurrence</b>	<b>2<sup>nd</sup> Occurrence</b>	<b>3<sup>rd</sup> Occurrence</b>	<b>4<sup>th</sup> Occurrence</b>
Failure to Inspect	Up To 6 month suspension (Station)  Revocation (Technician / Tester)	Revocation (Station & Technician / Tester)		
Non-certified I/M Technician/ Tester or Intentional Pass of a Failing Vehicle	Up to 6 month suspension (Station & Technician/ Tester)	Revocation (Station & Technician/ Tester)		
Pass Failed Vehicle or Recording Pass for Tampering on Tampered Vehicle	Up to 3 month suspension (Station & Technician/ Tester)	Up to 6 month suspension (Station & Technician/ Tester)	Revocation (Station & Technician/ Tester)	
Fail Passing Vehicle	Up to 3 month suspension (Station & Technician/ Tester)	Up to 6 month suspension (Station & Technician/ Tester)	Revocation (Station & Technician/ Tester)	
Reusing Certificate Numbers	Up To 6 month suspension (Station)  Revocation (Technician / Tester)	Revocation (Station & Technician / Tester)		
Inaccurate or Incomplete Data or Performing Unauthorized Repairs	Formal Warning (Station &/or Technician / Tester)	Up to 1 month suspension (Station & Technician / Tester)	Up to 3 month suspension (Station & Technician / Tester)	Revocation (Station & Technician/ Tester)

A. Permit suspensions may be reduced in length by a negotiated Consent Agreement which may substitute monetary penalties for part or all of the suspension time. Negotiated Consent Agreements are applicable to all suspensions of permits issued under the provisions of this Ordinance.

B. These penalties apply to all permits issued pursuant to this Ordinance.