

## NOTICE OF INTENT

Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality regulations at LAC 33:III.223 and repeal LAC 33:III.1901-1935 and Chapter 19.Appendix (Log #AQ200).

The existing regulations at LAC 33:III.1901-1935 and the appendix at the end of Chapter 19 are being repealed, and the fees at LAC 33:III.223 are being amended, because the enhanced Motor Vehicle Inspection/Maintenance (I/M) Program was never implemented and was not reauthorized by the Louisiana Legislature in 1997. Although these regulations were promulgated in 1995, vehicle testing was not to begin until 1999, and only after reauthorization by the Legislature in 1997. As the Legislature did not reauthorize this enhanced program, the program was never implemented, and thus, these regulations are moot and obsolete and need to be repealed. The Legislature, by Act 576 of the 1999 Regular Session, did authorize a low enhanced, less stringent, less costly program for the control and abatement of motor vehicle emissions to include new evaporative system pressure tests. A gas cap pressure test was implemented effective January 1, 2000, and a fuel inlet pressure test is scheduled to be implemented later in the year. The new emissions testing will be performed as part of annual vehicle safety inspections, and thus, enforcement of program provisions and collection of fees for this new low enhanced vehicle inspection/maintenance (I/M) program will be governed by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section (DPS), with DEQ providing oversight, data collection support, and liaison activities. In accordance with R.S. 32:1306(C), DPS has promulgated a final rule on December 20, 1999, necessary to implement the new requirements of this recently authorized low enhanced vehicle emissions I/M program. The basis and rationale for this proposed rule are to repeal the regulations for control of emissions from motor vehicles that are now moot and obsolete.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on April 24, 2000, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ200. Such comments must be received no later than May 1, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ200.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.  
Assistant Secretary

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs**

**§223. Fee Schedule Listing**

FEE SCHEDULE LISTING						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
*** [See Prior Text in Fee No. 0010-1720]						

Additional Fees		
Fee Number	Fee Description	Amount
*** [See Prior Text in Fee No. 2000-2300]		
2400	An application approval fee for Stage II Vapor Recovery	100.00
	An annual facility inspection fee for Stage II Vapor Recovery	150.00
2500	<del>Biennial Mobile Sources Enhanced Inspection Maintenance Fee</del>	
*NOTE 18*	<del>Biennial enhanced inspection maintenance motor vehicle emissions test if federal funds are available</del>	<del>10.00</del>
	<del>Biennial enhanced inspection maintenance motor vehicle emissions test fee if federal funds are not available</del>	<del>20.00</del>
2520	<del>Certification fee</del>	
	<del>Emission inspector</del>	<del>50.00</del>
	<del>Emission inspection station</del>	<del>200.00</del>
2600	Accident Prevention Program Annual Maintenance Fee: Program 1	200.00
*NOTE 16*		
*** [See Prior Text in Fee No. 2620-2914]		

Explanatory Notes for Fee Schedule

[See Prior Text in Notes 1-17]

Note 18. ~~Reserved. A biennial emissions inspection fee for vehicles that are registered or required to be registered in any affected parish with a population of greater than 200,000. A program emission inspection fee not to exceed \$10 per vehicle inspected may be imposed if Intermodal Surface Transportation Efficiency Act funds are available for the purpose; to the extent such funds are not available a fee not to exceed \$20 per vehicle inspected may be imposed.~~

[See Prior Text in Note 19 – Processing Timelines Table]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 30:2341 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December, 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496 (November 1997), LR 23:1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 19. ~~Mobile Sources~~Repealed.**

**Subchapter A. ~~Control of Emissions from Motor Vehicles~~Repealed.**

**' 1901. ~~Purpose~~Repealed.**

~~It is the purpose of this regulation to establish and implement a program for the control and abatement of motor vehicle emissions from internal combustion engines that meets the emission performance standard as specified in 40 CFR part 51.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1224 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1903. ~~Applicability~~Repealed.**

~~All provisions and authority of this Subchapter requiring motor vehicle testing shall become effective on January 1, 1999. All other provisions and authority of this Subchapter shall become effective on January 1, 1998.~~

~~A. All inspection provisions of this Subchapter shall apply to all motor vehicles manufactured on or after 1968 as defined in LAC 33:III.1905 that are:~~

- ~~1. registered or required to be registered in the parishes of Ascension, Iberville, Livingston, Pointe Coupee, East Baton Rouge, and West Baton Rouge;~~
- ~~2. owned by or operated on federal installations located within the parishes of Ascension, Iberville, Livingston, Pointe Coupee, East Baton Rouge, and West Baton Rouge; or~~
- ~~3. fleet vehicles primarily operated in the parishes of Ascension, Iberville, Livingston, Pointe Coupee, East Baton Rouge, or West Baton Rouge.~~

~~B. Provisions of this Subchapter shall apply to owners and operators of subject vehicles or to any private corporation, person, business, or entity engaged in providing emissions inspections, diagnosing motor vehicle malfunctions, or repairing motor vehicles.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1224 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1905. ~~Definitions~~Repealed.**

~~The terms used in this Subchapter are defined in LAC 33:III.111 of these regulations except as defined as follows:~~

~~*Algorithm*Ca mathematical rule or procedure for solving a problem or implementing a process as described in 40 CFR part 51, subpart S and 40 CFR part 85, subpart W, as applicable.~~

~~*Certificate of Emissions Control (CEC)*Ca serially numbered, counterfeit-resistant document issued in the form of a vehicle inspection report (VIR) for each vehicle emissions inspection.~~

~~*Certified Emissions Inspection Station (certified station)*~~ Ca facility certified by the administrative authority for the purpose of conducting vehicle emissions inspections.

~~*Certified Emissions Inspector (certified inspector)*~~ Any person whom the administrative authority may certify to conduct vehicle emissions inspections.

~~*Consumer Price Index (CPI)*~~ The CPI for any calendar year is the average of the CPI for all urban consumers published by the Department of Labor, as of the close of the 12-month period ending August 31 of each calendar year.

~~*Emissions Inspection*~~ The use of analyzers and diagnostic equipment, as appropriate, and the application of techniques, methods, policies, and procedures established or approved by the administrative authority for the purpose of comparing pollutant emission levels in vehicle exhaust to emission standards.

~~*EPA*~~ United States Environmental Protection Agency.

~~*Exhaust Gas Emissions Standards*~~ The maximum allowable levels of carbon monoxide, hydrocarbons, and oxides of nitrogen appropriate for the age and type of vehicle tested. Refer to LAC 33:III.Chapter 19, Appendix.

~~*Fleet*~~ Ten or more motor vehicles that are owned, operated, leased, or otherwise controlled by a person.

~~*Light duty Truck I (LDTI)*~~ Any van or truck with a gross vehicle weight rating (GVWR) less than or equal to 6,000 pounds.

~~*Light duty Truck II (LDTII)*~~ Any van or truck with a gross vehicle weight rating greater than or equal to 6,001 pounds and less than or equal to 8,500 pounds.

~~*Light duty Truck III (LDTIII)*~~ Any van or truck with a gross vehicle weight rating greater than or equal to 8,501 pounds and less than or equal to 10,001 pounds.

~~*Light duty Vehicle (LDV)*~~ Any vehicle classified as a passenger car or automobile.

~~*Minimum Expenditure Waiver*~~ A waiver that may be obtained if repair cost limits are met or exceeded.

~~*Motor Vehicle or Vehicle*~~ Any automobile or truck classified as a Light duty Vehicle, Light duty Truck I, Light duty Truck II, or Light duty Truck III that is required to be registered, except:

- a. motorcycles or mopeds;
- b. mobile equipment such as road rollers, road graders, farm tractors, unlicensed vehicles on which power shovels are mounted, or such other construction equipment customarily used only on construction sites and that is not practical for the transportation of persons or property upon the highways;
- c. fire engines in regular service with a municipal, volunteer, or industrial fire fighting department;
- d. vehicles licensed as "antique" in accordance with R.S. 47:463.8;
- e. trucks or vehicles licensed with a declared gross vehicle weight rating greater than or equal to 10,001 pounds;
- f. vehicles powered only by electricity;

~~g. vehicles legally classified as golf carts and off road vehicles; and~~

~~h. vehicles displaying apportioned license plates.~~

~~New Motor Vehicle~~ ~~Any vehicle being registered for the first time.~~

~~On-board Diagnostic Systems (OBD)~~ ~~Systems designed to identify emissions-related problems on the vehicle; required for 1995 and newer model year vehicles.~~

~~On-road Testing~~ ~~the measurements of a vehicle's hydrocarbon (HC), carbon monoxide (CO), or oxides of nitrogen (NO<sub>x</sub>) emissions taken on any road or roadside.~~

~~Operator~~ ~~Any individual in control of a vehicle.~~

~~Owner~~ ~~Any person holding legal title to or a lease interest in a motor vehicle.~~

~~Person~~ ~~Any individual, firm, partnership, joint venture, association, corporation, social club, fraternal organization, estate, trust, receiver, syndicate, any parish, city, municipality, district (for air pollution control or otherwise) or other political subdivision, or any group or combination acting as a unit and the plural as well as the singular unit.~~

~~Recognized Repair Technician~~ ~~One professionally engaged in vehicle repair, employed by a going concern whose purpose is vehicle repair, or possessing nationally recognized certification for emission-related diagnosis and repair.~~

~~Remote Sensing Device~~ ~~Equipment consisting of an infrared beam emitter, a detector, and a microprocessor designed to measure on-road vehicle emissions.~~

~~Reregistration~~ ~~the process of titling a previously titled vehicle.~~

~~Subject Vehicle~~ ~~those motor vehicles meeting the applicability requisites in LAC 33:III.1903.~~

~~Year~~ ~~A calendar year.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1224 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**§1907. General Provisions Repealed.**

~~A. Except as otherwise noted in this Subchapter, all owners of new motor vehicles covered by this Subchapter shall receive a certificate of compliance, waiver, or adjustment prior to the second registration renewal of the motor vehicle.~~

~~1. Thereafter, a certificate of compliance, waiver, or adjustment shall be obtained biennially (every two years) for all motor vehicles subject to the requirements of this Subchapter.~~

~~2. Vehicles must receive a valid certificate of compliance, waiver, or adjustment not more than 90 days prior to, but not later than, the vehicle registration renewal date.~~

~~3. Any person owning or operating any motor vehicle that is exempt from registration renewal and is otherwise subject to this Subchapter shall obtain a biennial certificate of compliance, waiver, or adjustment for the vehicle. Beginning in May of the first program year such vehicles shall receive their initial inspections not sooner than the first day of May and comply not later than July 31 of the inspection year according to the following schedule:~~

~~a. odd numbered model year vehicles shall be inspected in odd numbered years; and~~

~~b. even numbered model year vehicles shall be inspected in even numbered years.~~

~~B. Within 90 days prior to reregistration or title transfer of a previously titled motor vehicle a valid certificate of compliance or adjustment must be obtained in order to reregister or retitle the vehicle, unless otherwise noted in Subsection C or D of this Section. Thereafter, a certificate of compliance, waiver, or adjustment shall be obtained biennially for all previously titled motor vehicles subject to the requirements of this Subchapter.~~

~~C. Previously titled motor vehicles purchased from a licensed motor vehicle dealer that are no older than four model years, as determined by the manufacturer's model year designation, shall not require a certificate of compliance, waiver, or adjustment for the purpose of reregistration. The vehicle shall qualify for deferral at the time of reregistration provided that the dealer facilitates motorist awareness and reregistration as follows:~~

~~1. the motor vehicle dealer at the time of purchase provides the purchaser with a written statement that the emissions equipment on the motor vehicle was operating in accordance with the manufacturer's and distributor's warranty at the time of resale;~~

~~2. the dealer provides the motorist with a statement, in prominent bold print, that the written statement in no way warrants or guarantees that the vehicle complies with the emission standards used in the I/M program required by this Subchapter;~~

~~3. the dealer submits the statement required in Subsection C.1 of this Section to the administrative authority within 10 days of the sale. Thereafter, a certificate of compliance, waiver, or adjustment shall be obtained biennially for all motor vehicles subject to the requirements of this Subchapter;~~

~~4. the dealer submits to the Louisiana Office of Motor Vehicles documentation for the particular vehicle requesting a dealer deferral that demonstrates compliance with this Subsection. Such documentation shall be necessary before the vehicle may be registered in the name of the new owner.~~

~~D. The provisions of this Subsection that require compliance prior to reregistration or title transfer do not apply to:~~

~~1. the first transfer of registration or ownership between husband and wife or the transfer to any family member if the transfer is the result of the probate of a will; or~~

~~2. companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.~~

~~E. Vehicles shall become subject to on-road testing provisions of this Subchapter upon reregistration or upon registration renewal, whichever occurs first, with the exception of previously titled vehicles registered in accordance with Subsection C of this Section. Vehicles subject to the provisions of Subsection C of this Section shall become subject to on-road testing requirements one year after reregistration.~~

~~F. A valid registration sticker must be displayed at all times on the vehicle license plate as a visible demonstration of compliance with this Subchapter.~~

~~G. The administrative authority shall notify owners that subject vehicles must comply with this Subchapter prior to registration renewal. Written notification shall be mailed approximately 90 days prior to the vehicle registration renewal date to allow time for compliance. Failure of an owner to receive a notification for an inspection shall in no way lessen or eliminate the responsibility of the owner to comply with the provisions of this Subchapter.~~

~~H. In order to receive a certificate of compliance, waiver, or adjustment, an owner or operator must demonstrate compliance with any emissions-related manufacturer's recall for the vehicle requiring a certificate of emissions control.~~

~~I. Upon reasonable notice by the administrative authority, a certified station shall make available the use of its inspection facility and equipment for the purpose of verifying the results of an inspection or reinspection of a motor vehicle.~~

~~J. All federal facilities located in the program area shall provide the administrative authority with an initial complete listing of all employee owned or leased vehicles used in the federal facility, as well as all agency owned or operated vehicles, upon request by the administrative authority. Thereafter, all federal facilities shall annually report any changes in this list for the previous calendar year and demonstrate compliance with the requirements of this Subchapter not later than April 1 of each year. Presentation of proof of a valid certificate of compliance, waiver, or adjustment (or any other form of proof approved by the administrative authority) shall constitute demonstration of compliance.~~

~~K. Motor vehicles previously registered in a state other than Louisiana must comply with the inspection provisions of this Subchapter prior to registering in subject parishes.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1225 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

#### **' 1909. Standards of Performance Repealed.**

~~A. Exhaust Emission Standards. Vehicles shall be tested for exhaust gas emission levels of carbon monoxide, carbon dioxide, and hydrocarbons. To pass the test and receive a certificate of compliance, a vehicle's emissions must not exceed the standards set in LAC 33:III.Chapter 19, Appendix based on registration information for vehicle type, model year, and weight.~~

~~B. Pressure Test. To pass a pressure test, as described in LAC 33:III.1911.C.2, a vehicle must show a pressure drop of less than two inches of water two minutes after the system is pressured to 14 inches of water.~~

~~C. Fast-pass/Fast-fail Procedures. Fast-pass or fast-fail procedures may be used as approved by the administrative authority\*.~~

~~D. Rejection for Cause. If the condition of the vehicle, vehicle contents, load, passengers, or operator causes or has the appearance of causing an unsafe inspection condition when presented for, or during, the inspection, the inspection shall not be performed until the condition is determined to be safe or is corrected. Such conditions include, but are not limited to:~~

- ~~1. fuel leaks in or around the engine area, fuel tank, or lines causing wetness or pooling of fuel;~~
- ~~2. leaking of engine oil, coolant, or other fluids (except for air conditioner condensate);~~
- ~~3. obvious exhaust leak(s), which would prohibit valid sampling;~~
- ~~4. missing or loose tail pipe section(s), which would prohibit proper sampling; and~~
- ~~5. evidence of engine overheating.~~

~~E. Visual Inspection. To pass the visual catalytic converter check, such devices shall be present and properly connected.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1226 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1911. Emissions Inspection Procedures Repealed.**

~~Subject vehicles shall be inspected according to test methods found in this Subsection and those in the I/M Procedures Manual.~~

~~A. General Inspection Procedure~~

~~1. Inspections shall be performed without emissions related repair or adjustment at the certified station prior to the inspection, except that the gas cap shall be checked to ensure that it is properly, but not excessively, tightened and shall be tightened if necessary.~~

~~2. The certified station shall not conduct an inspection until the motorist, prior to initiation of an inspection, has been informed of:~~

~~a. the approximate wait time expected before commencement of the inspection; and~~

~~b. that the certified station is either able or unable to perform emission-related repairs for that particular vehicle should that vehicle fail the inspection.~~

~~3. An official inspection, once initiated, shall be performed in its entirety regardless of intermediate outcomes, except in the case of invalid test conditions, unsafe conditions, or fast-pass/fast-fail algorithms.~~

~~4. Tests involving measurements shall be performed with equipment approved by the administrative authority that has been calibrated according to the quality control procedures established by the administrative authority\*.~~

~~5. Dual fuel vehicles must receive the tail pipe portion of the inspection while operating on gasoline. Dual fuel vehicles must operate on gasoline for a minimum of 10 minutes prior to inspection.~~

~~6. In the inspection process vehicles that have been altered from their original certified configuration are to be tested according to the standards for the chassis model year. The standards for the engine model year shall be used if the engine model is newer than the chassis.~~

~~7. The motorist shall provide sufficient vehicle documentation to the emissions inspector for the vehicle to be identified and the vehicle record located in the program data base.~~

~~8. The motorist shall allow sufficient access for a certified inspector to conduct the inspection.~~

~~9. All media used for the recording and storage of inspection and program data shall become property of the administrative authority.~~

~~B. Exhaust Test Procedure. The test procedures shall be a two speed idle test including a second chance test as defined in 40 CFR part 51, appendix B to subpart S.~~

~~1. The test shall measure vehicle exhaust gas emissions in terms of concentrations for carbon monoxide, carbon dioxide, and hydrocarbons.~~

~~2. With the engine operating at idle speed and transmission in neutral or park, as may be specified by the administrative authority, the sampling probe of the gas analytical system shall be inserted into the tail pipe of the vehicle being tested.~~

~~3. The vehicle shall be at operational temperature and the designated preconditioning sequence completed prior to the initiation of the sampling sequence.~~

~~4. Alternative procedures may be used if they are shown to be equivalent or better to the satisfaction of the administrative authority\*.~~

#### ~~C. Pressure Test Procedure~~

~~1. Test equipment shall be connected to the fuel tank gas cap. The gas cap shall be checked to ensure that it is properly, but not excessively, tightened and shall be tightened if necessary.~~

~~2. The system shall be pressurized to determine the ability of the gas cap to maintain a seal under pressure.~~

~~3. Alternative procedures may be used if they are shown to be equivalent or better to the satisfaction of the administrative authority\*.~~

#### ~~D. Reinspection Procedure: All Vehicles~~

~~1. Vehicles that fail any portion of the emissions inspection shall have necessary maintenance and repairs performed as a prerequisite for a reinspection. Vehicles that are brought to a certified station within 30 days after failing an inspection will be given one free reinspection if the reinspection is performed by the certified station performing the initial inspection. If any subsequent inspections are required for that inspection cycle a new initial~~

~~inspection fee (which includes one free reinspection by the certified station where the previous failure occurred) may be charged.~~

~~2. A vehicle repair form (VRF) completed following the most recent emissions inspection shall be a prerequisite for a reinspection or subsequent emissions inspection. It shall indicate which repairs were actually performed, as well as any technician recommended repairs that were not performed, and an identification of the facility that performed the repairs. Identification on the VRF shall include, at a minimum, the technician's signature and printed name, the printed repair facility's name (if applicable), federal employer identification number (EIN) (if applicable) and Louisiana state tax number (if applicable), the repair date, and business telephone number (if applicable). If owner performed repairs are claimed for waiver purposes the labor rate may not exceed that found in a flat rate manual. The name of the flat rate manual used for labor charges must be supplied along with the parts receipts.~~

~~3. Repairs of failed vehicles by persons who are not recognized repair technicians are permitted; however, the cost of such repairs shall not be counted toward a certificate of waiver for any 1980 or newer model vehicle.~~

~~4. Following repair vehicles shall be reinspected for any portion of the inspection that was failed on the previous inspection to determine if repairs were effective. A vehicle that fails one or more of the standards for HC or CO must pass both pollutant standards on the reinspection.~~

~~5. Available emissions control system warranty repairs and tampering related repairs must be obtained in accordance with LAC 33:III.1917.A.2 and 3.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1227 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

### **' 1913. On-road Testing Repealed.**

~~A. On-road testing is to be a complement to inspection otherwise required in LAC 33:III.1911.~~

~~B. On-road testing may be performed using remote sensing equipment or other equipment approved by the administrative authority or roadside pullovers including tail pipe emission testing. Vehicles shall be measured for exhaust gas emission levels of carbon monoxide and hydrocarbons. The established exhaust emission standards can be found in LAC 33:III.Chapter 19, Appendix.~~

~~C. Subject vehicles that are found to exceed the established on-road emission standards for the same pollutant on two different occurrences within a 12-month period shall be notified of the exceedance and required to present the vehicle for an inspection at a certified station and payment thereof, within 30 days of notice unless required cyclic inspection compliance is due within 90 days of the second exceedance. If required cyclic inspection compliance is due the vehicle may receive an inspection not more than 90 days before registration renewal to fulfil both remote sensing and cyclic inspection requirements.~~

~~1. Fulfillment of a cyclic inspection requirement cancels any remote sensing exceedances that may have occurred between the last two inspection cycles.~~

~~2. Such vehicles requiring an inspection after two remote sensing failures shall be subject to all compliance provisions of this Subchapter; except vehicles not subject to biennial inspection shall not become subject to biennial inspection as a result of on-road testing requirements.~~

~~3. Off cycle remote sensing triggered inspection does not affect the requirements for normal cyclic inspection except as otherwise noted in this Section.~~

~~D. Vehicles that received a certificate of waiver or adjustment shall be exempt from the requirements of this Section for the duration of that certificate.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1228 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1915. Certificate of Emissions Control (CEC) Repealed.**

~~A serially numbered, counterfeit resistant document in the form of a vehicle inspection report (VIR) shall be issued for each motor vehicle inspection only after inspection or compliance with the requirements of this Subchapter. The CEC shall contain at a minimum: vehicle information, inspection results, an emissions validation tab, and a vehicle repair form (VRF).~~

~~A. Security. Measures shall be taken to maintain the security of all certificates and to ensure that compliance documents cannot be stolen or removed without being damaged.~~

~~B. Certificate Types. Depending on the results of each inspection, the certificate of emissions control shall be completed in one of four ways:~~

- ~~1. C - certificate of compliance;~~
- ~~2. F - certificate of failure;~~
- ~~3. W - certificate of waiver; or~~
- ~~4. A - certificate of adjustment.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1228 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1917. Certificates of Waiver Repealed.**

~~A certificate of waiver is a type of compliance that allows a motorist to comply with program requirements without meeting the applicable emission test standards, as long as prescribed criteria are met. Certificates of waiver shall be issued by the administrative authority or an authorized representative. A certificate of waiver shall expire on the date of the first registration renewal or title transfer following the issuance of the waiver.~~

~~A. Minimum Expenditure Waiver. The following criteria must be met to receive a minimum expenditure waiver:~~

~~1. Emissions related repairs performed prior to an initial inspection shall not be eligible to apply toward a certificate of waiver.~~

~~2. Any available emissions control system warranty coverage shall be used to obtain needed repairs before repair expenditures can be counted toward the cost limits in Subsection A.6 of this Section. The operator of a vehicle within the statutory age and mileage coverage under section 207(b) of the Clean Air Act shall present a written denial of warranty coverage from the manufacturer or authorized dealer for this provision to be waived.~~

~~3. The cost of tampering related repairs shall not be applicable to the minimum expenditure in Subsection A.6 of this Section. The administrative authority may exempt tampering related repairs if the owner or operator can verify that the part in question or one similar to it is no longer available or safe.~~

~~4. Repairs shall be appropriate to the cause of the inspection failure. A visual check may be made where appropriate to determine if repairs were actually performed. Receipts shall be submitted to the administrative authority for review to verify that qualifying repairs were performed.~~

~~5. Repairs shall be performed by a recognized repair technician in order to qualify for a certificate of waiver. The administrative authority may allow repairs performed by nontechnicians (e.g., owners) to apply toward the waiver limit for pre 1980 model year vehicles.~~

~~6. In order to qualify for a minimum expenditure waiver the owner or operator shall make qualified repairs directly related to the cause of the inspection failure in the amount of at least \$100 for 1980 and older vehicles or \$200 for 1981 and newer vehicles.~~

~~a. A motorist may apply for a time extension, which allows additional time to procure the necessary repairs for compliance if parts for the required repairs are not available.~~

~~b. A time extension is valid for not more than 90 days from the date of registration renewal.~~

~~c. A time extension does not exempt a vehicle from the compliance requirements of this Subchapter.~~

~~7. A reinspection following the minimum expenditure must be failed.~~

~~8. The administrative authority may establish lower minimum expenditure limits if a program is implemented to scrap vehicles that do not meet standards after the lower expenditure is made.~~

~~B. Economic Hardship Waiver. A motorist may apply to the administrative authority for a one-time hardship waiver if the owner of the vehicle cannot meet the minimum expenditure in Subsection A of this Section. A vehicle may qualify for a hardship waiver only once in the lifetime of the vehicle. A hardship waiver is terminated at the following registration renewal date, the time of resale, or any transfer of the vehicle title, whichever is first. A hardship waiver may not be transferred to any person. The owner of a vehicle must notify a prospective purchaser that the vehicle is operating under a hardship waiver prior to the sale of the vehicle. To qualify for a hardship waiver the owner must:~~

~~1. have a valid CEC indicating the vehicle failed the initial emissions inspection;~~

~~2. provide notarized proof in writing that all income related hardship criteria have been met; and~~

~~3. provide any and all information requested by the administrative authority that may be desirable to verify the applicant's qualifications.~~

~~C. Vehicles Unavailable for Inspection. Subject vehicles that are stationed outside the program area and cannot be easily returned for inspection when registration renewal is due must present proof of such stationing (military orders, school registration, or other acceptable documentation) to the administrative authority. If the vehicle is stationed in another I/M program area, a reciprocal emissions test is required so that the vehicle complies with the requirements of that area. If the vehicle is not stationed in an I/M program area, the owner may apply for a time extension for renewal. The administrative authority may grant such a time extension, to expire 30 days after the vehicle's return to the program area.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1228 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1919. Compliance via Diagnostic Inspection Repealed.**

~~Subject vehicles may be issued a certificate of adjustment if, after failing a reinspection on emissions, a complete, documented physical and functional diagnosis and inspection, performed by the administrative authority or an authorized representative, shows that no additional emission-related repairs that may produce further reductions in exhaust emissions are needed. Motorists requesting a diagnostic inspection shall be required to pay all costs of the inspection in full.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1229 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1921. Certification of Emission Inspection Stations Repealed.**

~~A. Precertification and Application. An application for a certification to operate a certified station must be filed upon a form supplied by the administrative authority. The applicant must furnish such proof as the administrative authority deems necessary to determine whether the applicant qualifies to operate a certified station. Required proof shall include that he has an established place of business in this state and is capable of meeting the requirements in Subsection A.2 and B of this Section. A CEC can only be issued at a certified station. A certification issued to a station expires at midnight on December 31 of each calendar year or upon any change in station name, location, ownership, or other legal status.~~

~~1. Precertification~~

~~a. Prior to construction, installation, or renovation of any facility or building intended for use as a certified station, the owner or operator must have submitted an application and received precertification to operate the facility as a certified station.~~

~~b. The administrative authority will investigate each applicant.~~

~~2. Certificate to Operate. The administrative authority may issue a station certificate to a person who makes application and demonstrates to the administrative authority's satisfaction that the following minimum conditions will be in effect and equipment will be present at the applicant's proposed certified station:~~

- ~~a. all inspection systems, emission analyzers, equipment, maintenance plans, and contracts shall be approved by the administrative authority in advance of issuing a station certification;~~
- ~~b. approved span gas and compatible equipment for performing gas span checks;~~
- ~~c. suitable nonreactive tail pipe extenders or probe adapters for inspecting vehicles with screened or baffled exhaust systems;~~
- ~~d. sufficient access to the inspection area so the motorist may fully observe the entire inspection process;~~
- ~~e. the owner or operator or an employee of the owner or operator must be a full-time certified emissions inspector;~~
- ~~f. physical requirements:
 
  - ~~i. the inspection area shall have a minimum floor area of 12 by 22 feet and be located within a permanent-type building of sound structure having a minimum of two permanent walls and a permanent roof;~~
  - ~~ii. tents, sheds, and other makeshift structures shall not qualify for certification;~~
  - ~~iii. the facilities shall be large enough to accept all types and sizes of vehicles that are subject to the program; and~~
  - ~~iv. the entire floor must be hard surfaced (wood, dirt, or hot mix floors are not acceptable) and sufficiently level in the same plane so that calibration and accuracy of the inspection equipment is not disrupted by a vehicle's weight or motion;~~~~
- ~~g. an acceptance test is passed that demonstrates that all inspection, electronic data processing, and other equipment is properly installed and functioning and that the station applying for certification has employed a certified emissions inspector capable of performing emission inspections; and~~
- ~~h. all applicable sections of this Subchapter are fulfilled.~~

### ~~3. Certified Fleet Emission Inspection Station C Certification and Restrictions~~

- ~~a. A certification for a fleet station may be issued to an owner or lessee of a fleet of ten or more motor vehicles.~~
- ~~b. A fleet station may inspect and certify only those motor vehicles that constitute its fleet of owned or operated vehicles and may issue CECs for those fleet motor vehicles that are sold to the public. However, vehicles owned, titled, or otherwise possessed for less than six months by the fleet operator may not be inspected or certified for the purpose of resale to the public.~~
- ~~c. A certified fleet station must meet all the requirements applicable to a certified station except:
 
  - ~~i. no sign need be displayed and prices need not be posted;~~
  - ~~ii. required equipment calibrations shall be performed only on days inspections are to be performed or as required in the I/M procedures manual; and~~
  - ~~iii. program information need not be disseminated or displayed except as required in LAC 33:III.1921.B.3.~~~~

~~4. Emissions Inspection Only. "Emissions Inspection Only" stations may be authorized by the administrative authority. Such stations shall indicate on a sign authorized by the program and placed in a readily visible location that no emissions related adjustments or repair services are available.~~

~~B. Signage and Advertisement~~

~~1. Signage~~

~~a. A certified station must post in a conspicuous place in the station signs or placards that:~~

~~i. display the inspection fee and the hours and days of the week the station is open to perform inspections; at least one such sign, meeting specifications of the administrative authority, must be visible from the middle of the nearest roadway adjacent to the certified station; and~~

~~ii. provide information regarding the state's program for the inspection and maintenance of motor vehicles.~~

~~b. A certified station shall prominently display two signs stating that "The Vehicle Emissions Inspection/Maintenance Program and Fees are expressly required by the U.S. Environmental Protection Agency and by an Act of Congress."~~

~~2. Display. The certified station certification and all other certifications issued to approved inspectors must be displayed in a conspicuous place under glass or other transparent material within the certified station.~~

~~3. Advertising~~

~~a. No certified station may intentionally publish, display, or circulate any information that is misleading or inaccurate or that misrepresents any of the services rendered or products sold, manufactured, handled, or furnished to the public.~~

~~b. No person shall solicit, advertise, or imply that a facility is a certified station, certified by the administrative authority to conduct inspections in accordance with this regulation, without having a current certificate issued by the administrative authority on display on the premises.~~

~~c. The administrative authority will provide program information that shall be distributed to the public by a certified station.~~

~~C. Performance of Certified Stations. Certified station owners or operators shall be responsible for the general management of their facility or facilities, all emission inspections conducted at their facility or facilities, and for the supervision of their inspectors and repair technicians in accordance with this regulation, the I/M Procedures Manual, and other procedures and policies of the program.~~

~~1. A certified station shall obtain and be responsible for routine and unscheduled maintenance or replacement parts for all emissions inspection equipment used for activities in accordance with this Subchapter.~~

~~2. A certified station may not refuse to inspect any vehicle based upon the race, color, religion, sex, national origin or ancestry, age, or physical handicap or disability of the motorist (or any other reason established by the administrative authority), nor may the station refuse any vehicle for inspection because of the make, model, or year of the vehicle.~~

~~3. A certified station shall perform initial emissions inspections on vehicles without repair or adjustment prior to the inspection. This does not apply to a vehicle when an owner or driver specifically asks for repairs or~~

~~adjustments prior to an emissions inspection and a work order is completed and authorized by the vehicle owner or driver. However, such repairs will not count toward the waiver limits set by this Subchapter.~~

~~4. The owner or operator of a certified station shall notify the administrative authority and reapply for certification within 30 days of any change of name, legal structure of ownership, operator, or location.~~

~~5. Certified stations shall be responsible for all CECs. In the event of a lost or stolen CEC the certified station or his agent shall:~~

~~a. notify the administrative authority within 24 hours after a certificate of compliance has been lost or stolen; and~~

~~b. allow on the premises of the station any authorized representative of the administrative authority to inspect the station.~~

~~6. A certified station shall retain in a secure storage area one hard copy of VRFs from motorists whose vehicles have passed a reinspection and all VIR.~~

~~7. Certified stations shall maintain a file of the name, address, and certification number of all currently employed or contracted emissions inspectors and shall provide the file to the administrative authority upon request.~~

#### ~~D. Certified Station: Grounds for Denial, Revocation or Suspension of Certification, Reapplication~~

~~1. Each of the following acts, omissions, and conditions may constitute a ground for the denial of an application for a certification to operate a certified station or for the revocation or suspension of such a certification:~~

~~a. material misstatement on the application;~~

~~b. unfitness of the applicant;~~

~~c. the applicant's conviction of a felony in the state of Louisiana, any other state, any territory of the United States, or in any other nation; or~~

~~d. the applicant's conviction for violating any provision of this Subchapter.~~

~~2. The administrative authority may deny or revoke the certification of a facility that does not comply with all applicable federal, state, and local laws and regulations.~~

~~3. If no certified inspector is in the employ of a certified station for a period of 30 consecutive days, the certified station must:~~

~~a. remove or cover all emissions inspection signs; and~~

~~b. surrender its certification as a certified station and all its forms to the administrative authority.~~

~~4. The failure of a certified station to comply with a directive of the administrative authority advising him of his noncompliance with any provision of this Subchapter, inclusive, within 10 days after his receipt of the directive, is prima facie evidence of his willful failure to comply with the directive.~~

~~a. When the certification of a certified station has been suspended for cause, the suspension will be for a period of not less than 90 days. Upon suspension the certification of the certified station must be surrendered to the administrative authority.~~

~~b. An applicant may not reapply for a certification after denial, revocation, or suspension by the administrative authority until he has taken an action that removes the ground for denial, revocation, or suspension of an application.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1229 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1923. Emissions Inspector Training and Certification Repealed.**

~~A. Applicability. This Section shall apply to any person working at a certified station or fleet emissions inspection station as an emissions inspector or working as a contracted independent emissions inspector to provide such services. The provisions of this Section apply to both initial certification and any renewals of certifications.~~

~~1. No person shall be represented as an emissions inspector without holding valid certification issued by the administrative authority.~~

~~2. CECs and VIRs shall be issued only by certified emission inspectors working at certified stations.~~

~~3. Requalification for an emissions inspector certification may be required according to Subsection D.3 of this Section.~~

~~4. All emissions inspectors shall cooperate with the administrative authority during audits and investigations and provide true and valid information to the best of their knowledge.~~

~~5. All emission inspectors' certifications must be posted in a conspicuous place in the certified station of employment.~~

~~B. Applications. Completed applications for emissions inspector certifications must be submitted to the administrative authority. The applicant shall provide proof of having received approved training and having passed the written and practical tests. The administrative authority shall have final approval of all training and testing conducted for the purposes of inspector certification.~~

~~C. Testing of Applicants. All instructional materials for the emissions inspector training program and the tests shall be approved by the administrative authority. Both the written and practical shall be administered in such a manner as to allow the applicant to demonstrate the ability to conduct a proper inspection, to properly use equipment, and to follow other procedures. The written and practical tests shall be administered by the administrative authority or an authorized representative.~~

~~1. Written Test. A score of 80 percent is required to pass the written test covering the subjects in Subsection C.1.a-n of this Section. Prior to taking the written test the inspector applicant shall complete a training course covering, at a minimum, the following:~~

~~a. impact of automobile emissions on air quality;~~

- ~~b. purpose, function, and goal of inspection program;~~
  - ~~c. vehicle emissions and standards set by the administrative authority;~~
  - ~~d. rules, regulations, and procedures set forth in the I/M Procedures Manual;~~
  - ~~e. public relations;~~
  - ~~f. complaint handling;~~
  - ~~g. catalytic converter system on all types of vehicles, the purpose and function, configuration, and inspection;~~
  - ~~h. operation and proper use, care, maintenance, and calibration of the exhaust gas analyzer equipment approved by the administrative authority;~~
  - ~~i. quality control procedures and their purpose;~~
  - ~~j. safety and health issues related to the inspection process;~~
  - ~~k. proper procedures required to perform an actual emissions inspection from start to finish;~~
  - ~~l. general understanding of the benefits to vehicle owners provided in the defect warranty provisions of section 207 (a) and the performance warranty provisions of section 207 (b) of the federal Clean Air Act as it applies to the inspection;~~
  - ~~m. proper use of and distribution of inspection forms, certificates of emissions control, and supplemental documents; and~~
  - ~~n. inspecting for visible smoke emissions.~~
- ~~2. Practical Test. Inability to conduct any portion of the practical test shall constitute a failure of the test. The practical test shall include, but not be limited to:~~
- ~~a. customer contact procedures;~~
  - ~~b. vehicle data entry;~~
  - ~~c. preparation and positioning of the vehicle and the testing equipment for the inspection;~~
  - ~~d. performance of exhaust emissions and pressure tests;~~
  - ~~e. performance of the emissions control equipment inspection (tampering check);~~
  - ~~f. detachment of emissions inspection equipment from the vehicle;~~
  - ~~g. operation of computerized inspection monitoring and recording equipment;~~
  - ~~h. provision of inspection results and diagnostic and repair information to the motorists; and~~
  - ~~i. calibration and maintenance of all applicable equipment.~~
- ~~D. Expiration and Renewal of Certifications~~
- ~~1. Inspector certifications are valid for two years.~~

~~a. As a result of auditing or investigating consumer complaints, a certified inspector may be required to recertify if the administrative authority determines that competency and related problems must be corrected in order to protect the public.~~

~~b. The administrative authority will reissue certification to any emission inspector who has requalified to the satisfaction of the administrative authority.~~

~~2. In order to maintain a valid certification an emission inspector shall meet the necessary requirements for recertification and apply to renew a certification by filing an application with the administrative authority.~~

~~3. Periodic Requalification. Recertification shall be required upon expiration of a certificate or sooner as provided in this Subchapter.~~

~~a. If the administrative authority determines a need to update the general qualifications of emission inspectors prior to the expiration of a certificate, holders of such certificates may be required to requalify.~~

~~b. A person having an inspector's license who fails to perform an official inspection for a period of more than 12 months shall be deemed to have forfeited the certification and shall be required to reapply.~~

~~c. Certifications may be suspended or revoked if the person certified fails to requalify at the request of the administrative authority or according to the schedule approved by the administrative authority.~~

~~F. Performance of Certified Inspectors. Every certified inspector shall follow the official procedures of the I/M Procedures Manual and uphold the rules and regulations set forth by the administrative authority and shall:~~

~~1. accept all vehicles for emission inspection and perform the emissions inspections in an expedient manner in order to avoid unnecessary public inconvenience. However, an inspector shall not accept any vehicles for inspection if the inspection would pose a threat to any person's safety;~~

~~2. at no time during the emissions inspections sequence attempt or allow adjustments to be performed on the vehicle being inspected until the final VIR is complete;~~

~~3. sign all certificates of emission control at the time of inspection; and~~

~~4. properly use the emissions inspector number and access code usage:~~

~~a. the administrative authority shall assign each emissions inspector a unique emissions inspector number and numerical code, known as an access code, to gain access to the analyzer at any certified station;~~

~~b. access codes and emissions inspector numbers shall be added and deleted only by administrative authority personnel;~~

~~c. an access code shall be used only by the emissions inspector to whom it was assigned. A certified inspector shall at no time allow another person to use his or her certificate or personal access code to enter into an approved exhaust gas analyzer, nor will he or she delegate his or her authority to another person to perform any official inspection or any part of any inspection under his or her name or personal access code;~~

~~d. an emissions inspector, by signing and printing his or her name on the CEC, avows that he or she is responsible for, and ensures the accuracy of, the entire inspection pursuant to the CEC signed;~~

~~e. certified stations shall report any unauthorized use of an access code to the administrative authority within 24 hours of the discovery of unauthorized use;~~

~~f. a certified inspector shall be responsible for any violation or fraudulent inspection that occurs from the misuse of his assigned number or access code.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1231 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1925. Quality Assurance Repealed.**

~~A. An ongoing quality assurance program shall be implemented by the administrative authority to determine whether procedures are being followed, whether equipment is measuring accurately, and whether other problems might exist that would impede program performance.~~

~~1. Performance Audits. Performance audits shall be conducted on a regular basis to determine whether inspectors are correctly performing all inspections and other required functions. Performance audits may be either overt or covert. For the purpose of covert audits emissions devices or levels may be temporarily altered.~~

~~2. Record Audits. Station and inspector records shall be reviewed or screened at least monthly to assess station performance and identify problems that may indicate potential fraud or incompetence.~~

~~3. Equipment Audits. During overt site visits auditors shall conduct quality control evaluations of the required test equipment.~~

~~4. Auditor Training. Auditors shall be formally trained and knowledgeable in:~~

- ~~a. the use of analyzers;~~
- ~~b. program rules and regulations;~~
- ~~c. the basics of air pollution control;~~
- ~~d. basic principles of motor vehicle engine repair related to emission performance;~~
- ~~e. emissions control systems;~~
- ~~f. evidence gathering;~~
- ~~g. state administrative procedures laws;~~
- ~~h. quality assurance practices; and~~
- ~~i. covert audit procedures.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1232 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1927. Quality Control Repealed.**

~~A. Each owner of a certified station shall ensure that all equipment used at the certified station is properly calibrated and maintained and that calibration and maintenance records are accurately created, recorded, and maintained.~~

~~B. Preventative maintenance as specified by the I/M Procedures Manual shall be performed on all inspection equipment on a periodic basis, not less than one time per month. All manufacturer scheduled and recommended maintenance procedures shall be carried out as required by the manufacturer's maintenance schedule.~~

~~C. Computerized analyzers shall automatically record quality control check information, lockouts, attempted tampering, and any other recordable circumstances that should be monitored to ensure quality control, such as those circumstances which require a service technician to work on the equipment. Quality control checks shall be in accordance with the requirements set forth in 40 CFR part 51, appendix A to subpart S.~~

~~D. A certified station shall keep attached to its analyzer the manufacturer's quick reference guides on hookup and testing procedures.~~

~~E. The person in whose name a certification for a station is issued shall ensure that the operation of the certified station satisfies the operating reliability standards set forth in 40 CFR 51.359 and 40 CFR part 51, appendix A to subpart S. In order to achieve these standards the certified station shall be required to utilize reliable equipment and establish and implement effective ongoing programs of preventive maintenance, spare parts availability, and repair or replacement of defective or worn out equipment.~~

~~F. For each vehicle that fails the emissions inspection, the VIR shall include information that advises the motorist of:~~

- ~~1. any known emissions control equipment warranty by the vehicle manufacturer that may be available;~~
- ~~and~~
- ~~2. the availability of information regarding emissions repair facility effectiveness.~~

~~G. The certified station shall be required to conduct an effective preventive maintenance program, which shall contain the following elements as a minimum:~~

- ~~1. daily calibration checks;~~
- ~~2. periodic recalibrations;~~
- ~~3. periodic cleaning and maintenance of all equipment in accordance with the manufacturer's specifications by checklist;~~
- ~~4. daily visual inspection of equipment by checklist; and~~
- ~~5. recording of maintenance and calibration.~~

~~H. The administrative authority may order corrective actions to bring certified stations into compliance with the provisions of this Section. Such action may include, but is not limited to:~~

- ~~1. changes in operating procedures or personnel practices; and/or~~
- ~~2. redesign, repair, or replacement of operating equipment or software.~~

~~I. A certified station shall be available at any reasonable time for an audit or investigation by the administrative authority.~~

~~J. With reasonable notice a certified station shall be made available during nonworking hours to perform any audit or investigation that the administrative authority deems necessary.~~

~~K. Any documentation necessary to enable the administrative authority to perform audits shall be available at all times at each certified station.~~

~~L. Any defective condition that would adversely affect the accuracy of testing shall be corrected or testing shall cease until the defective condition is corrected.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1232 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1929. Public Information and Consumer Protection Repealed.**

~~A. Motorists shall be provided with interpretive diagnostic information based on the particular portions of the inspection that were failed, if such information is available from test data.~~

~~B. The administrative authority shall provide to the public at the time of initial failure a summary of the performance of local repair facilities that have repaired vehicles for reinspection. The summary shall include statistics on the number of vehicles submitted for a reinspection after repair by the repair facility, the percentage passing on first reinspection, the percentage requiring more than one repair/reinspection trip before passing, the percentage receiving a certificate of waiver or adjustment, and any other information that would assist a motorist in evaluating repair options.~~

~~C. The administrative authority shall annually provide feedback, including statistical and qualitative information, to individual repair facilities regarding their success in repairing failed vehicles.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1233 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1931. Enforcement Repealed.**

~~A. General~~

~~1. No person shall violate the provisions of this Subchapter.~~

~~2. A person shall not knowingly:~~

~~a. make any false material statement, representation, or certification in or omit material information from or knowingly alter, conceal, or fail to file or maintain any document required in accordance with this Subchapter;~~

~~b. fail to notify or report as required under this Subchapter;~~

~~c. falsify, tamper with, render inaccurate, or fail to install any pollution control device or methods required to be maintained or repaired under this Subchapter; or~~

~~d. temporarily adjust or repair a vehicle solely for the purpose of passing or failing an emissions inspection and readjust the vehicle following the passing of an emissions inspection.~~

~~3. Failure to comply with the provisions of this Subchapter shall constitute violation of the Louisiana Environmental Quality Act (the Act) and shall be subject to any enforcement action provided thereunder.~~

~~4. Penalties for violations shall be assessed in accordance with the Act and any specific provisions in this Subchapter.~~

~~5. Compliance with all provisions of this Subchapter must be demonstrated before a violation is considered resolved.~~

#### ~~B. Enforcement Against Vehicle Owners or Operators~~

~~1. Upon notice of noncompliance with the emission inspection requirements of this Subchapter by the administrative authority, the secretary of the Department of Public Safety and Corrections shall deny, suspend, or revoke the registration of the vehicle and impound or cancel the vehicle's license plate. Registration shall be denied until such time as compliance is demonstrated and any penalties due are paid in full.~~

~~2. Any person who fails to obtain the necessary certificate of compliance, waiver, or adjustment within the time limits provided in this Subchapter shall be assessed a civil penalty of a minimum of \$50 and not more than \$2500.~~

~~C. Enforcement Against Certified Stations and Inspectors. For the purposes of this Subsection violations shall be categorized as major or minor violations.~~

#### ~~1. Major Violations~~

~~a. A major violation is a violation of this Subchapter that directly affects the emission reduction benefits of the emissions inspection program. These violations include, but are not limited to, the following actions:~~

- ~~i. falsification of CECs;~~
- ~~ii. selling CECs other than as a result of an emissions inspection;~~
- ~~iii. performance of emissions inspections or issuance of CECs by persons other than certified emissions inspectors; or~~
- ~~iv. tampering with or circumvention of function of testing equipment.~~

#### ~~b. Penalties for Major Violations by Certified Stations~~

~~i. For a first major violation by a certified station, the administrative authority shall assess a penalty of not less than \$250 and shall require retraining, if applicable.~~

~~ii. For a second or third major violation by a certified station, the administrative authority shall assess a penalty of not less than \$500 and shall suspend the station certification for not less than 90 days.~~

~~iii. For a fourth or subsequent major violation by a certified station, the administrative authority shall revoke the station certification for not less than one year.~~

#### ~~c. Penalties for Major Violations by Certified Inspectors~~

~~i. For a first major violation by a certified inspector, the administrative authority shall assess a penalty of not less than \$125 and shall require retraining. The administrative authority may suspend the inspector's certification for not less than 90 days.~~

~~ii. For a second or third major violation by a certified inspector, the administrative authority shall assess a penalty of not less than \$250 and shall suspend the inspector's certification for not less than six months.~~

~~iii. For a fourth or subsequent major violation by a certified inspector, the administrative authority shall revoke the inspector's certification for not less than one year.~~

## ~~2. Minor Violations~~

~~a. A minor violation is a violation of this Subchapter that reflects negligence or carelessness in conducting an emissions inspection or complying with the emissions inspection requirements but does not directly affect the emission reduction benefits of the emissions inspection program. These violations include, but are not limited to, the following actions:~~

~~i. failure to follow procedural requirements; or~~

~~ii. failure to maintain records in accordance with program requirements.~~

### ~~b. Penalties for Minor Violations by Certified Stations~~

~~i. For a first minor violation by a certified station, the administrative authority shall issue a formal letter of warning.~~

~~ii. For a second or third minor violation by a certified station, the administrative authority shall assess a penalty of not less than \$125.~~

~~iii. For a fourth or subsequent minor violation by a certified station, the administrative authority shall assess a penalty of not less than \$250 and may suspend the station certification for not less than 30 days.~~

### ~~c. Penalties for Minor Violations by Certified Inspectors~~

~~i. For a first minor violation by a certified inspector, the administrative authority shall issue a formal letter of warning.~~

~~ii. For a second or third minor violation by a certified inspector, the administrative authority shall assess a penalty of not less than \$75 and may require retraining.~~

~~iii. For a fourth or subsequent minor violation by a certified inspector, the administrative authority shall assess a penalty of not less than \$150 and may suspend the inspector's certification for not less than 30 days.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1233 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

## ~~' 1933. Test Fees and Surcharges Repealed.~~

~~A fee shall be collected by the administrative authority or an authorized representative for the inspection.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1234 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**' 1935. ~~Miscellaneous~~ Repealed.**

~~If any provision of this Subchapter or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or application of any other part of this Subchapter. To this end each provision of this Subchapter, and the various applications thereof, are declared to be severable.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1234 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

APPENDIX ~~Repealed.~~

A. Idle Test Cutpoints for Bar90

1. ~~Start-up Standards~~

a. ~~Light-duty Vehicles (any passenger car or automobile):~~

<del>Model Years</del>	<del>Hydrocarbons (ppm)</del>	<del>Carbon Monoxide (%)</del>
<del>1994 + Tier I</del>	<del>220</del>	<del>3</del>
<del>1980 + non Tier I</del>	<del>400</del>	<del>4 (1980 - 6%)</del>
<del>1975-1979</del>	<del>800</del>	<del>8</del>
<del>1972-1974</del>	<del>1100</del>	<del>12</del>
<del>1970-1971</del>	<del>1200</del>	<del>12</del>
<del>1968-1969</del>	<del>1400</del>	<del>13</del>

b. ~~Light-duty Trucks I (less than or equal to 6000 pounds GVWR):~~

<del>Model Years</del>	<del>Hydrocarbons (ppm)</del>	<del>Carbon Monoxide (%)</del>
<del>1994 + Tier I</del>	<del>220</del>	<del>3</del>
<del>1984 + non Tier I</del>	<del>400</del>	<del>4</del>
<del>1979-1983</del>	<del>850</del>	<del>10</del>
<del>1975-1978</del>	<del>950</del>	<del>11</del>
<del>1972-1974</del>	<del>1200</del>	<del>12</del>
<del>1970-1971</del>	<del>1300</del>	<del>12</del>
<del>1968-1969</del>	<del>1400</del>	<del>13</del>

c. Light duty Trucks II (greater than or equal to 6,001 and less than or equal to 8,500 pounds GVWR):

Model Years	Hydrocarbons (ppm)	Carbon Monoxide (%)
1994 + Tier I	220	3
1984 + non Tier I	400	4
1979-1983	850	10
1975-1978	950	11
1972-1974	1200	12
1970-1971	1300	12
1968-1969	1400	13

d. Light duty Trucks III (greater than or equal to 8,501 and less than or equal to 10,000 pounds GVWR):

Model Years	Hydrocarbons (ppm)	Carbon Monoxide (%)
1994 + Tier I	220	3
1984 + non Tier I	400	4
1979-1983	850	10
1975-1978	950	11
1972-1974	1200	12
1970-1971	1300	12
1968-1969	1400	13

2. Final Standards

a. Light duty Vehicles (any passenger car or automobile):

Model Years	— Hydrocarbons (ppm)	— Carbon Monoxide (%)
1994 + Tier I	100	1
1981 + non Tier I	220	1.2
1980	300	3
1975-1979	600	6
1972-1974	700	8
1970-1971	800	9
1968-1969	1000	11

b. Light duty Trucks I (less than or equal to 6000 pounds GVWR):

Model Years	— Hydrocarbons (ppm)	— Carbon Monoxide (%)
1994 + Tier I	220	1.2
1984 + non Tier I	300	1.5
1979-1983	500	6
1975-1978	650	7
1972-1974	750	9
1970-1971	850	9
1968-1969	1150	11

c. Light duty Trucks II (greater than or equal to 6,001 and less than or equal to 8,500 pounds GVWR):

Model Years	Hydrocarbons (ppm)	Carbon Monoxide (%)
1994 + Tier I	220	1.2
1984 + non Tier I	300	1.5
1979-1983	500	6
1975-1978	650	7
1972-1974	750	9
1970-1971	850	9
1968-1969	1150	11

d. Light duty Trucks III (greater than or equal to 8,501 and less than or equal to 10,000 pounds GVWR):

Model Years	Hydrocarbons (ppm)	Carbon Monoxide (%)
1994 + Tier I	220	1.2
1984 + non Tier I	300	2
1979-1983	500	6
1975-1978	650	7
1972-1974	750	9
1970-1971	850	9
1968-1969	1150	11

~~B. On road Testing. Remote sensing identification standards:~~

<del>Model Years</del>	<del>Hydrocarbons (ppm)</del>	<del>Carbon Monoxide (%)</del>
<del>All Vehicles</del>	<del>1400</del>	<del>12</del>

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1234 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

LOG #:AQ:

Person

Preparing

Statement: Teri Lanoue

Dept.: Environmental Quality

Phone: (225)765-0351

Office: Environmental

Assessment

Return Address: P.O. Box 82178  
Baton Rouge, LA. 70884

Rule Title: Repeal of  
Regulations on  
Control of Emissions  
from Motor Vehicles  
and Related Fees; LAC  
33:III.223; LAC  
33:III.1901-1935 and  
Appendix.

Date Rule

Takes Effect: Upon promulgation

**SUMMARY**

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

No effect of this proposed rule on state or local governmental expenditures is anticipated. Since this enhanced Motor Vehicle Inspection/Maintenance program was never implemented and was not reauthorized by the Louisiana Legislature, these regulations are now moot and obsolete and need to be repealed.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

No effect of this proposed rule on state or local governmental revenue collections is anticipated.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

No costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

No effect of this proposed rule on competition and employment is anticipated.

Signature of Agency Head or Designee  
OR DESIGNEE

LEGISLATIVE FISCAL OFFICER

James H. Brent, Ph.D., Asst. Secretary  
Typed Name and Title of Agency Head or Designee

\_\_\_\_\_  
Date of Signature

Date of Signature

LFO 10-05-92

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The existing regulations at LAC 33:III.223 and LAC 33:III.1901-1935 and the Appendix at the end of Chapter 19 are being repealed because this enhanced Motor Vehicle Inspection/Maintenance (I/M) program was never implemented and was not reauthorized by the Louisiana Legislature in 1997. Although these regulations were promulgated in 1995, vehicle testing was not to begin until 1999 and only after reauthorization by the Legislature in 1997. As the Legislature did not reauthorize this enhanced program, the program was never implemented and thus these regulations are moot and obsolete and need to be repealed.

The Legislature (by Act 576 of the 1999 Regular Session) did authorize a low enhanced, less stringent, less costly program for the control and abatement of motor vehicle emissions to include new evaporative system pressure tests. A gas cap pressure test was implemented effective January 1, 2000, and a fuel inlet pressure test is scheduled to be implemented later in the year. The new emissions testing will be performed as part of annual vehicle safety inspections and thus enforcement of program provisions and collection of fees for this new low enhanced vehicle inspection/maintenance (I/M) program will be governed by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section(DPS), with DEQ providing oversight, data collection support, and liaison activities. Pursuant to R.S.32:1306(C), DPS has promulgated a final rule on December 20, 1999, necessary to implement the new requirements of this recently authorized low enhanced vehicle I/M program.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

Existing regulations at LAC 33:III.223 and LAC 33:III.1901-1935 and the Appendix at the end of Chapter 19 are moot and obsolete and need to be repealed.

- C. Compliance with Act II of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

This rule repeal will not result in any increase in the expenditure of state funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase? N/A

- (a) \_\_\_\_\_ Yes. If yes, attach documentation.
- (b) \_\_\_\_\_ No. If no, provide justification as to why this rule change should be published at this time.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

**I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED.**

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

No increase/decrease in costs to implement this proposal is anticipated.

COSTS	FY 99-00	FY 00-01	FY 01-02
PERSONAL SERVICES	0	0	0
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES	0	0	0
OTHER CHARGES	0	0	0
EQUIPMENT	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
MAJOR REPAIR & CONSTR.	0	0	0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

N/A

3. Sources of funding for implementing the proposed rule or rule change.

No additional funding is required to implement this rule repeal.

SOURCE	FY 99-00	FY 00-01	FY 01-02
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
OTHER (Specify)	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The department currently has sufficient funds to implement this proposed rule repeal.

**B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.**

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are no anticipated impacts on local governmental units.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

No effect on any sources of funding of local governmental units is anticipated.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

**II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS.**

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

No increase/decrease in revenues is anticipated from this proposal.

REVENUE INCREASE/DECREASE	FY 99-00	FY 00-01	FY 01-02
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
LOCAL FUNDS	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A". Describe all data, assumptions, and methods used in calculating these increases or decreases.  
N/A

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

**III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS**

A. What persons or nongovernmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

No effect on directly affected persons or non-governmental groups is anticipated.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule change to these groups.

No impact on receipts and/or income is anticipated.

**IV. EFFECTS ON COMPETITION AND EMPLOYMENT**

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

No impact of this proposal on competition and employment in the public and private sectors is anticipated.