

**Appendix 1: Davis County Vehicle
Emissions Inspection/Maintenance
Program Ordinance**

**DAVIS COUNTY
VEHICLE EMISSIONS
INSPECTION/MAINTENANCE
PROGRAM ORDINANCE**

September 2019



Davis

C O U N T Y

**DAVIS COUNTY
ORDINANCE NO. 10.12**

**DAVIS COUNTY VEHICLE EMISSIONS
INSPECTION/MAINTENANCE PROGRAM ORDINANCE**

**AN ORDINANCE AMENDING SECTION 10.12 - OF THE DAVIS COUNTY CODE
RELATING TO THE VEHICLE INSPECTION AND MAINTENANCE PROGRAM FOR
DAVIS COUNTY**

The Board of County Commissioners of Davis County, Utah, in a regular meeting, lawful notice of which has been given, finds that:

WHEREAS it is in the best interests of Davis County residents to have clean, safe and breathable air; and

WHEREAS adoption and implementation of a vehicle Inspection and maintenance program is likely to promote the values of clean, safe and breathable air in Davis County, and

WHEREAS it is in the best interest of the County that this Ordinance be adopted.

THEREFORE, the Board of County Commissioners of Davis County, Utah, hereby adopts the following Ordinance:

BE IT ORDAINED THAT

Section 10.12 of the Davis County Code is amended and enacted to read:

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10.12.010 Adopted

The Davis County Vehicle Emissions Inspection/Maintenance Program Ordinance compiled in book form and bearing the date of October 31, 2014, three (3) copies of which book are on file in the office of the Davis County Clerk, and one (1) copy which is on file in the office of the Davis County Health Department, is adopted as the Davis County Vehicle Emissions Inspection/Maintenance Program Ordinance and is incorporated into this chapter.

10.12.020 Definitions

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

1. **Accuracy:** the degree by which an analyzer is able to determine the concentration of pollutants of interest (see Appendix A).
2. **AIR (Air Injection Reaction) System:** a system for providing supplementary air into a vehicle's exhaust system to promote catalytic reaction.
3. **Air Intake Systems:** 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. **ASE:** the National Institute for Automotive Service Excellence.
5. **Audit:** a periodic quality assurance check performed by the Division on equipment and personnel regulated under this Chapter; includes Covert and Overt Audits.
6. **Auditor:** an employee of the Division who performs audits.
7. **Automotive Imports (imported vehicles):** vehicles manufactured for use outside of the United States that may not meet U.S.E.P.A. Emissions requirements for the year manufactured.
8. **BAR 97:** refers to California Bureau of Automotive Repair Analyzer Specifications which became effective in 1997.
9. **Basic I/M Inspection or Test:** testing as approved by the Division applicable to Motor Vehicles of Model Years and vehicle weight classifications specified by this Chapter and the Division.
10. **Calibration:** the process of establishing or verifying the Accuracy of an analyzer or other test equipment using precisely known values/concentrations.
11. **Calibration Gases:** gases of accurately known concentrations that are used as references for establishing or verifying the Calibration curve and Accuracy of an analyzer.
12. **C.A.R.B.:** the California Air Resource Board.
13. **Carbon Monoxide (CO):** a colorless, odorless, asphyxiating gas produced by the incomplete burning of fuels.
14. **Catalytic Converter:** a post-combustion device that uses a catalyst to reduce the toxicity of Emissions from an internal combustion engine.
15. **Certificate or Certificate of Compliance:** a document used in the Vehicle Emissions Inspection/Maintenance Program to certify that the vehicle has met the requirements of this Chapter.
16. **Certification:** assurance by an authorized source, whether it be the Federal Government, a laboratory, the manufacturer, the State, or the Division, that a specific product or statement is in fact true and meets all applicable requirements.
17. **Certified Basic Test Station (Test Station):** a stationary business Permitted by the Division and operated as required by this Chapter to perform I/M Inspections.
18. **Certified Emissions Repair Station (Repair Station):** a stationary business Permitted by the Division which engages in Emissions Related Repairs to vehicles, and which meets the requirements of this Chapter to perform I/M Inspections.

19. Certified Emissions Repair Technician: a person currently Permitted by the Division who diagnoses Emissions related faults, and supervises Emissions Related Repairs and adjustments to bring vehicles into compliance with the requirements of this Chapter. The Repair Technician also performs Emissions tests.
20. Certified Emissions Tester: a person currently Permitted by the Division who inspects vehicles in a Division Permitted I/M Program Station to determine their compliance with vehicle Emissions Standards, also referred to as an Inspector.
21. CO: Carbon Monoxide gas.
22. CO₂: Carbon Dioxide gas.
23. Compliance Assurance List: a list of vehicles required to be presented to the Testing Center for a challenge, Referee or other type of official emission Inspection.
24. Compressed Natural Gas (CNG) Vehicles: Motor Vehicles which are propelled by a compression-ignited engine using Compressed Natural Gas fuels.
25. Consent Agreement: a monetary penalty paid to the Division in lieu of Suspending a Permit.
26. County: Davis County, Utah.
27. Covert Audit: an Audit that is conducted without the Station and/or Inspector knowing that an Audit is being conducted at the time of the Audit.
28. Curb Idle: the manufacturer's specified idle speed.
29. Cut Points: See Emissions Standards.
30. Davis County Testing Center: the Certified Basic Test Station operated by the Division or a Division Representative.
31. Dedicated Printer: the printer on the approved Emissions Inspection Analyzer (EIA) which is used solely to print Certificates, VIRs, and other official Division required documents.
32. Diesel Particulate Filter System (D.P.F.): an exhaust after-treatment device that significantly reduces Emissions from diesel fueled vehicles by capturing particulate matter.
33. Diesel Powered Motor Vehicle: vehicles which are propelled by a compression-ignited engine using diesel fuels.
34. Director: the Director of the Environmental Health Division of the Davis County Health Department or a Division Representative.
35. Division: the Davis County Environmental Health Division.
36. Division Representative: a person or entity that has been granted the authority to represent or act on behalf of the Division or the Director in enforcing or ensuring the provisions of this Chapter are met; this may include an employee of the Division, a contractor employed by the Division, a permitted station, or a permitted technician.
37. Dynamometer: a vehicle power absorption device which has the ability to approximate or simulate actual on-road operation of Motor Vehicles through the application of variable loading.
38. Electronic/Mechanical Tampering: addition of any electronic or mechanical device that would alter the original manufacturers design or would alter the performance of the vehicle; C.A.R.B and U.S.E.P.A. certified components are exempt.
39. Emissions: substances expelled into the atmosphere from any opening down-stream of the exhaust valve of a Motor Vehicle, particularly air contaminants produced by combustion and/or incomplete combustion as well as hydrocarbon evaporation from the fuel system and the crankcase.
40. Emissions Control Device: a design element or device installed on a Motor Vehicle by the 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.

41. Emissions Inspection Analyzer (EIA): an analyzer approved by the Division for use in the areas of Utah requiring Inspections as specified in Section 41-6a-1642 and 41-6a-1644, Utah Code Annotated, 1953, as amended. 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 Chapter as an official test instrument.
42. Emissions Related Repair: 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 Chapter.
43. Emissions Standard: the maximum allowable concentrations of Carbon Monoxide (CO) and Hydrocarbons (HC) for a given weight class and Model Year of a Motor Vehicle; or compliance to OBDII interrogation.
44. Engine Switching: a situation where one engine is removed from a vehicle and is replaced with an engine that is not identical to the original engine.
45. Evaporative Control System: an Emissions Control System that prevents the escape of fuel vapors from the fuel tank or air cleaner, and stores them to be burned in the combustion chamber.
46. Exemption Form: a document used to verify that a vehicle is exempt from the testing and repair/adjustment requirements of this Chapter.
47. Exhaust Gas Recirculation (EGR) System: an Emissions control system that recycles or recirculates a portion of the exhaust gases back to the engine combustion chambers.
48. Farm Truck: a truck Registered as a Farm Truck under the provisions of the Utah Code 41-1a-102.
49. Federal Installation: any property or facility subject to the jurisdiction of any department, agency, or instrumentality of the executive, legislative, or judicial branches of the Federal government.
50. Fleet Vehicle: a vehicle that is owned by a government entity, a business, or other organization.
51. Gas Calibration: a procedure using known concentrations of HC and CO span gases to verify the Accuracy of an analyzer in measuring HC and CO.
52. Gaseous Fuel: petroleum gases and natural gases in liquefied or gaseous forms.
53. Gross Vehicle Weight Rating (GVWR): the total vehicle weight, including load, as designated by the vehicle manufacturer.
54. Hang-up: 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.
55. Heavy Duty Motor Vehicles: non-diesel trucks and vans that are 1978 and older, with a 6001 or greater GVWR rating, and 1979 and newer Model Year vehicles with over 8501 GVWR; Diesel Powered Motor Vehicles with a 14,001 pounds GVWR or greater.
56. High Altitude Specifications: tune-up specifications that have been provided by the manufacturer to the Environmental Protection Agency (E.P.A.) for vehicles operating 4,000 feet or more above sea level.
57. Hydrocarbons (HC): unburned or incompletely burned fuel.
58. Ignition Systems: parts or assemblies that are designed to initiate and time the ignition of a compressed air/fuel charge.
59. I/M Program: the Davis County Vehicle Emissions Inspection/Maintenance Program.
60. Inspection: a vehicle Emissions test performed for the purpose of determining whether a vehicle qualifies for issuance of a Certificate of Compliance.
61. Inspection Area: the area that is occupied by the Emissions Inspection Analyzer (EIA), test equipment and the vehicle being inspected.
62. Inspector: a Certified Emissions Repair Technician or Certified Emissions Tester.
63. KOEO: abbreviation of key on engine off.

64. KOER: abbreviation of key on engine running.
65. Light Duty Motor Vehicle: any non-diesel passenger vehicle, 1978 and older Light Duty truck with a GVWR rating of 6000 pounds or less or 1979 and newer truck with a GVWR rating of 8500 pounds or less; any diesel vehicle with a GVWR of 8500 pounds or less.
66. Medium Duty Vehicle: a diesel vehicle with a GVWR between 8,501 and 14,000 pounds.
67. MIL Light (Malfunction Indicator Lamp): a warning lamp used to inform the driver that a malfunction has been detected by one or more vehicle electronic management systems.
68. Model Year: the vehicle Model Year as designated by the manufacturer.
69. Motor Vehicle: a self-propelled motorized vehicle with an internal combustion powered engine which is Registered for use on public roads and/or streets. The term “vehicle” is synonymous with Model Vehicle for the purposes of this Chapter.
70. Motorcycle: any 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.
71. MSO: Manufacturer’s Statement of Origin, Manufacturer’s Certificate of Origin, or a similar document accompanying each newly manufactured vehicle provided by the new vehicle manufacturer.
72. N/A: Not applicable.
73. Non-Certified Person: any person who has not been Permitted by the Division to perform Inspections.
74. OBDII: On Board Diagnostics, second generation.
75. Occurrence: an event, incident, episode or circumstance that happens or takes place during an Inspection that does not comply with Division approved policies or procedures; the action or instance of occurring. Each violation of this Chapter that occurs is considered a separate Occurrence.
76. Off Highway Vehicle: a vehicle licensed or allowed to operate exclusively off highways.
77. On Board Diagnostics: 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.
78. Ordinance: the total of this document, including any appendices approved by the Davis County Commission.
79. Overt Audit: an Audit that the Station and/or Technician is aware of at the time that the Audit is being conducted.
80. PCV System (Positive Crankcase Ventilation System): an Emissions Control System which returns crankcase vapors to the combustion chamber.
81. PM 2.5: particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers as measured by an E.P.A. reference or equivalent method.
82. Permit: a document issued by the Division to a person or facility granting them authority to perform Inspections in accordance with this Chapter.
83. Primary Residence: the place where an individual permanently resides, maintains a permanent residence more than six (6) months during a calendar year, or where an individual lives more than six (6) months during a calendar year. This may also include where a person votes, spouse resides, children attend school, is employed, identifies as an address on a driver’s license, holds a resident hunting or fishing license, etc.
84. Probation: to subject an individual or Station to a period of testing and trial to ascertain fitness for a job; Critical examination and evaluation or subjection to such examination and evaluation.
85. Prompts: instructions and/or data fields requiring data input to the Emissions Inspection Analyzer (EIA).
86. Reciprocity: a written Agreement between Davis County and any other County(s) operating a comparable Inspection program whereby the Certificate from that/those County(s) would be

- accepted for vehicle Registration in Davis County.
87. Reconstructed Vehicle: a vehicle that has been materially altered from its original construction by the removal, addition or substitution of essential parts (frame and body), new or used.
 88. Referee Inspection: an Inspection conducted by the Division or the Division Representative for the purpose of resolving disputes or gathering data.
 89. Registered or Registration: the process by which a Motor Vehicle receives a license so that it can be legally operated on public streets and highways.
 90. Remote OBDII Inspection: an Inspection that is conducted on an OBDII compliant vehicle at a site that is not associated with the Stations Permitted address using a portable EIA.
 91. Replica Vehicle: a vehicle that all components are purchased in a kit similar to a model car. A Motor Vehicle with a body that is or resembles a Model Year prior to 1975, and that may have a significant drive train or equipment upgrade that is used for occasional pleasure rides and is not used for general daily transportation. A Replica Vehicle is not a vintage vehicle or a special interest vehicle.
 92. Revoke: to formally cancel, to make null and void by withdrawing, recalling or reversing; to retract, repeal or invalidate.
 93. RPM: revolutions per minute as pertaining to engine crankshaft speed.
 94. SAE: Society of Automotive Engineers.
 95. Simulator: A device used to simulate the function and operation of a vehicles powertrain control module and is typically equipped with a data link connector.
 96. Smoking Vehicle: any vehicle emitting excessive visible Emissions as defined in Utah Code 41-6a-1626.
 97. Specially Constructed Vehicle: 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. It 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.”
 98. Station: an I/M Program Station or Fleet Station, including all Station personnel, employees and owner(s).
 99. Suspend: to disallow a Permitted Station or Inspector the privilege of performing Vehicle Emissions Inspection/Maintenance Inspections for a specific period of time.
 100. Tampering: the altering or removal of Emissions Control Devices and/or Emissions-related equipment, the use of fuels other than those required by the manufacturer's specification as found in the Motor Vehicle owner’s manual, or engine modifications which may include but are not limited to, Exhaust Systems, Air Intake Systems, Ignition Systems, Internal Engine Modifications or Engine Switching, etc.; this also includes Electronic/Mechanical Tampering.
 101. Technical Bulletin: a document issued by the Division to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emissions Inspection/Maintenance Program.
 102. Testing Center: a facility operated by the Division or a Division Representative for technical or administrative support of the Vehicle Emissions Inspection/Maintenance Program.
 103. Training Program: a formal program administered, conducted or approved by the Division or Division Representative for the education of Permit holders in basic Emissions control technology, Inspection procedures, diagnosis and repair of Emissions-related problems, Vehicle Emissions Inspection/Maintenance Program policies and procedures and this Chapter.
 104. United States Environmental Protection Agency: also referred to as E.P.A. or U.S.E.P.A..
 105. Vehicle Emissions Inspection/Maintenance Program: the program established by the Division pursuant to Utah Code 41-6a-1642 through 1644.

106. Vehicle Inspection Report (VIR): a report printed by the Emissions Inspection Analyzer (EIA) at the end of the test which enumerates the results of the test. The VIR is signed by the Inspector performing the test and the person who presented the vehicle for Inspection.
107. Waiver or Certificate of Waiver: a document used to verify that a vehicle has met the repair or adjustment requirements of the I/M Program Ordinances even though specific Emissions Standards have not been met.

10.12.030 Purpose

It is the purpose of this Chapter to reduce air pollution levels by requiring Inspections of in use Motor Vehicles of all fuel types and by requiring Emissions Related Repairs/adjustments for those vehicles that fail to meet prescribed standards so as to:

- A. protect and promote 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; and
- E. comply with the law enacted by the Legislature of the State of Utah, Section 41-6a-1642 through 1644, Utah Code Annotated, 1953, as amended; and with the Utah Air Quality Board requirements under subsection 19-2-104.

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 or a Division Representative shall be responsible for the enforcement and administration of this Chapter and any other powers vested in it by law and shall:
 1. require the submission of information, reports, plans and specifications from Stations, and Inspectors as necessary to implement the provisions, requirements and standards of this Chapter;
 2. issue Permits and charge fees as necessary to implement the provisions, requirements and standards of this Chapter;
 3. perform audits of I/M Program Stations, issue orders and/or notices, hold hearings, levy administrative penalties, and negotiate Consent Agreements as necessary to enforce the purposes of this Chapter;
 4. take samples and make analyses required to ensure that the provisions of this Chapter are met;
 5. develop policies and procedures necessary to ensure that the provisions and purposes of this Chapter are met and accomplished.
 6. The Division shall respond according to policies and procedures to complaints regarding the fairness and integrity of Inspections and shall provide a method that Inspection results may be challenged if there is a reason to believe them to be inaccurate.
 7. The Division or a Division Representative is responsible for performing all Inspections on Light, and Heavy Duty Motor Vehicles.
 8. The Division may perform periodic Inspections during normal business hours on any vehicle that has or will be inspected by a Station.

10.12.060 Scope

It shall be unlawful for any person to fail to comply with any policy, procedure, Technical Bulletin, standard or regulation promulgated by the Federal Government, the State, or the Division, unless expressly waived by this Chapter.

10.12.070 General Provisions

Subject to the exemptions in Section 10.12.070(H), 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 Inspection performed by any certified I/M Program Station as specified in this Chapter..

- A. It shall be unlawful for any person with a Primary Residence in Davis County to register a vehicle in any other Utah County.
- B. 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 as conditions precedent to annual Registration or annual renewal of Registration of a Motor Vehicle.
 1. All 1968 and newer Model Year Gaseous Fueled and OBDII compliant Light Duty Diesel Powered Motor Vehicles and all 2008 and newer OBDII compliant Medium Duty Vehicles shall be subject to an Inspection at any Station.
 2. All 1968 and newer Heavy Duty Diesel Powered Motor Vehicles and all 1968 through 2007 non-OBD II compliant Diesel Powered Motor Vehicles are subject to the requirements in Appendix D of this Chapter.
- C. Fleet Vehicles that are operated from a facility located within Davis County shall be subject to an Inspection at any Station.
- D. 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 eleven (11) months as specified in Section 41-3-303, Utah Code Annotated, 1953, as amended.
- E. A dealer issuing a temporary Registration for a vehicle Registered in Davis County must supply proof of the vehicle's compliance with this Chapter to the new owner in the form of an official Vehicle Inspection Report (VIR).
- F. Owners of publicly owned vehicles (Federal, State, County or City) shall comply with the Inspection Program requirements. 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 Vehicle Emissions Testing requirements of this Chapter, and as required by Section 118 of the Clean Air Act as amended in 1990.
- G. Reciprocity with other vehicle Emissions programs within the state will be allowed as long as Tampering, HC, CO, OBDII or other standards meet or exceed those required by this Chapter in accordance with Section 41-6a-1643, Utah Code Annotated, 1953, as amended.
- H. The following vehicles are exempt from the requirements of this Chapter:
 1. Vehicles less than two (2) Model Years old;
 2. Even-numbered Model Year vehicles in odd-numbered years and odd-numbered Model Year vehicles in even-numbered years with Model Years less than six (6) years old;
 3. All agricultural implements of husbandry and any Motor Vehicle that qualifies for an exemption as required by Section 41-1a-102 Utah Code Annotated, 1953, as amended;

- a. A vehicle Registered as a Farm Truck may obtain an Exemption Form by contacting the Division;
- 4. Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;
- 5. Any Motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a Motorcycle with a maximum of three wheels or less);
- 6. Any vehicle Registered exclusively as an Off Highway Vehicle;
- 7. Any vehicle 1967 Model Year or older;
- 8. Any new vehicle being sold for the first time that has a valid MSO (Manufacturer's Statement of Origin) form;
- 9. Any Motor Vehicle which qualifies for legislative or diplomatic exemptions;
- 10. Any vehicle that operates exclusively on electricity or battery power.
- I. A publicly owned vehicle that is issued an "EX" or "UHP" license plate by the Utah Department of Motor Vehicles must provide annual proof of Emissions compliance for each vehicle to the Division upon request.
 - 1. The Division for failure may request the revocation of the Registration through the Utah Department of Motor Vehicles for vehicles if:
 - a. the requested information is not provided; or
 - b. a valid current Emissions Certificate is not acquired.
- J. It shall be the responsibility of the Inspector to inform the owner/operator of the vehicle that the vehicle is not required to have an Inspection for vehicle Registration purposes if a vehicle is exempted from the I/M Program requirements by this Section.
- K. The fees assessed by this Chapter shall be determined according to a fee schedule adopted by the Davis County Commission. The Fee Schedule is referenced in Section 10.12.240 of this Chapter and may be amended by the Davis County Commission as the Commission deems necessary to accomplish the purposes of this Chapter.
 - 1. An Air Pollution Control (APC) 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 Chapter by Section 10.12.070(H).
 - 2. Those Stations participating in the program hereunder may charge fees for the required service.
 - a. Inspection fees will be set by each Station as specified in Section 10.12.240. If a vehicle fails the Inspection, the owner is entitled to one (1) free second Inspection if the owner returns to the Station that performed the original Inspection within fifteen (15) days. The Station shall extend the free second Inspection time to accommodate the vehicle owner if the Station is unable to schedule the retest of the vehicle within the time period. The Inspection fee shall be the same whether the vehicle passes or fails the Inspection;
 - b. Upon notification by the Division, a 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; and
 - c. Duplicate Certificates of Compliance may be issued to a vehicle owner/operator within two (2) months of the initial Inspection. Fees for a duplicate Certificate may not exceed the amount specified in Section 10.12.240.
 - 3. These fees are subject to change and may be amended as deemed necessary by the Davis County Commission and are enumerated in Section 10.12.240 of this Chapter.
- L. All Permits and Certificates of Compliance and Certificate of Compliance numbers issued under the provisions of this Chapter remain the property of the Division. Their use is tendered on the

condition that the user complies with the requirements of this Chapter.

- M. Vehicle Idling Limitation: It shall be unlawful for any owner or operator of any Heavy Duty Motor Vehicle (GVWR greater than 14,001 lbs.) to cause or Permit the same to be idled for a period in excess of fifteen (15) consecutive minutes, or for a period in excess of forty-five (45) minutes in any one-hundred-twenty (120) minute period.
 - 1. Vehicles may be exempted from the idling limitation requirements of Section 10.12.070(M) under the following conditions:
 - a. To supply power to a refrigeration unit for the purpose of cooling the contents of a trailer;
 - b. To provide heat or air conditioning to a sleeper unit of the vehicle or to occupied buses; and
 - c. Emergency response vehicles.
 - 2. Vehicles exempted from the Vehicle Idling Limitation of this Chapter shall not remain in an idling condition for a period longer than fifteen (15) consecutive minutes, or for a period in excess of forty-five (45) minutes in any one-hundred-twenty (120) minute period if located within five hundred (500) feet of any residence.
- N. Smoking Vehicles: The Division may investigate complaints on Smoking Vehicles to determine if they exceed the standards listed in Utah Code 41-6a-1626).
 - 1. A person who is found guilty of violating the provisions of section 10.12.070 (N) may be charged with a class C misdemeanor.
 - 2. The Division will establish and maintain a program to receive complaints concerning vehicles emitting excessive visible Emissions within the County.
 - a. A notice may be sent to the owner(s) of any vehicle that is reported to the Division to be emitting excessive Emissions within the County requiring them to report to the Davis County Testing Center to verify compliance with section 10.12.070(N).
 - i. Any vehicle found to be out of compliance with section 10.12.070(N) will be placed on the Division's Compliance Assurance List until it can be determined that the vehicle is in compliance with this Chapter.
 - ii. Penalties may be assessed to the owner(s) of any vehicle that is found to be out of compliance with section 10.12.070(N) on more than one (1) occasion in a two (2) year period.
 - iii. Penalties may be assessed to the owner(s) of any vehicle that fails to report to the Davis County Testing Center following the receipt of a notice.
- O. A person who is found guilty of Tampering with a Motor Vehicle may be charged with a class B misdemeanor and any penalties as described in Utah Code 19-2-115.
- P. The Division is authorized under the provisions of this Chapter to issue or deny Permits that allow persons and facilities to perform Inspections on vehicles, to issue Certificates of Compliance and to make necessary repairs.

10.12.080 Standards and Specifications for Emissions Inspection Analyzers (EIA) and Span Gases for Equipment

- A. Emissions Inspection Analyzers (EIA) Specifications are contained in Appendix A of this Chapter.
 - 1. Inspections required by this Chapter for vehicles subject to Basic I/M Inspections shall be performed using only an approved Emissions Inspection Analyzer (EIA).
 - 2. Any analyzer used by a Certified 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 Dedicated Printer shall be maintained in such a manner that the printing of the Certificate of Compliance and Vehicle Inspection Report (VIR) shall be clearly visible. If any Dedicated Printer fails to properly function, then the Certified 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 Emissions Inspection Analyzer (EIA) 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 Emissions Inspection Analyzer (EIA).
 - a. It shall be illegal for any unauthorized person to modify the hardware or software of an approved Emissions Inspection Analyzer (EIA).
4. Calibration/Span Gases:
 - a. General: The instrument manufacturer and/or his designated marketing vendors shall on request supply at a reasonable cost BAR 97 approved span gases to any ultimate purchaser of this 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.
 - b. Span gas blends: The span gases supplied to any Certified I/M Program Station shall meet BAR 97 specifications.
5. Documentation, logistics, and warranty requirements:
 - a. An instruction manual shall accompany each Emissions Inspection Analyzer (EIA) 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, Gas Calibration and filters. The services to be performed only by the manufacturer shall be clearly identified;
 - v. Information concerning the nearest 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.
6. The Emissions Inspection Analyzer shall be maintained in accordance with the manufacturer's recommended maintenance schedule.
7. If an EIA is surrendered to or repossessed by the Division or a Division Representative, the following must occur:
 - a. a final VID refresh will be conducted on the EIA; and
 - b. notification of the action will be made to the Division.

10.12.090 Requirements of the Vehicle Emissions Inspection/Maintenance Program Stations

- A. Permit Required.
 1. No person shall in any way represent any place as a Certified Emissions Repair Facility and/or Basic Test Station unless Permitted by the Division. The Permit is issued on the condition that the Permittee has knowledge of the requirements of this Chapter and agrees

- to comply with the provisions of this Chapter and any other applicable laws or standards.
2. A Permit is non-transferrable and is valid only for the original owner and/or business to which it was issued. Any changes of ownership of the Station will require the new owner to submit a new application for the appropriate Permit.
 3. The Station must post the following items in a conspicuous place on the premises within view of the public:
 - a. the Permit and Division issued signage;
 - b. Permits for all Inspectors employed by the Station;
 - c. the fees charged for an Inspection; and
 - d. the vehicle Emissions Standards promulgated under the authority of this chapter.
 4. Application for a Station Permit shall be made to the Division upon an official application form.
 - a. Unless exempted in this section, the Station must be at a permanent location which meets all applicable zoning requirements to provide for the Inspection of vehicles, as defined in this Chapter;
 - i. offsite OBDII Inspections of vehicles will be allowed by Stations if the Station has the portable equipment that has been approved by the Division.
 - b. The Station must comply with the following prior to a Permit being issued:
 - i. pass an Overt Audit as defined by this Chapter;
 - ii. employ all required certified personnel as listed in this Chapter to be available to perform Inspections during normal business hours;
 - iii. conduct all Inspections in accordance with this Chapter; and
 - iv. meet any other requirements deemed by the Division to be essential to the purpose of this Chapter.
 - c. As a condition for Permitting a Certified Emissions Repair Facility and/or Basic Test Station, the following equipment, tools and references shall be available, maintained and updated for performance of the Inspection and maintenance of Motor Vehicles:
 - i. a Division approved Emissions Inspection Analyzer (EIA) which conforms to a minimum, to the analyzer specifications of Appendix A, to be certified to perform Inspections;
 - ii. an Emissions control application manual approved by the Division that includes High Altitude Specifications;
 - iii. Division approved Calibration/span gas and equipment for performing the Gas Calibration;
 - iv. a suitable non-reactive tail pipe extender or probe adapter for inspecting vehicles with screened or baffled exhaust systems;
 - v. the analyzer manufacturer's maintenance and Calibration manual which must be retained in the Inspection Area;
 - vi. appropriate hand tools;
 - vii. shop air with regulator for analyzer zero air generator or other approved source;
 - viii. all forms, Technical Bulletins, charts and a Davis County I/M Ordinance and other information materials provided by the Division;
 - ix. an approved adaptor for testing dual-exhaust vehicles; and
 - x. all essential devices, connections and software for communications and downloads.
 - d. In addition to the requirements for a Basic Test Station, a Certified Repair Facility must have the following equipment, tools and references available for use:
 - i. 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. ;
 - ii. 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;
 - iii. voltmeter with AC and DC capability;
 - iv. DC ammeter;
 - v. ohmmeter;
 - vi. fuel or hydraulic pressure gauge;
 - vii. vacuum gauge;
 - viii. vacuum pump;
 - ix. compression tester and cylinder leak down tester;
 - x. timing light with advance capability;
 - xi. tachometer;
 - xii. dwell meter or duty cycle meter; and
 - xiii. shop air with regulator.
 - 5. The Station shall be kept in good repair and in safe condition for Inspection purposes and must be in compliance with the applicable regulations found in Title 29 CFR 1910, Utah Code Annotated 34A-6 and Utah Administrative Code R-614.
 - 6. If a Station's Permit is cancelled or Revoked:
 - a. unused Certificates of Compliance numbers must be returned to the Division and may be refunded by the Division;
 - b. the official sign and Permit issued to the Station by the Division will be surrendered to the Division; and
 - c. a final VID refresh will be conducted on the EIA.
- B. Permit Duration and Renewal
- 1. The Permit for a Certified Emissions Repair Facility and/or Basic Test Station shall be issued annually and shall expire December 31 of the calendar year for which it was issued. The Permit shall become renewable sixty (60) days prior to the date of expiration.
 - 2. It shall be the responsibility of the Station owner or designee to apply for the Station's Permit renewal through the Division or a Division Representative.
 - 3. Upon approval of the completed application and payment of applicable fees, the Division or a Division Representative may renew the Stations Permit until December 31 of the subsequent calendar year.
 - 4. 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 or a Division Representative shall be held harmless from liability incurred due to any action or inaction of a Station, owners or their employees.
 - 5. Required Permit fees and renewal fees are listed in the Fee Schedule in Section 10.12.240 of this Chapter.
 - 6. The Division may impose a late fee on a Permit which expires prior to receipt of the application for renewal and payment of applicable fees.
 - 7. After six (6) months, an expired Permit is unredeemable and a new Permit must be applied for according to the procedures of this Chapter.
- C. Warning, Probation, Suspension, Revocation and Denial of Station Permit
- 1. The Division may give a formal warning, place on probation, 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/ Maintenance Program;

- b. the Permit is obtained or attempted to be obtained fraudulently or deceptively;
 - c. an Audit failed;
 - d. evidence is exhibited that vehicles repaired by a Repair Facility under this Chapter have repeatedly failed re-Inspection; or
 - e. the owner or employees of a Station threaten, harass, stalk or assault an employee of the Division, a Division Representative or any person having a vehicle inspected or repaired subsequent to any requirement of this Chapter.
 - f. a vehicle was inspected and issued a Certificate of Compliance by Station personnel that did not, at the time of Inspection, comply with all applicable policies, procedures, Technical Bulletins, requirements and standards of this Chapter;
 - g. a Certificate of Compliance was issued to a vehicle without an approved Inspection being performed;
 - h. 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 Chapter;
 - i. a vehicle was inspected and was given a “passing” result for the Tampering portion of the Inspection as detailed in this Chapter that did not at the time of Inspection comply with the requirements of this Chapter;
 - j. a vehicle was inspected by an individual that did not hold a valid Permit;
 - k. the Station has violated any provision of this Chapter or Division policy properly promulgated for the operation of a Station;
 - l. the Station was not equipped as required by this Chapter;
 - m. the Station is not operating at the location specified on the Permit;
 - n. the Emissions Inspection Analyzer (EIA) has been tampered with or altered in any way contrary to the Certification and maintenance requirements of the analyzer;
 - o. the Station denied access or failed to Permit the Division or a Division Representative to conduct an Audit or other necessary business;
 - p. the Station performed unnecessary repairs not justified by the results of the Inspection;
 - q. a vehicle was tampered, altered or in any way changed from the manufacturer’s original specifications and/or certified configuration with or without an inspection being performed;
 - r. in accordance with Sections 41-6a-1642 through 1644 Utah Code Annotated, 1953, as amended, an Inspection for a Cache, 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 Emissions Inspection Analyzer (EIA) Prompts.
2. The Division may reinstate a Suspended Permit upon compliance by the facility with the requirements of this Chapter.
 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 penalty schedule is listed in Section 10.12.280 of this Chapter, enumerating actions the Division may take against persons Permitted under this Chapter.
 5. Station Permits are the sole property of the Division. Only the license they represent is tendered. Permits may be Suspended or Revoked for violations of this Chapter. Station Permits obtained through fraud or misrepresentation shall be deemed to be null and void.
- D. Personnel Requirements
1. A Certified Emissions Basic Test Station shall employ and ensure that at least one (1)

Inspector is routinely scheduled to work during the advertised operating hours of the facility.

2. 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 Chapter.
 3. 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 is routinely scheduled to work during the advertised operating hours of the facility.
 4. A Station will assign one (1) individual the responsibility of resolving any problems or addressing any concerns that the Division or a Division Representative may identify. The selected individual or his/her representative will be at the Station and available during normal business hours.
 5. The Station will have a quality assurance plan to ensure Station and Technician compliance with the Ordinance and will keep associated records on file at the Station for review by the Department.
- E. Equipment Quality Assurance
1. For all equipment required under this Chapter, a Station shall follow the manufacturer's specifications for maintenance and Calibration, and the procedures established by the Division.
- F. Audits
1. A Station shall allow access to Division personnel to conduct audits of the facility.
 - a. Routine Audits will be conducted at random and with no prior notification.
 - b. A pre-opening Audit will be conducted at the Station prior to the Station being issued a Permit.
 2. An Audit may include equipment, Gas Calibration and compliance with personnel requirements.
 3. A Station shall not use any piece of equipment which fails an Audit until a subsequent Audit is passed.
 4. The Station shall allow further monitoring at the discretion of the Division to ensure quality control or to determine compliance with this Chapter.

10.12.100 Requirements of the Certified Emissions Testers and/or Repair Technicians

- A. A Permit is required.
1. No person shall perform any part of the official Inspection for the issuance of a Certificate of Compliance unless the person possesses a valid Certified Emissions Tester and/or Repair Technician Permit issued by the Division.
 2. Application for a Certified Emissions Tester or Repair Technician Permit shall be made to the Division upon an official application form.
 3. An applicant shall comply with all of the terms stated in the Permit application and with all the requirements of this Chapter.
 4. To qualify for and obtain a Certified Emissions Tester Permit, an applicant shall pay the applicable fees as listed in section 10.12.240 and complete a Division approved training course which may include the purchase of a self-study guide, or other Division approved training, and shall demonstrate knowledge and skill concerning the performance of Emissions Inspections. Such knowledge and skill shall be shown by passing:
 - a. a written qualification test including knowledge of the following:

- i. Operation and purposes of Emissions control systems;
 - ii. Inspection procedures as outlined in this Chapter;
 - iii. Operation of an Emissions Inspection Analyzer including the performance of a Gas Calibration and leak check;
 - iv. The provisions of Section 207(b) warranty provisions of the Federal Clean Air Act;
 - v. Knowledge of the function of Onboard Diagnostics; and
 - vi. The provisions of this Chapter 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 Emissions control equipment;
 - ii. Demonstration of skill in the proper use, care, maintenance, Calibration and leak checking of approved Emissions Inspection Analyzers (EIA);
 - iii. Demonstration of ability to conduct the Emissions Inspection; and
 - iv. Demonstration of ability to accurately input data.
 - c. If an applicant fails the required test twice, they may be required to complete a Division approved training course.
5. To qualify for and obtain a Certified Repair Technician Permit, an individual shall meet the following requirements:
- a. possess a Certified Emissions Tester Permit;
 - b. 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;
 - c. possess the following current, valid ASE Certifications or Vehicle Manufacturer Specific Training:
 - i. ASE Certifications in Engine Performance (A-8) and Advanced Engine Performance Specialist (L-1); or
 - ii. Vehicle Manufacturer Specific Training (VMS): A Repair Technician must have a current Gasoline Engine Performance Certification and be employed by a dealer of the same manufacturer and will be certified for repairs of that manufacturer only.
 - d. Comply with the requirements of this Chapter; and
 - e. Meet any other requirements deemed by the Division to be essential to the purposes of this Chapter.
6. In order to retain and to qualify for renewal of the Certified Repair Technician Permit, the Certifications listed in subsection 5c must be maintained and kept current, and renewal requirements specified for the Certified Emissions Tester in this Section must be met.
7. 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.
8. The Division may issue the applicable Certified Emissions Tester or Repair Technician Permit to an applicant upon demonstration that the individual has successfully completed the requirements of this Chapter.
9. The Certified Emissions Tester and/or Repair Technician Permit shall be valid only at the Station where the Inspector is employed, and the Permit shall be kept on the premises and readily available to the Auditor. If the Inspector is later employed at a second Station, he/she shall notify the Division of the employment change. Duplicate or additional

Permits will be issued, at the discretion of the Division, for an additional fee. A duplicate Permit will expire on the same date as the original.

10. The Certified Emissions Tester and/or Repair Technician Permit is the sole property of the Division.
- B. Requalification requirements for Certified Emissions Testers and/or Repair Technicians:
1. Recertification requirements shall meet or exceed the standards listed in 10.12.100(A)(4) and/or 10.12.100(A)(5).
 2. Certified Emissions Testers and/or Repair Technicians shall be required to attend refresher training as part of the overall Training Program every 2 years.
 - a. Failure to attend the refresher training shall result in suspension or revocation of the Permit.
- C. Permit Expiration
1. All Permits shall be issued annually and shall expire December 31 of the calendar year. A Permit shall be renewable sixty (60) days prior to the date of its expiration. If a Certified Emissions Tester and/or Repair Technician Permit is obtained on or after October 1st, then the Permit will be valid until December 31st of the following year.
 2. It is the responsibility of the Certified Emissions Tester and/or Repair Technician Permit holder to request the renewal of the Permit.
 - a. In order to qualify for renewal of a Certified Emissions Tester and/or Repair Technician Permit, the Permit holder must have paid applicable fees and completed Division required yearly updates.
- D. Warning, Probation, Suspension, Revocation and Denial of Certified Emissions Tester and/or Repair Technician Permit.
1. The Division may give a formal warning, place on probation, Suspend, Revoke, or deny the renewal of a Permit if the Certified Emissions Tester and/or Repair Technician:
 - a. knowingly communicates any false, inaccurate or misleading information to any person or in any Certificate, record or document regarding the Vehicle Emissions Inspection/Maintenance Program;
 - b. fraudulently or deceptively obtains or attempts to obtain a Permit;
 - c. conducts a fraudulent or inaccurate test;
 - d. consistently fails to properly repair failed vehicles (Repair Technician only);
 - e. threatens, coerces, harasses, offers a bribe, assaults and/or stalks a Division employee or a Division Representative pursuant to his/her duties with the Division or any person having a vehicle tested or repaired subsequent to any requirement of this Chapter;
 - f. the Inspector issued a Certificate of Compliance without performing an approved Inspection;
 - g. the Inspector denied the issuance of a Certificate of Compliance to a vehicle that at the time of the Inspection, complied with the requirements of this Chapter;
 - h. the Inspector issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with the requirements of this Chapter;
 - i. the Inspector inspected and recorded “pass” on the Tampering Inspection for a vehicle that did not, at the time of the Inspection, comply with the Tampering requirements of the Tampering Inspection detailed in this Chapter, regardless of whether a Certificate of Compliance was issued or not;
 - j. the Inspector signed a Certificate of Compliance prior to an Inspection being performed;
 - k. the Inspector performed an Inspection, but not in accordance with applicable

- policies, procedures, Technical Bulletins, requirements and standards of this Chapter;
 - l. the Inspector knowingly allowed a Non-Certified Person to perform an Inspection or any portion of an Inspection, or gain access to the official testing portion of the Emissions Inspection Analyzer (EIA);
 - m. the Inspector signed an Inspection form or Certificate of Compliance stating that he/she had performed an Inspection when, in fact, he/she had not;
 - n. the Inspector performed an out of County Inspection as required by Sections 41-6a-1642 through 1644, 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;
 - o. the Inspector performed unnecessary repairs not justified by the results of an Inspection; and/or
 - p. the Inspector tampered with, altered or in any way changed a vehicle from the manufacturer's original specifications and/or certified configuration with or without performing an Inspection.
 - 2. An individual who's Permit has been Suspended may be subject to:
 - a. additional training or testing requirements as approved by the Division before the Permit is reinstated; and
 - b. revocation of a Permit after repeated suspensions or when a suspension has exceeded six (6) months.
 - 3. A penalty schedule in Section 10.12.280 of this Chapter enumerates the actions the Division may take against persons Permitted under this Chapter.
- E. Inspectors that hold a valid Permit from any Utah I/M program may challenge the Certification requirements of Davis County by doing the following:
- 1. Purchase a mechanic handbook and study material from Davis County;
 - 2. Pass a written exam administered by Davis County;
 - 3. Pass a hands-on exam administered by Davis County;
 - 4. Complete all forms and pay all fees, as required by Davis.

10.12.110 Official Inspection Procedures

- A. The official Inspection shall be solely performed by an Inspector who is Permitted at the Station where the Inspection is being performed.
 - 1. The Inspector shall follow the Prompts of the EIA to conduct the Inspection.
- B. If the Inspector is unqualified or unwilling to make the required repairs or adjustments should the vehicle fail the Emissions Inspection, they shall notify the owner/operator of the vehicle before the Emissions Inspection is administered.
- C. The entire Inspection shall take place within the reach of the Emissions Inspection Analyzer (EIA) hose, electrical leads or data link.
 - 1. The Inspection will be conducted in view of the lane camera.
 - a. If a vehicle is too large to fit in the Inspection lane, the Inspection may be conducted outside of the view of the lane camera.
- D. The temperature of the Inspection Area shall be between 41° Fahrenheit and 110° Fahrenheit during the Inspection.
- E. The Emissions Inspection Analyzer shall be kept in an area that provides adequate protection from the weather, wind and extreme temperatures.
- F. The electrical supply to the Emissions Inspection Analyzer (EIA) shall be able to meet the analyzer manufacturer's requirements for voltage and frequency stability.

- G. Data communication links shall be connected and functioning during the Inspection.
- H. All vehicles presented to a Station must receive an Inspection unless:
 - 1. the vehicle has a mechanical condition that is unsafe and/or may cause injury to Station personnel or damage to the vehicle, Station or EIA;
 - a. Such conditions may include but are not limited to fluid leaks, low fluid levels, exhaust leaks, excessive tire wear, under inflated tires, transmission problems, or any other mechanical conditions deemed unsafe by the Division, Station personnel or the Inspector.
 - 2. the Station does not have availability to conduct the Inspection in a timely manner;
 - 3. the Station does not have an available Inspector to conduct the Inspection; or
 - 4. the Station's Permit has been Suspended or Revoked.
- I. Visual Inspection
 - 1. A visual Inspection will be performed on all vehicles to visually verify that the vehicle has not been subjected to Tampering, that all Emissions related components are intact, and that the vehicle does not produce any visible Emissions.
 - 2. Vehicles that are Model Years 1968-1989 that have been subjected to Tampering may receive a Certificate of compliance if tailpipe readings are at or below the maximum allowable Cutpoints for that vehicle.
 - 3. Vehicles that are Model Years 1990 and newer must pass a visual inspection before the test may continue.
 - 4. A visual gas cap Inspection will include cap removal (if applicable) and Inspection of the sealing surface.
 - 5. Unauthorized powertrain modifications of the OEM certified configuration will be considered as Tampering and is in violation of this Chapter.
 - 6. Emission devices and components being replaced with other than OEM parts must be U.S.E.P.A./C.A.R.B. certified.
- J. Data Entry
 - 1. The Inspector shall verify the vehicle license plate and vehicle identification numbers by comparing the information on the vehicle's Registration or other documentation presented by the vehicle owner with those on the vehicle and shall accurately record them as required by the data entry process on the Emissions Inspection Analyzer (EIA), as well as any other data requirements of the Division.
 - 2. The Inspector shall enter completely and accurately all the information required as part of the data entry procedure for the Inspection on the Emissions Inspection Analyzer (EIA).
- K. All testing procedures for restart testing, second chance testing, etc, shall be followed as described in the Emissions Inspection Analyzer (EIA) specifications referenced in Appendix A.
- L. Two-Speed Idle (TSI) Inspection Procedures
 - 1. Refer to Appendix B
- M. OBDII (Onboard Diagnostics Generation II) Inspection Procedures
 - 1. Refer to Appendix C
- N. Compressed Natural Gas (CNG) Vehicle Inspection Procedures
 - 1. Refer to Appendix E
- O. A Certificate of Compliance and Vehicle Inspection Report Form (VIR) shall be issued only if a complete Inspection for the vehicle has been performed and the vehicle has passed the specific test requirements as described in this Chapter.
- P. The Certificate of Compliance, Vehicle Inspection Report Forms (VIR) and other Inspection records shall be completed accurately, signed immediately and distributed as required by the Division. The customer shall be given the appropriate copy.
- Q. Gray Market Vehicles/Automotive Imports applying for Registration in Davis County must

have, at the minimum:

1. Gaseous Fueled 1995 and older vehicles and 1996 and newer vehicles, 8501 and greater GVWR will be required to pass the tailpipe and Tampering standards for the Model Year appearing on the Registration;
 2. Gaseous Fueled 1996 and newer vehicles, 8500 pounds GVWR or less, must be equipped with a functioning OBDII system, and must pass the OBDII Test; and
 3. diesel fueled vehicles must meet the standards and requirements of their U.S. counterparts.
- R. Glider Kits, Kit Vehicles, Reconstructed Vehicles, Replica Vehicles and Specially Constructed Vehicles shall comply with Emissions Standards applicable to the Model Year of the engine of the vehicle. If the engine is 1996 or newer and the vehicle's GVWR meets light-duty standards and was intended to be OBDII compliant, the vehicle must be OBDII compliant. It is the vehicle owner's responsibility to furnish proof of the engine's Model Year.
- S. Vehicles placed on the Compliance Assurance List must be inspected at the Davis County Testing Center. The EIA will notify the Station if a vehicle presented for an Inspection is Registered on the Compliance Assurance List.
- T. The Division, Davis County Health Department, Davis County, their officials or employees shall not be held responsible for any failure of any vehicle component or system occurring during an Inspection.

10.12.130 Emissions Standards for Motor Vehicles

- A. To obtain a valid Emissions Certificate of Compliance, vehicles receiving an Inspection may not exceed the standards as adopted in Section 10.12.250 of this Chapter.

10.12.140 Certificates of Compliance and Waivers

- A. Certificates of Compliance
1. 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 document.
 2. Certificates of Compliance shall be obtained only from the Division, a Division Representative or a Station.
 3. A Certificate of Compliance may be issued via electronic communication to the Utah Division of Motor Vehicles.
 4. No refund or credit shall be allowed for unused Certificate of Compliance numbers, except as provided in Section 10.12.090.
 5. Certificate of Compliance numbers:
 - a. may be purchased by a Station through a Division Representative;
 - b. shall be sold at the cost adopted by the Davis County Commission as referenced in Section 10.12.240;
 - c. shall not be sold, loaned, transferred, or given to any other Station or any unauthorized individual. The Station shall at all times account for all Certificates of Compliance or Certificate of Compliance numbers that have been purchased by the Station; and
 - d. are solely the property of the Division; only the license they represent is tendered. Certificates of Compliance or Certificate of Compliance numbers obtained through fraud, misrepresentation and/or improper testing may be deemed null and void.
 - e. shall only be processed by a Station from an Emissions Inspection Analyzer's (EIA) Dedicated Printer.
 6. A Certificate of Compliance shall only be issued to a vehicle that has successfully passed an Inspection that was conducted according to the requirements of this Chapter.

- a. Vehicles listed in the E.P.A. document E.P.A.-420-B-12-044 titled “OBD Readiness Testability issues”¹ that have failed an Inspection for the listed problem may be exempted following the suggested action provided in this document.
- B. Certificates of Waiver
1. A Certificate of Waiver may be issued by the Division or a Division Representative for a vehicle that has failed an Emissions Inspection if the requirements of this section have been met.
 2. To obtain a Certificate of Waiver, the following requirements must be met:
 - a. Emissions Related Repairs must be performed in attempt to correct the condition causing the Emissions related failure.
 - i. 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 the reduction of exhaust Emissions necessary to comply with the applicable Emissions Standards, Cut Points and procedures.
 - ii. Only labor charges accrued for repairs that were performed by a Certified Emissions Repair Facility or the specific vehicle manufacturer will be accepted.
 - iii. The cost of parts purchased to make the necessary repairs will be accepted.
 - iv. Proof of repair costs for the vehicle must be provided in the form of a dated, itemized statement in which Emissions related parts/repairs and labor are specifically identified.
 - v. Repairs must be performed no more than 60 days prior to an official test failure, and the repairs must be appropriate to the cause of the test failure.
 - vi. The catalyst readiness monitor must be operational and set as “ready” for passenger vehicle Model Years 1996 and newer to be eligible for a Certificate of Waiver eligibility.
 - vii. The vehicle may not produce any visible Emissions.
 - viii. Emissions readings must be at or below the maximum allowable Waiver Cutpoints for the Model Year of the vehicle.
 - ix. The Inspection failure may not be due to Tampering.
 - b. The dollar amount required to be spent on Emissions Related Repairs after an initial Inspection failure are as follows:
 - i. \$450.00 for 1996 and newer Model Year vehicles;
 - ii. \$350.00 for 1981 – 1995 Model Year vehicles;
 - iii. \$250.00 for 1968 – 1980 Model Year vehicles.
 - c. The following repairs will not be counted towards the dollar amount that is required to be spent:
 - i. Repairs to correct a condition of Tampering.
 - v. Repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution.
 - d. Any vehicle that experiences an increase in Emissions levels shall not be eligible for a Certificate of Waiver regardless of the amount spent in attempting to repair the vehicle.
 - e. The vehicle has been subjected to Engine Switching or engine modifications that do not comply with the applicable federal, state, or local laws.
 3. A vehicle may only receive one (1) Waiver in the vehicle’s lifetime. The Division may issue additional Waivers under certain circumstances.

¹ <https://nepis.epa.gov/Exe/ZyPdf.cgi?Dockey=P100EPD8.pdf>

4. Information regarding all performed repairs shall be entered into the appropriate database of the EIA prior to the vehicle being retested.
5. Gray Market Vehicles, Model Year 1995 and older, will not be eligible for a Waiver unless all Emissions devices meet the U.S. counterpart federal Certification for that Model Year of vehicle and are operational. If a U.S. counterpart does not exist then the following emission control devices may be required:
 - a. Catalytic Converter
 - b. Evaporative Emissions Control System
 - c. PCV System
 - d. EGR System
 - e. AIR System
6. Replica Vehicles, Kit Cars and other Specially Constructed Vehicles, Model Year 1995 and older, shall not receive a Waiver unless meeting all requirements of this Chapter.
7. Vehicles that have been subjected to Engine Switching as defined in 10.12.150(A) and/or engine modifications that do not comply with the applicable federal, state, or local laws will not be eligible for a Certificate of Waiver.

10.12.150 Engine Switching

- A. Engine switching shall be allowed only in accordance with E.P.A.'s Office of Enforcement and Compliance Assistance (OECA) Engine Switching Fact Sheet and Engine Switching Fact Sheet referenced Memorandum A².
- 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 Chapter.
- C. If the engine has been converted to another type of fuel, the vehicle must comply with the laws governing the type of fuel which is being used in the vehicle.
- D. It is a violation of this Chapter to register a vehicle with a diesel engine as a vehicle using another type of fuel, or to register a vehicle with an engine that uses another type of fuel as a diesel.

10.12.160 Right to Appeal

- A. Within ten (10) calendar days after the Division has given a notice of violation(s), Permit denial, suspension or revocation, 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. The Division may negotiate a Consent Agreement in lieu or in addition to a Permit suspension.
- B. Use of the hearing process outlined in Section 10.12.180 of this Chapter does not preclude judicial review.

10.12.170 Recall

The Division reserves the right to recall any vehicle that is suspected of a fraudulent Inspection to be subjected to a challenge Inspection at the Davis County Testing Center. Any or all appropriate actions that are allowed by law may be taken against parties that have been involved in fraudulent actions

² <https://www.epa.gov/enforcement/engine-switching-fact-sheet>

during or subsequent to an Inspection.

10.12.180 Penalty

- A. Pursuant to Title 26A-1-123, Utah Code Annotated, 1953, as amended and the statutory authority of County Commissions to enact Ordinances, any person violating any of the provisions of this Chapter, either by acts of omission or commission, shall be guilty of a class B misdemeanor and penalized as provided in the Penalty Schedule, Section 10.12.280, in addition to any administrative or civil penalties provided by this Chapter and applicable state law.
 - 1. If a person is found guilty of a subsequent similar violation within two (2) years, he/she may be guilty of a class A misdemeanor and appropriate action may be taken.
- B. Each Occurrence and/or day a violation is committed or Permitted to continue shall constitute a separate violation.
 - 1. The imposition of a penalty under the provisions of this Chapter shall not prevent the revocation or the suspensions of any license or Permit granted under the provisions of this Chapter or preclude any other administrative or civil penalty.
- C. At the request of the Division, the County Attorney may initiate civil or criminal legal action against any person who violates this Chapter.
- D. In addition to other penalties imposed by a court of competent jurisdictions, any person(s) found guilty of violating any provision of this Chapter shall be liable for all expenses, including reasonable attorneys fees and costs of court, incurred by the Division and/or the County incurred arising from the violation or enforcement of this Chapter, whether civil or criminal.
- E. A Penalty Schedule, Section 10.12.280, lists specific violations of this Chapter by which Permits issued to person(s) under the provisions of this Chapter may receive a formal warning, probation, suspension or revocation of said Permit, including time-periods or fines issued. The Penalty Schedule may be amended by the Davis County Commission if deemed necessary to accomplish the purposes of this Chapter.
- 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 10.12.20 of this Chapter.

10.12.200 Quality Assurance

- A. Davis County may obtain an outside consultant to review test and Audit data and furnish E.P.A. required reports.
- B. The Division shall perform overt and Covert Audits of Stations and Technicians that shall conform with the reporting requirements as contained in 40 CFR 51.363.

10.12.210 Severability

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

10.12.240 Fee Schedule

The fees assessed by the Division shall be:

Permitting of a Certified Emissions Repair Facility and/or Basic Test Station	\$300.00
Annual Renewal of a Certified Emissions Repair Facility and/or Basic Test Station Permit	\$60.00
Annual Renewal of an Expired Certified Emissions Repair Facility and/or Basic Test Station Permit	\$120.00
Permitting a Certified Emissions Repair Facility and/or Basic Test Station at a New Location	\$50.00
Permitting a Certified Emissions Repair Facility and/or Basic Test Station Under a New Business Name	\$125.00
Transferring a Certified Emissions Repair Facility Permit to a Basic Test Station Permit or from a Basic Test Station Permit to a Repair Facility Permit	\$125.00
Permitting a Certified Repair Technician, or an Emissions Tester	\$30.00
Annual Renewal of a Certified Repair Technician or an Emissions Tester Permit	\$25.00
Annual Renewal of an Expired Certified Repair Technician or an Emissions Tester Permit	\$40.00
Duplicate Certified Repair Technician and/or Emissions Tester Permit	\$12.00
Refresher training for Certified Emissions Testers and/or Repair Technicians	\$30.00
Certified Emissions Tester Study Guide	\$40.00
Transferring a Certified Repair Technician Permit to an Emissions Tester Permit or an Emissions Tester Permit to a Certified Repair Technician Permit	\$15.00
Emissions Program Certificate of Compliance Numbers	\$3.25
Duplicate Emissions Program Certificate of Compliance	\$3.00
Emissions Inspection Fee	Set by Station
Air Pollution Control Fee (gasoline, diesel & other fuels--paid at time of Registration)	\$3.00
Chapter Copy	\$5.00

10.12.250 Emissions Standards

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 analyzer using the prescribed procedures.

ALL PASSENGER VEHICLES 1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS OR LESS GVWR 1979 TRUCKS AND NEWER 8,500 POUNDS OR LESS GVWR MAXIMUM CONCENTRATION STANDARDS		
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 lbs or less)	OBD II Only	OBD II Only
HEAVY DUTY TRUCKS AND VANS 1978 AND OLDER 6,001 POUNDS AND OVER GVWR 1979 AND NEWER 8,501 POUNDS AND OVER GVWR MAXIMUM CONCENTRATION STANDARDS		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1968-1969	7.0	1500
1970-1978	5.0	1200
1979-1980	4.0	1000
1981-1995	3.5	800
1996-2007	1.2	220
2008-newer	OBDII Only	OBDII Only

NOTE: These should be considered as “Cut Points” for maximum allowable Emissions levels. Vehicles must never be reset to these Emissions 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. On-Board Diagnostics (OBDII) Standards: U.S.E.P.A. guidelines and standards will be followed.

10.12.260 Waiver Cut Points

- A. In order for a Waiver to be granted, the subject vehicle must first qualify by not exceeding the following maximum allowable concentrations for Carbon Monoxide (CO) for both cars and trucks as determined by an approved Emissions Inspection Analyzer (EIA) using the prescribed procedures. Vehicles with visible tailpipe Emissions (smoke) are not eligible for Waivers.

ALL PASSENGER VEHICLES 1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS OR LESS GVWR 1979 TRUCKS AND NEWER 8,500 POUNDS OR LESS GVWR MAXIMUM CONCENTRATION STANDARDS		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1968-1969	7.0	1000
1970-1974	6.0	800
1975-1976	5.0	700
1977-1979	4.0	600
1980	3.0	400
1981-1995	2.0	300
1996 and newer passenger vehicles & light-duty trucks (8,500 lbs or less)	1.2	220
HEAVY DUTY TRUCKS AND VANS 1978 AND OLDER 6,001 POUNDS AND OVER GVWR 1979 AND NEWER 8,501 POUNDS AND OVER GVWR MAXIMUM CONCENTRATION STANDARDS		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1968-1969	8.0	1700
1970-1978	7.0	1500
1979-1980	5.0	1200
1981 and newer	4.0	1000

- B. The minimum dilution factor must also be reached as part of the testing requirement.

Note: These should be considered as “Cut Points” for maximum allowable Emissions levels. Vehicles must never be reset to these Emissions 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”.

10.12.270 Passing Versus Waiver Cut Point Comparison

ALL PASSENGER VEHICLES				
1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS OR LESS GVWR				
1979 TRUCKS AND NEWER 8,500 POUNDS OR LESS GVWR				
MAXIMUM CONCENTRATION STANDARDS				
Model Year	% CO Passing	% CO Waiver	PPM HC Passing	PPM HC Waiver
1968 - 1969	6.0	7.0	800	1000
1970 - 1974	5.0	6.0	700	800
1975 - 1976	4.0	5.0	600	700
1977 - 1979	3.0	4.0	500	600
1980	2.0	3.0	300	400
1981 - 1995	1.2	2.0	220	300
1996 +	N/A	1.2	N/A	220

HEAVY DUTY TRUCKS AND VANS				
1978 AND OLDER LIGHT DUTY TRUCKS 6,001 POUNDS AND OVER GVWR				
1979 TRUCKS AND NEWER 8,501 POUNDS AND OVER GVWR				
MAXIMUM CONCENTRATION STANDARDS				
Model Year	% CO Passing	% CO Waiver	PPM HC Passing	PPM HC Waiver
1968 - 1969	7.0	8.0	1500	1700
1970 - 1978	5.0	7.0	1200	1500
1979 - 1980	4.0	5.0	1000	1200
1981 +	3.5	4.0	800	1000

NOTE: These should be considered as “Cut Points” for maximum allowable Emissions levels. Vehicles must never be reset to these Emissions 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”.

10.12.280 Penalty Schedule

Violation (Resets after two (2) years of no similar violations unless Revoked)	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Failure to Inspect or substituting a vehicle other than the vehicle on the test record (intentional pass)	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of Inspection Station Permit for five (5) years	
Passing a failing vehicle or recording “pass” for Tampering on a tampered vehicle (gross negligence)	Tech: 30 day suspension and mandatory retraining	Tech: 60 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years	
	Station: 15 day suspension	Station: 30 day suspension	Station: 60 day suspension	Station: Revocation of Permit for five (5) years
Falsifying an Inspection record or Emissions Certificate or failing a passing vehicle (intentional)	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of Permit for five (5) years	
Non-Certified Person performing test (gross negligence)	Tech: 60 day suspension	Tech: 180 day suspension	Tech: Revocation of Permit for five (5) years	
	Station: 60 day suspension	Station: 180 day suspension	Station: Revocation of Permit for five (5) years	

Inaccurate or incomplete data entry <i>(incompetence)</i>	Tech: Formal warning and mandatory retraining	Tech 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of Permit for five (5) years
Failure to follow proper test procedures <i>(incompetence)</i>	Tech: Formal warning and mandatory retraining	Tech: 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of Inspection Station Permit for five (5) years
Failure of a Covert Audit <i>(incompetence)</i>	Tech: Formal warning and mandatory retraining	Tech: 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years
	Station: Formal Warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of Inspection Station Permit for five (5) years

- A. These penalties apply to all Permits issued pursuant to this Chapter.
- B. Negotiated Consent Agreements: Inspector and/or Station suspensions may be reduced in length by a Negotiated Consent Agreement which may substitute monetary penalties for part or all of the suspension time.
- C. Violations that have been determined to be intentional or flagrant shall result in the maximum penalties of up to \$10,000 per violation. Permit revocations are not eligible for Negotiated Consent Agreements.
- D.
- E. The number of Occurrences for the Failure of a Covert Audit that a Station or Inspector has will reset to zero (0) if the Station or Technician successfully passes two (2) successive covert vehicle audits.

10.12.290 Conflicts

This Chapter supersedes all prior Ordinances, resolutions and policies of Davis County to the extent they are in conflict with the specific provisions hereof. In all other respects such prior Ordinances, resolutions and policies shall remain in full force and effect.

Effective Date

This Ordinance is necessary for the immediate preservation of the peace, health or safety of the County and its inhabitants and therefore shall take effect immediately upon publication in one issue of a newspaper published and having general circulation in Davis County.

This Ordinance shall be effective as of Oct 18, 2019 (date). All Ordinances and parts of Ordinances in conflict herewith shall not be and the same are here by repealed.

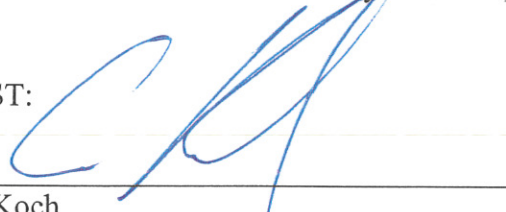
ENACTED AND ADOPTED this 1st day of Oct, 2019.

This Ordinance was duly passed, adopted, and/or approved by the Davis County Legislative Body on this 1st day of Oct, 2019 with Commissioners Randy B. Elliott Aye, Lorene Miner Kamalu Aye, and Bob J Stevenson Aye, all voting as documented herein.

BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY

By: 
Randy B. Elliott, Chair

ATTEST:


Curtis Koch
Davis County Clerk/Auditor

Approved as to legal form and compatibility with state law:


Deputy Davis County Attorney

Publication Date: _____, 2019
Effective Date: _____, 2019

APPENDIX A
Emission Inspection Analyzer Specifications

- A. Only Division approved testing equipment will be used to perform Certified Emissions Inspections. The Emissions analyzers (EIA's) shall only be those approved and provided by contract through the current vendor. Refer to Appendix A for current EIA Specifications.
- B. The Division shall explore new technologies related to emissions inspections. As part of this exploration, the Division may perform studies, run pilot projects, collect and analyze data, and make recommendations to the commission. If a new technology can be shown to be as effective as current technologies in reducing emissions and preventing fraud, the Division shall present these findings to the E.P.A. The Division shall then work with the E.P.A. and the commission to seek approval to incorporate the new technology as a testing method.

COMPUTER HARDWARE/SOFTWARE

• 17" .28 Dot Pitch SVGA Color Monitor	• 700 MHz CPU speed or faster
• Flash Drive	• 128 Mb RAM
• 12X CD ROM Drive (or faster, optional)	• 40 Gb Hard Drive (or larger)
• 64 MPEG ready PCI Video Board w/1 Mb RAM	• 256 kb External Cache Memory
• 56k Internal Modem (or faster)	• 104 Enhanced Keyboard
• Standard Mouse/Pointer	• Enhanced RPM and I/O Board
• Bar Code Reader, High Intensity, Non- Contact	• Hewlett Packard LaserJet 2300 printer (or equivalent) or OKIPAGE B4200 printer (or equivalent)

ANALYTICAL SYSTEM

ITEM	METHOD	RANGE	ACCURACY	RESOLUTION
• HC	NDIR	0-2000ppm	+/- 3%	1 ppm
• CO	NDIR	0-10%	+/- 3%	0.01%
• CO ₂	NDIR	0-16%	+/- 3%	0.1%
• O ₂	Cell/NDIR/NDUV	0-25%	+/- 5%	0.1%
• Relative Humidity		5-95%	+/- 3%	
• Ambient Temperature		0-140F	+/- 3%	
• Barometer Pressure		24-32 in. Abs	+/- 3%	

REQUIREMENTS

- * Electric: 120 VAC 15 Amps
- * Shop Air: 80 - 90 PSI Compressed Air

CALIBRATION SYSTEM

- * Integrated Zero Air Generator
- * Automatic Zeroing and Gas Calibration
- * Automatic Leak Test, Dilution Test and

Low Flow

SAMPLE SYSTEM

- * Heavy-duty Sample System for High Throughput Performance w/Pressurized Sample Back Flush
- * Solid State Sample Chiller for Enhanced Water Separation (patent pending)

SUB-SYSTEM

- * OBD II Integrated Function
- * Integrated Fuel Cap Tester

APPENDIX B
Two Speed Idle Inspection Procedures

Each vehicle receiving a Two-Speed Idle (TSI) Test shall be allowed to reach normal operating temperature before performing the Inspection.

- A. The vehicle shall be tested as detailed in the Emissions Inspection Analyzer (EIA) specifications referenced in Appendix A and as programmed into the Emissions Inspection Analyzer (EIA) testing sequence. Vehicles failing because of excessive exhaust dilution shall repair the dilution problem prior to continuing the Emissions test. The dilution standard shall be contained in the Emissions Inspection Analyzer (EIA) specifications as referenced in Appendix A and adjusted when the Division determines by analysis that an adjustment is necessary to yield a more accurate level of Emissions readings.
- B. If a vehicles engine stalls during a Two-Speed Idle (TSI) Emissions Inspection, the test shall be restarted. If an Inspector cannot complete a test because of continuous stalling, fluctuating RPM measurements or RPM measurements that are not within the Division and manufacturer's specified parameters, then these problems shall be corrected before the Inspection is continued.

APPENDIX C
OBD II (Onboard Diagnostics Generation II) Inspection Procedures

The following test procedure is to be followed for 1996 and newer Model Year gasoline and Light Duty Diesel Powered Motor Vehicles and 2008 and newer Medium Duty Vehicles:

1. Verify vehicle information;
2. Accurately enter information into the analyzer at the required Prompts;
3. Review the information entered into the data review screens and make corrections as need;
4. Perform the visual Inspection of all applicable emission control devices;
5. Turn the ignition key to the **OFF** position;
6. Locate the Diagnostic Link Connector (DLC) in the vehicle and connect the OBD lead from the analyzer directly to the vehicles DLC;
 - a. A Simulator device may not be used or connected to the analyzer at any time during an official Emissions Inspection.
7. Turn the ignition to the **KOEO** position;
8. Visually inspect for the MIL function: indicate “YES” if the MIL is functioning or “NO” if the MIL is not functioning;
9. Start the vehicle;
10. Allow the analyzer to communicate with the vehicle;
11. Increase the vehicle RPM to 1000 RPM for 5 seconds;
12. When prompted, turn off the engine, switch the ignition to the **OFF** position and remove the OBD lead;

13. If the MIL is not functioning, the vehicle fails the OBDII Inspection and requires repair;
14. If the MIL is commanded **ON** the vehicle fails the OBDII Inspection. The vehicle has a malfunction and has stored a Diagnostic Trouble Code (DTC). The DTC will need to be investigated and the necessary repairs made;
15. If the Catalyst readiness monitor is “Not Ready” then the vehicle fails the Inspection.

APPENDIX D
Davis County Diesel I/M Program

11.12.010 Definitions

1. Diesel Emissions Standard: as defined in section 10.12.020 of the Ordinance and also including the maximum allowable smoke Opacity limits for a given weight class and Model Year of a Motor Vehicle.
2. Diesel I/M Program Fleet Station (Diesel Fleet Station): a private, public or government facility with a fleet of twenty five (25) or more vehicles that has a valid Permit, issued by the Division, to perform Diesel Opacity Inspections on their own vehicles in accordance with this Chapter.
3. Diesel I/M Program Station (Diesel Station): a Permitted facility meeting the requirements of this Chapter.
4. Diesel Opacity Inspector: an individual Permitted by the Division to perform Opacity Inspections on Diesel Vehicles, also referred to as a Technician.
5. Diesel Opacity Inspection: an Inspection of a Diesel Powered Motor Vehicle by a Diesel Opacity Inspector employed by a Diesel I/M Program Station, Fleet Station or the Division.
6. Diesel Opacity Inspector Permit: the Permit issued by the Division to an individual who has successfully completed the Division Diesel Opacity Inspection and training requirements.
7. Diesel Opacity Analyzer: an Opacity meter with any additional hardware or software required by the Division to perform an official Diesel Opacity Inspection in accordance with this Chapter and a type of Emissions Inspection Analyzer (EIA).
8. Diesel Powered Motor Vehicle: vehicles which are propelled by a compression-ignited engine using diesel fuels, bio-fuels, or a mixture of diesel and bio-fuels.
9. Diesel Vehicle Inspection/Maintenance Program: the Opacity Inspection and repair program for Diesel Powered Motor Vehicle established by the Division, pursuant to Section 41-6a-1644, Utah Code Annotated 1953, as amended.
10. Opacity: the degree to which the exhaust plume obscures the view expressed in percentage of obstruction or the degree expressed in percent to which transmittance of light is reduced by the exhaust plume.
11. Opacity Inspection: the Inspection of Diesel Powered Motor Vehicle using procedures prescribed in the Chapter in order to determine the magnitude (expressed as a percentage) of obscured light (Opacity) due to exhaust constituents, mainly fine particles.
12. Opacity Meter: an optical instrument which is designed to provide continuous real-time measurement of the Opacity of diesel exhaust gases and particulates which pass through the optical unit.
13. Technician: a Permitted Diesel Opacity Inspector.
14. Wide Open Throttle (WOT): accelerations used to purge the exhaust system of any residual exhaust prior to an Opacity Inspection applicable to Heavy Duty Diesel Vehicles.

11.12.030 Purpose

Refer to section 10.20.030

11.12.040 Jurisdiction of the Division

Refer to section 10.20.040

11.12.050 Powers and Duties

Refer to section 10.12.050

- A. The Division or a Division Representative is responsible for performing all Inspections on Light, Medium and Heavy Duty Diesel Powered Motor Vehicles.

11.12.060 Scope

Refer to section 10.12.050

11.12.070 General Provisions

Refer to section 10.12.070

- A. Reciprocity with other vehicle Emissions programs within the state will be allowed as long as Tampering, Opacity, OBDII or other standards meet or exceed those required by this Chapter in accordance with Section 41-6a-1643, Utah Code Annotated, 1953, as amended.
- B. The following vehicles are exempt from the requirements of this Chapter:
 - 1. Heavy Duty Diesel Powered Motor Vehicles that meet all of the following requirements:
 - a. Have an apportioned Registration;
 - b. Are 26,000 lbs. GVWR or greater;
 - c. Have logged more than 50% of their vehicle miles outside of the state; and
 - d. Are within the first three (3) Model Years.

11.12.080 Standards and Specifications for Diesel Emission Equipment

All diesel emission equipment must comply with the standards set forth in Appendix D-1

11.12.090 Requirements of the Vehicle Emission Inspection/Maintenance Program Stations

Refer to section 10.12.090

11.12.100 Testing and Permitting of Certified Diesel Opacity Inspectors

Refer to section 10.12.100

11.12.110 Diesel Emission Inspection Procedures

- A. A Division Representative will perform Diesel Opacity Inspections on light and Medium Duty Vehicles that are Model Year 2007 and older and are non OBD II compliant. This

Inspection is performed on a Dynamometer under load with the approved Opacity meter analyzer system. All Heavy Duty Diesel Powered Motor Vehicles 14,000 lbs. GVWR and up are required to have a J1667 snap-idle test performed by a licensed Station/contractor.

- B. Loaded Opacity Inspection Procedures (Refer to Appendix B-2 for drive pattern illustration)
1. All steps in Section 10.12.110(A-L) shall be followed.
 2. All facets of the official Vehicle Emissions I/M Program shall be performed by the Certified Diesel Opacity Inspector including:
 - a. Emissions Inspection Analyzer (EIA) preparation, Gas Calibration, leak checks and host communication diagnostics;
 - b. preparation of reports, forms and Certificates of Compliance;
 - c. accessing the official Emissions testing section of the analyzer;
 - d. performing fuel cap pressure tests;
 - e. exhaust sampling and analysis for the purpose of a diesel Opacity Inspection for issuance of a Certificate of Compliance; and
 - f. all other aspects of the official Vehicle Emissions Inspection, including but not limited to the Visual Inspection, inserting the exhaust probe, inserting or attaching the exhaust Opacity sampling equipment, hooking up the tachometer, entering data into the analyzer, preconditioning the vehicle and signing Certificates of Compliance and Vehicle Inspection Report Forms (VIRs).
 3. Diesel I/M Program Station or Fleet Station shall employ and ensure at least one (1) Certified Diesel Opacity Inspector is routinely scheduled to work during the advertised operating hours of the facility.
 4. To qualify for and obtain a Diesel Opacity Inspector Permit, an applicant shall demonstrate knowledge, skill and competence by passing a written and performance qualification test including, but not limited to, knowledge of the following:
 - a. The requirements of this Chapter;
 - b. Operation of and proper use, care, maintenance and Calibration of the Division approved Emissions Inspection Analyzer (EIA); and
 - c. Proper use and distribution of the required Inspection forms, Certificates of Compliance, Calibration records and supplemental documents.
 5. For each vehicle receiving an Opacity Inspection:
 - a. visually inspect for the presence of single or dual exhaust. If the vehicle to be inspected is equipped with a dual exhaust system, only the darkest stack will be used for testing;
 - b. determine the appropriate Inspection procedure to follow, depending on the vehicle weight rating, type and Model Year, and then proceed with the Inspection procedures as outlined in this Chapter;
 - c. if a vehicle is unable to be inspected using a particular weight category Inspection procedure as outlined in this Chapter because of an unusual engine/chassis configuration, the Director at his/her discretion may select an alternate Inspection procedure to be performed on the vehicle;
 - d. verify for 1996 and newer Medium Duty Vehicles the Key On Engine Off (KOEO) Bulb Function and fail the vehicle if the MIL does not function; and
 - e. verify for 1996 and newer Medium Duty Vehicles the Key On Engine Running function that the MIL is extinguished. Fail the vehicle if the MIL is

illuminated.

C. Heavy-Duty Snap Idle Inspection Procedures

1. The snap idle test is based on the J 1667 protocol. All Diesel Powered Motor Vehicles 14,001 lbs. GVW and greater, will receive a snap idle test performed with the approved testing equipment. The Technician will follow all analyzer Prompts and screens as specified and upon completion of the test will issue the appropriate paperwork to the consumer. All safety considerations addressed in section 10.12.110(G) shall be followed.
2. Heavy Duty Diesel Powered Motor Vehicles that meet all of the following requirements:
 - a. Have an apportioned Registration;
 - b. Are 26,000 lbs. GVWR or greater;
 - c. Have logged more than 50% of their vehicle miles outside of the state; and
 - d. Are within the first three (3) Model Years.
3. Owners of Heavy Duty Diesel Powered Motor Vehicles may request that a Division Representative perform on-site Vehicle Emissions Inspections.
 - a. As a condition for Permitting a Certified Diesel Station or Diesel Fleet Station, the following tools, references and equipment shall be available for the performance of Inspection and maintenance of Diesel Powered Motor Vehicles:
 - i. a Division approved Diesel Opacity Analyzer that meets the minimum specifications as outlined in Appendix A of this Chapter;
 - ii. a handbook, approved by the Division, that includes Inspection procedures to be followed by the Diesel Opacity Inspector;
 - iii. reference manuals specified and approved by the Division that contain tune-up specifications, and information covering the Emissions control systems for the Model Years and makes of vehicles involved in the Diesel Inspection/Maintenance Program;
 - iv. sufficient hand tools for proper performance of Inspection and maintenance of the vehicle;
 - v. exhaust gas removal equipment approved by the Division;
 - vi. the Diesel Opacity Analyzer manufacturer's maintenance and Calibration manual, which must remain in the Inspection Area;
 - vii. all forms, Technical Bulletins, and other information materials provided by the Division; and
 - viii. all essential devices, connections, phone lines and software required by the Division.
 - b. Diesel Fleet Stations
 - i. Owners of vehicle fleets with twenty-five (25) or more Heavy Duty Diesel Powered Motor Vehicles may apply to the Division for a Diesel I/M Program Fleet Station Permit. This Permit would allow fleet owners to inspect only their own Heavy Duty Motor Vehicles that are Registered to the individual or corporation identified on the Permit. A fleet Station may be Permitted for Inspection of light and Medium Duty Vehicles with approval of the Division;
 - ii. The Fleet Station shall immediately notify the Division and surrender all unused Certificates of Compliance at such time as the Station no longer

- employs a Diesel Opacity Inspector; and
- iii. The Fleet Station shall notify the Division whenever five (5) or more consecutive Diesel Opacity Inspections are scheduled to be performed within an eight (8) hour period. The Director may dispatch a field Auditor to observe all or a portion of the Diesel Opacity Inspections performed.

11.12.120 Davis County Testing Center

- A. The Davis County Testing Center personnel or a Division Representative may conduct Diesel Emissions Inspections approved Inspection equipment, hardware and software as technology advances and new Inspection procedures become available.
- B. Loaded Diesel Opacity, OBDII and Diesel Snap Inspections will be performed following the procedures outlined in this Appendix.
- C. Developmental Emissions Inspections may be conducted.
 1. Vehicles inspected by this method shall comply with all the requirements of the latest U.S.E.P.A.'s Technical Guidance Documents and the requirements as outlined in this Appendix.
- D. Emission Inspection equipment will be checked, maintained, calibrated and serviced in accordance with the appropriate equipment manufacturer's procedures.
- E. The Davis County Testing Center may inspect a portion of the fleet on a voluntary basis for modeling, air quality assurances and public convenience.
- F. The Division may develop or modify all present and future I/M Program procedures.

11.12.130 Emission Standards

- A. The following schedule gives the maximum allowable concentration limits for Diesel Opacity Inspections:
 1. Heavy Duty Diesel Powered Motor Vehicles, 14,001 pounds GVWR or more – Snap Idle Test:
 - a. 20% Opacity for Diesel engines manufactured on or after January 1, 1996.
 - b. 40% Opacity for Diesel engines manufactured before January 1, 1996.
 2. Light Duty/Medium Duty Vehicles, 14,000 pounds GVWR and less – Dynamometer Inspection:
 - a. 20% Opacity for all Non-OBDII Compliant Vehicles, readings taken at cruise and Wide Open Throttle (WOT).
 3. Light/Medium Duty OBDII Compliant Diesel Powered Motor Vehicles will meet OBDII Standards listed in Section 10.12.250

11.12.140 Certificates of Compliance and Waivers

- A. Certificate of Compliance
 1. A Certificate of Compliance will be issued to Diesel Powered Motor Vehicles following the standards set in 10.12.140(A).
- B. Certificate of Waiver
 1. A Certificate of Waiver will be issued to Diesel Powered Motor Vehicles following the standards set in 10.12.140(B) with the following exceptions:

- a. Diesel Powered Motor Vehicles are exempt from the Waiver Cut Points established in section 10.12.260.
- b. For vehicles that support the catalyst monitor as originally certified, the catalyst readiness monitor must be operational and set as “Ready” for Light/Medium Duty Vehicles Model Years 1998 and newer to be eligible for a Certificate of Waiver eligibility.
- c. The dollar amount required to be spent on Emissions Related Repair fees for the following specified Diesel Powered Motor Vehicles shall be set at:
 - i. \$750.00 for 1968 and newer Model Year Light/Medium Duty Vehicles: and
 - ii. \$1,500.00 for 1968 and newer Model Year Heavy Duty Diesel Powered Motor Vehicles.
- d. Visible Emissions must be in compliance as defined in Utah Code 41-6a-1626.

11.12.150 Engine Switching

Refer to section 10.12.150

11.12.160 Right to Appeal

Refer to section 10.12.160

11.12.170 Recall

Refer to Section 10.12.170

11.12.180 Penalty

Refer to section 10.12.180

11.12.200 Quality Assurance

Refer to section 10.12.200

11.12.210 Severability

Refer to section 10.12.210

11.12.220 Auditing and Reporting

Refer to section 10.12.220

11.12.230 Emission Inspection Analyzer (EIA)

Only Division approved Inspection equipment will be used to perform Certified Emissions and Opacity Inspections. The Diesel Emissions analyzers (EIA’s) shall only be those approved and

provided by contract through the current vendor. Refer to Appendix D-1 for Diesel EIA requirements.

11.12.240 Fee Schedule

Refer to section 10.12.240 for the applicable fees not listed in 11.12.240

Permitting of a Diesel I/M Program Station or Fleet Station	\$300.00
Annual Renewal of a Diesel I/M Program Station or Fleet Station	\$60.00
Annual Renewal of an Expired Diesel I/M Program Station or Fleet Station	\$120.00
Permitting a Diesel I/M Program Station or Fleet Station at a New Location	\$50.00
Permitting a Diesel I/M Program Station or Fleet Station Under a New Business Name	\$125.00
Permitting a Diesel Opacity Inspector	\$30.00
Annual Renewal of a Diesel Opacity Inspector Permit	\$25.00
Annual Renewal of an Expired Diesel Opacity Inspector Permit	\$40.00
Duplicate Diesel Opacity Inspector Permit	\$12.00
Refresher training for Diesel Opacity Inspectors	\$30.00
Diesel Opacity Inspector Study Guide	\$40.00
Diesel Emission Fee	Set by County

11.12.280 Penalty Schedule

Refer to section 10.12.280

11.12.290 Conflicts

Refer to section 10.12.290

Effective Date

This Ordinance is necessary for the immediate preservation of the peace, health or safety of the County and its inhabitants and therefore shall take effect immediately upon publication in one issue of a newspaper published and having general circulation in Davis County.

This Ordinance shall be effective as of Oct 18, 2019 (date). All Ordinances and parts of Ordinances in conflict herewith shall not be and the same are here by repealed.

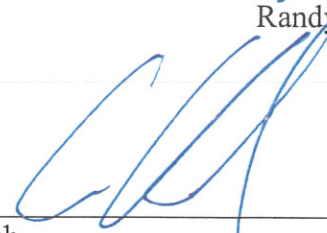
ENACTED AND ADOPTED this 1st day of Oct, 2019.

This Ordinance was duly passed, adopted, and/or approved by the Davis County Legislative Body on this 1st day of Oct, 2019 with Commissioners Randy B. Elliot Aye, Lorene Miner Kamalu Aye, and Bob J Stevenson Aye, all voting as documented herein.

BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY

By: 
Randy B. Elliott, Chair

ATTEST:


Curtis Koch
Davis County Clerk/Auditor

Approved as to legal form and compatibility with state law:


Deputy Davis County Attorney

Publication Date: _____, 2019
Effective Date: _____, 2019

Appendix D-1 Diesel Emission Equipment Specifications

PRODUCT SPECIFICATIONS: Sensors LCS 2400 Opacity Meter

Operating Conditions

Temperature: 5 °C to 40 °C

Humidity: 0 to 95 %

Pressure: 0...10kPa ± 0.2kPa

Characteristics

Optical path length: 364 mm (+/- 1 mm)

Tube Temp: 70...100 °C (75 °C typical)



Warm Up Time: ≤ 3 min. @ 20 °C

Zero-Drift: < 0.01 m⁻¹ over 15 min

Resolution: N: 0.1 % ; k: 0.01 m⁻¹

Gas Temperature Range: 10 – 150 °C

Storage Temperature: -32 °C to 55 °C

Pneumatic Stability: ± 1.0%

Acoustic Noise: 53 dba

Opacity Accuracy: ± 2% absolute

Reliability: 20,000 hours (MTBF)

Dimensions (H x W x L): 23.5 cm x 38 cm x 9 cm

Weight: 4.5kg (10 lbs)

Software & Communications 9600/19200 Baud rate (selectable)

Communication: via RS-232 async

Power:

Input 230 Vac, 115Vac or 100Vac available

Line Frequency: 50 or 60 Hz

Output 12Vdc @3A (via com port connector)

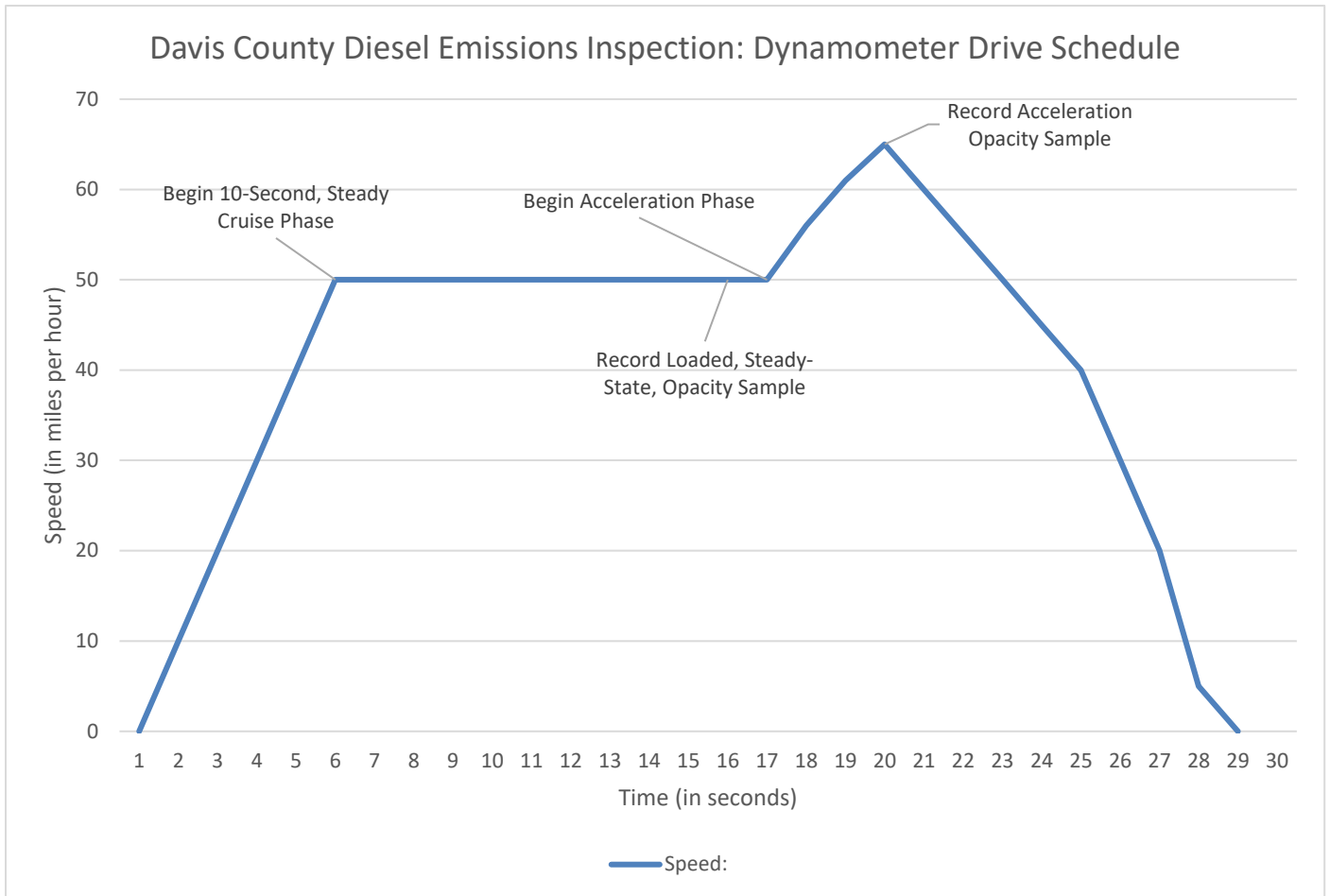
The computer/cabinet shall be based on the Worldwide EIS 7000

Diesel Exhaust Opacity Measurements

- **Sensors Opacity Meter uses laser technology as an upgrade to the halogen technology used previously**
- **Opacity meter auto-zeros before each test**
- **Each opacity meter is validated at least once per week using 3 validation lenses, calibrated at 25%, 55%, and 75% opacity**
- **Opacity meter has many error codes that prohibit testing if set. Error codes include (but are not limited to):**
 - Tube Temp Invalid
 - Transducer in Standby Mode
 - Dirty Lenses
 - Gas Temperature Too Cold
 - Ambient Temperature Invalid
 - Power Voltage Out of Tolerance



Appendix D-2 Loaded Opacity Inspection Drive Pattern



APPENDIX E
Compressed Natural Gas (CNG) Vehicle Inspection Procedures

- A. 1995 and older with switchable bi-fuel systems must comply with the appropriate County Inspection procedures using both fuels when possible, including the Visual Inspection.
- B. 1995 and older with non-switchable bi-fuel systems must on a case-by-case basis, comply with the appropriate County Inspection procedures using both fuels when possible, including the Visual Inspection.
- C. 1995 and older systems with a dedicated fuel (non-bi-fueled) must complete normal Inspection procedure using dedicated fuel, including the Visual Inspection.
- D. All 1996 through 2004 dedicated and bi-fueled systems shall receive a Visual Inspection: the MIL must illuminate while the key is on engine off (KOEO); the MIL must extinguish while the key is on with the engine running (KOER). Bi-fuel vehicles will receive a tailpipe test on each fuel.
- E. All 2005 and newer systems must have a conversion kit, be OBDII compatible, and comply with a Visual Inspection and prescribed OBDII and any other required testing.