

Chapter 1200-3-29
Light-Duty Motor Vehicle Inspection and Maintenance

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1200-3-29-.01 Purpose

The purpose of this Chapter is to reduce the air pollution produced by the operation of light-duty motor vehicles.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule filed February 14, 1994; effective April 30, 1994. Stay of effective date filed April 15, 1994; effective June 14, 1994.

1200-3-29-.02 Definitions

As used in this Chapter, all terms not defined herein shall have the meaning given them in Chapter 1200-3-2:

- (1) Air Pollution is any particulate matter or any gas or vapor other than water or any combination thereof including any physical, chemical, biological, radioactive substance or matter which is emitted into or otherwise enters the ambient air.
- (2) Antique motor vehicle is any motor vehicle over twenty-five years old which is owned solely as a collectors' item and is used for participation in club activities, exhibits, tours, parades and similar uses, but in no event for general transportation.
- (3) Carbon dioxide is a compound consisting of the chemical formula (CO₂).
- (4) Carbon monoxide is a compound consisting of the chemical formula (CO).
- (5) Catalytic converter is a pollution control device containing a catalyst for converting automobile exhaust into mostly harmless products.
- (6) Centralized Network means that motor vehicle inspections are conducted by the State and/or a single contractor in an area.
- (7) Certificate of Compliance is a certification issued by a Department vehicle inspector or a fleet vehicle inspector that the motor vehicle identified on the certificate complies with the emission performance and anti-tampering criteria appropriate to the vehicle as specified in this regulation.

- (8) Check Engine Light: for the definition see Malfunction Indicator Light (MIL).
- (9) Contractor is a person (as defined in 1200-3-2) with whom the Department has a contract that provides for the operation of one or more Official Inspection Stations.
- (10) Department means the Tennessee Department of Environment and Conservation, Division of Air Pollution Control.
- (11) Department Vehicle Inspector is any person employed by the Tennessee Division of Air Pollution Control and/or contractor who is designated by the Technical Secretary as qualified to perform vehicle emissions performance and anti-tampering inspections.
- (12) Diagnostic Trouble Codes (DTCs) is an alphanumeric code which is set in a vehicle's onboard computer when a monitor detects a condition likely to lead to (or has already produced) a component or system failure or otherwise contribute to exceeding emissions standards by 1.5 times the certification FTP standard.
- (13) Diesel powered motor vehicle is a motor vehicle powered by a compression-ignition internal combustion engine.
- (14) Electric powered motor vehicle is a motor vehicle which uses a propulsive unit powered exclusively by electricity.
- (15) Exhaust emissions are substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.
- (16) Exhaust gas analyzer is a device for sensing the amount of air pollutants, including carbon monoxide and hydrocarbons, in the exhaust emissions of a motor vehicle. For the purpose of this regulation, this shall mean analyzing devices of the nondispersive infrared type or any other analyzing devices that provide equal or greater accuracy as approved by the Technical Secretary.
- (17) Factory-Installed Motor Vehicle Pollutant Control System is a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with the United States government motor vehicles emission control laws and regulations.
- (18) Federal Test Procedure (FTP) is the test procedure used to determine the compliance of vehicles with federal emission standards.
- (19) Fleet means 50 or more light-duty motor vehicles owned by the same person or business entity which are in-use, registered in any county that has been designated by the Board to have a motor vehicle inspection and maintenance program in order to attain and maintain compliance with national ambient air quality standards within any area of Tennessee or an adjoining state and not owned or held primarily for the purpose of resale.
- (20) Fleet Inspection Location is any motor vehicle inspection facility operated by a fleet operator holding a valid fleet inspection permit.
- (21) Fleet Inspection Permit is a certificate issued by the Technical Secretary authorizing a fleet operator to conduct motor vehicle inspections in accordance with this regulation and other requirements as determined by the Department.
- (22) Fleet Operator is the person owning a group of motor vehicles which constitute a fleet as defined in this regulation.

- (23) Fleet Vehicle Inspector is any person retained by a fleet operator holding a valid fleet inspection permit and who is certified by the Technical Secretary as qualified to perform vehicle emissions performance and anti-tampering inspections.
- (24) Fuel inlet restrictor is the leaded fuel nozzle restrictor installed on motor vehicles which was designed for the use of unleaded gasoline only.
- (25) Gasoline powered motor vehicle is any motor vehicle powered by spark-ignition internal combustion engine.
- (26) Gross Vehicle Weight Rating (GVWR) is a term defining the gross vehicle weight as determined from the combined manufacturer vehicle and maximum load rating.
- (27) Heavy-duty motor vehicle is any motor vehicle having a combined manufacturer vehicle and maximum load rating (GVWR) to be carried thereon in excess of 10,500 pounds (4,773 kilograms).
- (28) Hydrocarbon is any organic compound consisting predominantly of carbon and hydrogen.
- (29) Idle speed means the unloaded engine speed of a motor vehicle when the accelerator pedal is fully released. In a vehicle equipped with an automatic transmission, this is with the drive selector in neutral or park. In a vehicle equipped with a manual transmission, this is with the gear selector in neutral and the clutch fully engaged. In all vehicles, the engine operated accessories shall be turned off.
- (30) Internal combustion engine is any engine in which the combustion of gaseous, liquid or pulverized solid fuel takes place within one or more cylinders, or any engine with one or more combustion chambers.
- (31) Light-duty motor vehicle is any motor vehicle having a combined manufacturer vehicle and maximum load rating (GVWR) to be carried thereon of 10,500 pounds (4,773 kilograms) or less.
- (32) Malfunction Indicator Light (MIL) is known as the Check Engine light. The Malfunction Indicator Light is illuminated on the dashboard when conditions exist likely to result in emissions exceeding FTP standards by 1.5 time or worse. Alternatives include "Service Engine Soon," as well as an unlabeled icon of an engine.
- (33) Manufacturers Idle-speed Specification is the engine idle speed specified for a particular motor vehicle as printed on the engine compartment emissions system data plate or in the owners manual.
- (34) Model Year means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such production ends. If the manufacturer does not designate a production period, the year with respect to such vehicle or engines shall mean the twelve (12) month period beginning January of the year in which production thereof begins. The model year for a motor vehicle constructed by other than the original manufacturer shall be assigned by the Technical Secretary.
- (35) Motor vehicle is any self-propelled vehicle used for transporting persons or commodities on public roads.
- (36) Motor Vehicle Regulatory License is the annual motor vehicle license required as a condition for legal operation of certain classes of motor vehicles.

- (37) Motorcycle is any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, and having a curb weight of 2000 pounds (907 kilograms) or less.
- (38) New motor vehicle is any motor vehicle that has never been previously titled or registered in this or any other jurisdiction and whose ownership document remains as a manufacturer's certificate of origin.
- (39) Official Inspection Station means a facility operated by the Department and/or contractor to conduct test only vehicle inspections pursuant to this regulation, in a Centralized Network.
- (40) Onboard Diagnostics (OBD) is a system of vehicle component and condition monitors controlled by a central, onboard computer designed to signal the motorist when conditions exist which could lead to a vehicle's exceeding its certification standards by 1.5 times the FTP standard.
- (41) OBD Data Link Connector (DLC) serves as an interface between a vehicle's OBD computer and the OBD scanner and is usually located under the dashboard on the driver's side. Connecting an OBD scanner to the DLC allows inspectors and vehicle repair technicians to read the readiness status of vehicle's onboard monitors as well as any diagnostic trouble codes.
- (42) Pollution Control Device is the equipment designed by the manufacturer for installation on a motor vehicle for the purpose of reducing pollutants emitted from the vehicle, or a system or engine modification on a motor vehicle which causes a reduction of pollutants emitted from the motor vehicle.
- (43) Readiness codes are status flags stored by a vehicle's onboard computer which is different from the DTC in that it does not indicate a vehicle fault, but rather whether or not a given monitor has been run (i.e. whether or not the component or system in question has been checked to determine if it is functioning properly).
- (44) RPM is a term describing the engine crankshaft revolutions per minute.
- (45) Tampering means to remove, render inoperative, cause to be removed, or make less operative any emission control device, unless such removal or act to render inoperative or less operative is for the purpose of motor vehicle disposal or salvage operation.
- (46) Technical Secretary is the Technical Secretary of the Air Pollution Control Board of the State of Tennessee or his designated representative.
- (47) Vehicle Exhaust System means all devices, equipment and systems which transport exhaust emissions from the exhaust ports of the motor vehicle engine to the atmosphere.
- (48) Wheel Tax is the annual commercial vehicle tax required as a condition for the legal operation of certain classes of motor vehicles.
- (49) Opacity is the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule filed February 14, 1994; April 30, 1994. Stay of effective date filed April 15, 1994; effective June 14, 1994. Amendment filed July 8, 2001; effective October 1, 2001. Amendment filed September 19, 2001; effective December 3, 2001.

1200-3-29-.03 Motor Vehicle Inspection Requirements

- (1) All of the light-duty motor vehicles registered in any county that has been designated by the Board to have a motor vehicle inspection and maintenance program or directly with the motor vehicle division of the Tennessee Department of Revenue pursuant to T.C.A. § 55-4-207 and used within or assigned to a user within that county, except those exempted by Rule 1200-3-29-.04, are required to be inspected annually for compliance with emissions performance and anti-tampering test criteria in Rules 1200-3-29-.05 and 1200-3-29-.06. Owners of vehicles so inspected are required to obtain a Certificate of Compliance. A Certificate of Compliance shall be valid for 90 days following the date of issuance, except for those registered pursuant to T.C.A. § 55-4-207, which shall be valid for one year.
- (2) Any light-duty vehicle which is owned or operated by an agency of the federal government and which is operated on a federal installation located in any county that has been designated by the Board to have a motor vehicle inspection and maintenance program is required to be inspected annually for compliance with emissions performance and anti-tampering criteria in Rules 1200-3-29-.05 and 1200-3-29-.06. This requirement shall not apply to a vehicle which is on the facility for less than a total of 60 days during the calendar year.
- (3) A Certificate of Compliance shall be issued only by the Department and/or contractor vehicle inspector or a licensed fleet vehicle inspector and only after the vehicle demonstrates compliance with the test criteria established in Rules 1200-3-29-.05 and 1200-3-29-.06.
- (4) All light-duty motor vehicles required to obtain a Certificate of Compliance except those vehicles contained in a fleet which has a valid fleet inspection permit and those vehicles registered in any county that has been designated by the Board to have a motor vehicle inspection and maintenance program but not subject to either the Wheel Tax or the Motor Vehicle Regulatory License requirements shall obtain a valid Certificate of Compliance within 90 days prior to the required date for payment of the wheel tax or the motor vehicle regulatory license fee as appropriate to the class of motor vehicle.
- (5) All light-duty motor vehicles required to obtain a Certificate of Compliance that are contained in a fleet having a valid fleet inspection permit, operated on a Federal installation registered in any county that has been designated by the Board to have a motor vehicle inspection and maintenance program or vehicles registered in any county that has been designated by the Board to have a motor vehicle inspection and maintenance program in order to attain and maintain compliance with national ambient air quality standards within any area of Tennessee or an adjoining state but exempt from the Wheel Tax and Motor Vehicle Regulatory License requirements shall obtain a valid Certificate of Compliance within 90 days prior to a compliance date for that particular motor vehicle. The Technical Secretary shall establish a schedule of compliance dates for such vehicles. A copy of the Certificate of Compliance for each fleet vehicle shall be submitted to the Technical Secretary within 90 days of the compliance date. A list of all subject vehicles shall be submitted to the Technical Secretary or his designee on an annual basis as directed by the division. Additionally, notification of any changes to the list of subject vehicles shall be made to the division within 30 days of such changes.
- (6) The Certificate of Compliance must be presented to the County Clerks' office prior to the issuance of the Wheel Tax or the Vehicle Regulatory License.
- (7) The requirements contained in this Chapter shall become effective July 1, 1994. The provisions concerning OBD testing shall become effective July 1, 2002.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule filed February 14, 1994; April 30, 1994. Stay of effective date filed April 15, 1994; effective June 14, 1994. Amendment filed October 12, 1998; effective December 26, 1998. Amendment filed July 8, 2001; effective October 1, 2001.

1200-3-29-.04 Exemption from Motor Vehicle Inspection Requirements

- (1) The following classes of motor vehicles are exempt from the requirements established in Rule 1200-3-29-.03 of this Chapter:
 - (a) antique motor vehicles
 - (b) electric powered light-duty vehicles
 - (c) light-duty motor vehicles with a designated model year prior to 1975
 - (d) motorcycles
 - (e) heavy-duty motor vehicles
 - (f) new motor vehicles being registered for the first time or one year from initial registration
 - (g) tactical military vehicles

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule filed February 14, 1994; April 30, 1994. Stay of effective date filed April 15, 1994; effective June 14, 1994. Amendment filed September 19, 2001; effective December 3, 2001.

1200-3-29-.05 Motor Vehicle Emission Performance Test Criteria

- (1) Vehicles shall not be allowed to complete emission performance testing if one or more of the following conditions exist when the vehicle is presented for testing:
 - (a) For 1975 through 1995 model gasoline powered motor vehicles, if the vehicle exhaust system leaks in such a way as to dilute the exhaust emissions being sampled by the exhaust gas analyzer, the sum of carbon monoxide and carbon dioxide concentrations recorded for idle speed reading from an exhaust outlet must not be less than 6%.
 - (b) For 1975 through 2001 model diesel powered motor vehicles, if the vehicle's exhaust system leaks in such a way as to dilute the exhaust emissions being sampled.
 - (c) The visible emissions from the motor vehicle are such that it would interfere with operation of the testing equipment.
- (2) Gasoline powered motor vehicle models 1975 through 1995 which have idle speed emission values that exceed the test standards specified in Table I shall fail the emission performance test.

TABLE I
MAXIMUM IDLE SPEED EMISSIONS ALLOWABLE
DURING IDLE SPEED EMISSIONS TEST

VEHICLE MODEL YEAR	CO (%)		HC (PPM)	
	LIGHT-DUTY VEHICLES LESS THAN OR EQUAL TO 6000 LBS GVWR	LIGHT-DUTY VEHICLES GREATER THAN 6000 LBS GVWR	LIGHT-DUTY VEHICLE LESS THAN OR EQUAL TO 6000 LBS GVWR	LIGHT-DUTY VEHICLES GREATER THAN 6000 LBS GVWR
1975	5.0	6.5	500	750
1976	5.0	6.5	500	750
1977	5.0	6.5	500	750
1978	4.0	6.0	400	600
1979	4.0	6.0	400	600
1980	3.0	4.5	300	400
1981 - 1995	1.2	4.0	220	400

- (3) Light-duty diesel powered motor vehicle models 1975 through 2001 shall be subject to the curb idle test as follows:
- (a) A diesel vehicle shall not emit visible emissions in excess of ten (10) percent opacity for ten (10) or more consecutive seconds, as measured at idle engine speed.
- (4) All 1996 and newer gasoline powered motor vehicles and all 2002 and newer diesel powered motor vehicles shall be subject to an OBD inspection. An OBD check shall consist of two parts: a visual check of the MIL and an electronic examination of the OBD computer. The vehicle is required to pass a MIL command on test and a bulb check test. After the vehicle has passed the MIL command on test and the bulb check test, it must not have any DTCs set and all of the required readiness codes must be set in order to pass an OBD inspection.
- (5) When a motor vehicle is equipped with other than the original engine or when a motor vehicle has been constructed, modified, customized or altered in such a way so that the model year cannot be clearly determined, the vehicle shall be classified for purposes of the emission performance test by the model year of the chassis.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule filed February 14, 1994; April 30, 1994. Stay of effective date filed April 15, 1994; effective June 14, 1994. Amendment filed September 19, 2001; effective December 3, 2001.

1200-3-29-.06 Motor Vehicle Anti-Tampering Criteria

- (1) Each gasoline powered motor vehicle subject to an emission performance test is also subject to a visual anti-tampering inspection under this rule and shall comply with the following minimum anti-tampering requirements:
- (a) At a minimum, the emissions control devices subject to an inspection are the catalytic converter, and fuel filler cap. If emission control devices are found in a tampered condition, such devices shall be repaired or replaced prior to any retesting or reinspection as provided for in Rule 1200-3-29-.10.
- (b) Nothing in this Rule shall be construed as to relieve a motor vehicle owner from complying with the provisions of Rule 1200-3-29-.05.

- (2) Each gasoline powered motor vehicle subject to an OBD inspection is also subject to an anti-tampering test, and shall comply with a DLC check, and a fuel cap pressure test.
- (3) Each diesel powered motor vehicle subject to an emission performance test is also subject to an anti-tampering test and shall comply at a minimum with a catalytic converter check, if applicable, and a fuel capcheck.
- (4) Each diesel powered motor vehicle subject to an OBD inspection is also subject to an anti-tampering test, and shall comply with a DLC check and a fuel capcheck.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule filed February 14, 1994; April 30, 1994. Stay of effective date filed April 15, 1994; effective June 14, 1994. Amendment filed September 19, 2001; effective December 3, 2001.

1200-3-29-.07 Motor Vehicle Emissions Performance Test Methods

- (1) For gasoline powered motor vehicles, the motor vehicle emissions performance test shall consist of the sampling of exhaust emissions at idle speed and measurement of CO₂ dilution, CO concentration and HC concentration.
- (2) For gasoline powered motor vehicles, sampling of exhaust emissions shall consist of measurement of CO₂ dilution, CO concentration and HC concentration during idle operation using an approved exhaust gas analyzer. Measurements taken during the initial idle phase may be succeeded by measurements taken during a second idle phase which has followed an engine conditioning phase consisting of engine operation at approximately 2500 RPM for approximately 20 seconds. The lowest emission readings from either of these idle speed test phases shall be used to determine pass or failure of the emissions performance test.
- (3) For diesel powered motor vehicles, the motor vehicle emissions performance test shall consist of the Curb Idle test procedures for diesel vehicles:
 - (a) Diesel-powered vehicles shall be inspected with an opacity meter that is a full-flow, direct reading, continuous reading light extinction type using a collimated light source and photo-electric cell, accurate to within plus or minus five (5) percent.
 - (b) Separate measurements shall be made on each exhaust outlet on diesel vehicles equipped with multiple exhaust outlets. The reading taken from the outlet giving the highest reading shall be used for comparison with the standard for the vehicle being tested.
- (4) For gasoline powered motor vehicles with a model year of 1996 and newer and for diesel powered motor vehicles with a model year of 2002 and newer, an onboard diagnostic test shall be performed. All vehicles that have a readily accessible OBD system shall be tested. The results of the test shall be used to determine pass or failure of the vehicle.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule filed February 14, 1994; April 30, 1994. Stay of effective date filed April 15, 1994; effective June 14, 1994. Amendment filed September 19, 2001; effective December 3, 2001.

1200-3-29-.08 Motor Vehicle Anti-Tampering Test Methods

- (1) For vehicles 1975 to 1995, the motor vehicle anti-tampering test shall be verified by the Department vehicle inspector and consist of the following elements:

- (a) The vehicle shall be checked by the vehicle inspector to see that the appropriate fuel cap is securely in place. If the appropriate fuel cap is not in place, it shall result in the failure of the anti-tampering test.
 - (b) The vehicle shall be checked visually (with a mirror or otherwise) to see if the catalytic converter is the correct type for the certified vehicle configuration and is properly connected. If the catalytic converter has been tampered with, removed or is the incorrect configuration, it shall result in the failure of the anti-tampering test.
- (2) Each gasoline powered motor vehicle with a model year of 1996 and newer is subject to an anti-tampering test, and shall comply with the DLC and a fuel cap pressure test. The anti-tampering test shall consist of the following elements:
- (a) Vehicle shall be visually checked to see if the appropriate fuel cap is securely in place.
 - (b) If the fuel cap is present, it shall be removed and a fuel cap pressure test shall be performed to assure the cap is working properly. (F.T.P. 26-21 Pass/Fail Standard). If the fuel cap fails the pressure test, it shall result in a failure of the anti-tampering test.
 - (c) If the DLC has been tampered with or is missing, it must be repaired or replaced prior to any retesting or reinspection. If the vehicle is incompatible with the OBD test equipment or if the DLC is readily unavailable, then the vehicle is required to pass the idle speed emission values as specified in Paragraph 1200-3-29-.05.
- (3) Each diesel powered motor vehicle with a model year of 2002 and newer is subject to an anti-tampering test, and shall comply at a minimum with a DLC check and a fuel cap pressure test. The anti-tampering test shall consist of the following elements:
- (a) Vehicle shall be visually checked to see if the appropriate fuel cap is securely in place.
 - (b) If the DLC has been tampered with or is missing, it must be repaired or replaced prior to any retesting or reinspection. If the vehicle is incompatible with the OBD test equipment or if the DLC is readily unavailable, then the vehicle is subject to the Curb Idle test as specified in Paragraph 1200-3-29-.05.
- (4) Pass/fail determination. A pass or fail determination shall be made for each of the test elements in Paragraph 1200-3-29-.08(1), (2), or (3). If a vehicle fails any of the anti-tampering elements in Paragraph 1200-3-29-.08(1), (2), or (3), it shall result in the failure of the motor vehicle inspection test and a Certificate of Compliance shall not be issued until the repairs have been made to the vehicle.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule filed February 14, 1994; April 30, 1994. Stay of effective date filed April 15, 1994; effective June 14, 1994. Amendment filed September 19, 2001; effective December 3, 2001.

1200-3-29-.09 Motor Vehicle Inspection Program

- (1) The motor vehicle inspection program shall be operated by the Tennessee Department of Environment and Conservation, Division of Air Pollution Control, the State approved local government and/or the State approved contractor.
- (2) All motor vehicle inspections shall be conducted at official or mobile inspection stations operated by the Department, local government and/or contractor except those fleet inspections provided for in Paragraph 1200-3-29-.09(3) of this regulation.

- (3) In lieu of the requirement in Paragraph 1200-3-29-.09(2) of this regulation, vehicles owned or operated by a fleet operator to whom a fleet inspection permit has been issued may be inspected by a licensed fleet vehicle inspector at a site other than an official inspection station.
- (4) A light-duty fleet vehicle operator may make application to the Technical Secretary for a fleet inspection permit. Minimum requirements for issuance of a permit shall be:
 - (a) Possession of an approved analyzer, tools and testing equipment determined by the Technical Secretary to be adequate for conducting the required emissions inspections;
 - (b) Demonstration of knowledge of methods and procedures for conducting the required emissions performance and anti-tampering inspections according to criteria developed by the Technical Secretary;
 - (c) Provisions of appropriate facility for vehicle testing and appropriate secure storage facility for storage of Certificates of Compliance and records of inspections;
 - (d) Agreement to supply inspection and Certificate of Compliance issuance information as requested by the Technical Secretary and to allow access to testing facility, testing equipment, testing personnel, testing data, Certificate of Compliance inventory and fleet vehicles as requested by the Technical Secretary;
 - (e) Retention of licensed fleet vehicle inspector to conduct fleet vehicle inspections.
- (5) A fleet inspection permit shall be valid for one year from the date of issuance and may be renewed through application to the Technical Secretary within 30 days prior to the date of expiration. A fleet inspection permit is not transferable and may be denied, suspended or revoked by the Technical Secretary for failure to comply with this regulation and other requirements as determined by the Department.
- (6) A person employed or retained by a fleet operator holding a valid fleet inspection permit may make application to the Technical Secretary for a fleet vehicle inspector's license. Minimum requirements for issuance of this license shall be:
 - (a) Successful completion of a vehicle inspector training course prepared and offered by the Department;
 - (b) Successful completion of the mechanics training course approved by the Technical Secretary;
 - (c) Agreement to participate in additional training activities from time to time as specified by the Technical Secretary;
 - (d) Provision of written evidence that applicant is employed or retained by the fleet operator.
- (7) A fleet inspector's license shall be valid for one year from the date of issuance and may be renewed through application to the Technical Secretary within thirty (30) days prior to the date of expiration. A fleet vehicle inspector's license is not transferable and may be denied, suspended or revoked by the Technical Secretary for failure to comply with this regulation and other requirements as determined by the Department.
- (8) All vehicles issued a Certificate of Compliance under the provision of Paragraph 1200-3-29-.09(3) of this regulation shall be subject to retesting at either the fleet inspection location or an official inspection station as deemed necessary by the Technical Secretary in order to maintain compliance with the intent of this regulation.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule filed February 14, 1994; April 30, 1994. Stay of effective date filed April 15, 1994; effective June 14, 1994.

1200-3-29-.10 Motor Vehicle Inspection Fee

- (1) There shall be a fee set by the Tennessee Air Pollution Control Board for the Inspection & Maintenance program. The fee shall be for each emission test and payable at the time of inspection by the operator of the vehicle subject to the testing.
- (2) There shall be a fee of five dollars (\$5.00) for each Certificate of Compliance generated by licensed fleet inspectors for issuance to motor vehicles which comply with the testing provisions of this regulation.
- (3) Each vehicle which fails its initial inspection is entitled to one (1) reinspection at no charge if the vehicle is accompanied by the entire initial inspection report.
- (4) Motor vehicle owners or operator shall be given in writing the results of all inspection procedures carried out at any official inspection station.
- (5) There shall be a fee of One Hundred Dollars (\$100.00) for each annual Fleet Inspection Permit issued to fleet vehicle operators.
- (6) There shall be a fee of One Hundred Dollars (\$100.00) for each initial annual Fleet Vehicle Inspector's License issued to a fleet vehicle inspector; there shall be a fee of Twenty-Five Dollars (\$25.00) for each annual renewal of a Fleet Vehicle Inspector's License.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule filed February 14, 1994; April 30, 1994. Stay of effective date filed April 15, 1994; effective June 14, 1994. Amendment filed July 8, 2001; effective October 1, 2001; Amendment filed September 19, 2001; effective December 3, 2001.

1200-3-29-.11 Waiver Provisions

- (1) The purpose of this rule is to allow a person to operate a motor vehicle that fails to meet the applicable motor vehicle emission performance test criteria as specified in Rule 1200-3-29-.05, provided the department has issued to the owner of the motor vehicle a waiver.
- (2) A waiver issued pursuant to this rule shall relieve the owner of a motor vehicle from responsibility for taking any further action to reduce exhaust emissions from the motor vehicle until the motor vehicle is next due for inspection, pursuant to Rule 1200-3-29-.03.
- (3) Any owner of a motor vehicle may be eligible and may apply to the department for a waiver pursuant to this rule if:
 - (a) An application for a waiver is submitted to a representative at an inspection site designated by the department;
 - (b) The vehicle passed the tampering portion of the vehicle inspection;
 - (c) All of the exhaust emissions components appropriate to make, model, year, series, and engine size are in place and visually operating;
 - (d) The vehicle failed the first initial emissions test and subsequent retest after repairs;

- (e) The owner of the vehicle has spent the required amount, pursuant to part 1, 2, or 3 of this subparagraph, in parts and/or labor as an attempt to bring the vehicle into compliance with the motor vehicle emission performance test criteria as specified in Rule 1200-3-29-.05.
 - 1. For 1975 through 1980 model year vehicles – the minimum expenditure requirement is \$75.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part 4.
 - 2. For 1981 through 1995 model year vehicles – the minimum expenditure requirement is \$200.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part 4.
 - 3. For 1996 and newer model year vehicles – the minimum expenditure requirement is \$650.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part 4.
 - 4. The cost of labor can be applied towards the expenditure amount only if the repairs were performed by a certified repair technician (National Institute for Automotive Service Excellence[ASE] certified in engine repair and engine performance). Repairs performed by non-technicians (e.g., owners) may only apply the cost of parts towards the expenditure.
- (f) Documentation of repairs must be provided to the department. Documentation shall include dated receipts itemized with the name of each part, part number, and manufacturer.
- (g) Emission related repairs were performed on the vehicle sixty (60) days before or after the initial failed exhaust emissions inspection; and
- (h) Proof of county residence is provided to the department. (Example: Driver’s License and/or vehicle registration).
- (4) The owner of a motor vehicle still within the failed vehicle’s warranty period shall use all available warranty coverage to have repairs made that are directed toward correcting the cause of the motor vehicle’s inspection failure prior to applying for a waiver and provide support documentation pursuant to subparagraph (a) or (b) of this paragraph.
 - (a) Documentation indicating that any available warranty coverage has been used to have the repairs made that are directed toward correcting the cause of the motor vehicle’s failure to pass the motor vehicle inspection shall be provided to the Department; or
 - (b) A written denial of warranty coverage for the needed repairs from the manufacturer or authorized dealer shall be provided to the Department.
- (5) Prior to the issuance of a waiver, Division staff shall perform a visual (underhood) inspection of the motor vehicle. This inspection will be performed to determine that emission related repairs have been completed and verify that the minimum expenditure has been met. If during the visual inspection any motor vehicle tampering, as defined in Division Rule 1200-3-36, is discovered, a waiver cannot be granted.
- (6) The waiver shall be valid for one year or until the next registration expiration date, whichever is sooner.

- (7) A waiver shall be granted to the owner of a motor vehicle provided the requirements of this rule have been fulfilled.
- (8) Upon receiving a waiver from the department, the motor vehicle owner shall be exempt from the requirements of paragraph (6) in rule 1200-3-29-.03 within the time period prescribed in paragraph (6) of rule 1200-3-29-.11.

Authority: T. C.A. Section §§ 55-4128, 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule filed August 30, 2001; effective date November 13, 2001.

1200-3-29-.12 Area of Applicability

- (1) Chapter 1200-3-29 shall apply in the following areas of Tennessee as designated by the Tennessee Air Pollution Control Board:
 - (a.) Davidson County
 - (b.) Hamilton County
 - (c.) Rutherford County
 - (d.) Sumner County
 - (e.) Williamson County
 - (f.) Wilson County
- (2) For the counties specified in paragraph 1200-3-29-.12(1), the requirements contained in this Chapter shall become effective as follows:
 - (a.) For EPA designated nonattainment counties classified as Basic, the effective date is April 1, 2006.
 - (b.) For EPA designated nonattainment counties with an EPA approved Early Action Compact classified as Basic, the effective date is April 1, 2005.
 - (c.) For EPA designated nonattainment areas classified as Marginal, the effective date is July 1, 2005.
 - (d.) For EPA designated nonattainment areas classified as Moderate, the effective date is April 1, 2007.
 - (e.) For counties that would like to volunteer to implement a vehicle inspection and maintenance program, the startup date will be determined by the County and the Tennessee Air Pollution Control Board.

Signature of the agency officer or officers directly responsible for proposing and drafting this rule:

 Barry R. Stephens
 Director
 Tennessee Air Pollution Control Division

The roll-call vote of the Tennessee Air Pollution Control Board on this rulemaking hearing rule was as follows:

	Aye	No	Abstain
_____ Wilton Burnett, Jr.	_____	_____	_____
_____ Richard A. Bolton	_____	_____	_____
_____ Tracy R. Carter	_____	_____	_____
_____ Dr. Mary English	_____	_____	_____
_____ Sharon Goldsworthy	_____	_____	_____
_____ Richard Holland	_____	_____	_____
_____ Stephen Gossett	_____	_____	_____
_____ Robert D. Kirkpatrick	_____	_____	_____
_____ Helen Hennon, P.E.	_____	_____	_____
_____ Ron Page	_____	_____	_____
_____ Ike Sewell	_____	_____	_____
_____ Greer Tidwell, Jr.	_____	_____	_____
_____ Richard Warder	_____	_____	_____
_____ Larry Waters	_____	_____	_____

I certify that this is an accurate and complete copy of the rulemaking hearing rule, lawfully promulgated and adopted by the Tennessee Air Pollution Control Board on the _____ day of _____, 2004.

Further, I certify that the provisions of T.C.A. §§4-5-222 have been fully complied with, that this rule was properly presented for filing, a notice of rulemaking hearing having been filed in the Department of State on the 27th day of February, 2004, and such notice of rulemaking hearing having been published in March 15, 2004, issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 19th day of April, 2004.

Barry R. Stephens
Technical Secretary
Tennessee Air Pollution Control Board

Subscribed and sworn to before me this the _____ day of _____, 2004.

Notary Public

My commission expires on the _____ day of _____, _____.

The rulemaking hearing rule provided for herein has been examined by the Attorney General and Reporter of the State of Tennessee and approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Paul G. Summers
Attorney General and Reporter

The rulemaking hearing rule set out herein was properly filed in the Department of State on the ____ day of _____, 20 __, and will become effective on the ____ day of _____, 20 ____.

Riley C. Darnell
Secretary of State

By: _____

