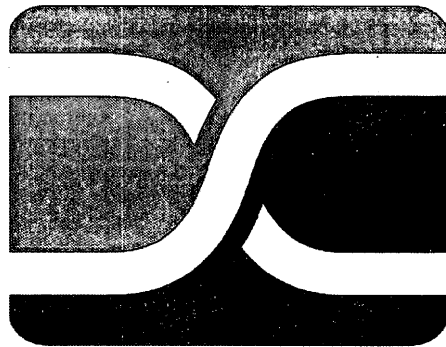


**DAVIS COUNTY
VEHICLE EMISSIONS
INSPECTION/MAINTENANCE
PROGRAM**

July 2023



Davis

C O U N T Y

**DAVIS COUNTY
CHAPTER NO. 10.12.1**

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

**AN ORDINANCE REPEALING CHAPTER 10.12 - OF THE DAVIS COUNTY CODE
AND REPLACING IT WITH CHAPTER 10.12.1 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WHEREAS it is in the best interest of the County that Chapter 10.12 of the Davis County Code be repealed in its entirety and be replaced with Chapter 10.12.1 as set forth herein.

BE IT ORDAINED THAT

Chapter 10.12 of the Davis County Code is repealed in its entirety and replaced with Chapter 10.12.1 that reads as follows:

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10.12.1.010 Purpose

- A. It is the purpose of this Chapter to reduce air pollution in Davis County through the implementation of the Davis County Emissions Inspection/Maintenance Program so as to:
 - 1. Protect and promote public health, safety and welfare;
 - 2. Improve air quality;
 - 3. Reduce the aesthetic affront of visible air pollution;
 - 4. Comply with the Clean Air Act, as amended, Public Law 101-549;
 - 5. Comply with Sections 41-6a-1642 through 1644 of the Utah Code, as amended; and
 - 6. Comply with the Utah Air Quality Board requirements under Section 19-2-104.

10.12.1.020 Scope

- A. This Chapter is applicable to all owners of motor vehicles, including publicly owned and fleet vehicles, which are primarily operated from a bona fide location within Davis County; owners of stations located in Davis County; and, inspectors that conduct inspections in Davis County.
- B. It shall be unlawful for any person to fail to comply with any Federal, State, or County laws, regulations, ordinances, and/or policies pertaining to the I/M Program, unless expressly waived by this Chapter.

10.12.1.030 Acronyms

- A. AIR: Air Injection Reaction.
- B. BAR-97: California Bureau of Automotive Repair Analyzer Specifications.
- C. CARB: California Air Resource Board.
- D. CFR: Code of Federal Regulations.
- E. CO: Carbon Monoxide.
- F. CO₂: Carbon Dioxide.
- G. CPU: Central Processing Unit.
- H. CNG: Compressed Natural Gas.
- I. DPF: Diesel Particulate Filter.
- J. EGR: Exhaust Gas Recirculation.
- K. EPA: United States Environmental Protection Agency.
- L. EVAP: Evaporative Control System.
- M. F: Fahrenheit.
- N. GVWR: Gross Vehicle Weight Rating.
- O. HC: Hydrocarbons.
- P. I/M: Inspection/Maintenance.
- Q. LPG: Liquefied Petroleum Gas.
- R. MIL: Malfunction Indicator Light.
- S. MSO: Manufacturer's Statement of Origin.
- T. N/A: Not Applicable.
- U. NDIR: Nondispersive Infrared.
- V. NDUV: Nondispersive Ultraviolet.
- W. O₂: Oxygen.
- X. OBDII: On Board Diagnostics, second generation.
- Y. PCV: Positive Crankcase Ventilation System.
- Z. PPM: Parts Per Million.
- AA. PSI: Pounds per Square Inch.

- AB. RAM: Random Access Memory.
- AC. RPM: Revolutions Per Minute.
- AD. TSI: Two-Speed Idle.
- AE. VAC: Volts of Alternating Current.
- AF. VDC: Volts of Direct Current.
- AG. VEI: Vehicle Emissions Control Information.
- AH. VIR: Vehicle Inspection Report.

10.12.1.040 Definitions

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

- A. Accuracy: the degree by which an analyzer is able to determine the concentration of pollutants of interest.
- B. Analyzer: see "Emissions Inspection Analyzer."
- C. Audit: a periodic quality assurance check performed by a Department representative to determine the compliance of stations and inspectors with this Chapter.
- D. Calibration: the process of establishing or verifying the accuracy of an analyzer or other test equipment using precisely known values/concentrations.
- E. Calibration Gases: gases of accurately known concentrations that are used as references for establishing or verifying the calibration curve and accuracy of an analyzer.
- F. Certificate of Compliance: a document used to certify that the vehicle has met the requirements of this Chapter.
- G. Certificate of Waiver: a document used to waive the inspection requirements of this Chapter.
- H. Compliance Assurance List: a list of vehicles required to report to the Technical Center for an inspection.
- I. Cut Points: the maximum allowable concentrations of CO and HC for a given weight class and model year of a motor vehicle.
- J. Department: the Davis County Health Department.
- K. 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 HC evaporation from the fuel system and the crankcase.
- L. 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 U.S. Code, Section 7521, including but not limited to the oxygen sensor, catalytic converter and the fuel inlet restrictor; and devices integral to the EGR System, the EVAP, the PCV, the DPF, the AIR System, the fuel metering system and the ignition system.
- M. Emissions Inspection Analyzer: Equipment used to measure the amount of HC and CO in the exhaust gas emitted and/or interrogate OBDII equipped vehicles to determine if a vehicle is in compliance with emissions standards, as well as recording vehicle information and the results of the visual component of the inspection.
- N. Emissions Standards: the standards established for cut points, OBDII interrogation, and the EPA certified configuration.
- O. 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.
- P. Fleet Vehicle: means the same as the defined term in Section 41-1a-102 of the Utah Code, as amended.

- Q. Foreign Vehicle: means the same as the defined term in Section 41-1a-102 of the Utah Code, as amended.
- R. 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.
- S. Heavy Duty Diesel Motor Vehicle: a diesel motor vehicle with a GVWR greater than 14,000 pounds.
- T. High Altitude Specifications: tune-up specifications that have been provided by the manufacturer to the EPA for vehicles operating 4,000 feet or more above sea level.
- U. I/M Program: the Davis County Vehicle Emissions Inspection/Maintenance Program established by the Department pursuant to Sections 41-6a-1642 through 1644 of the Utah Code, as amended.
- V. Inspection: an assessment of a vehicle to determine compliance with emissions standards utilizing an analyzer and a visual verification of emissions components.
- W. Inspector: a person permitted by the Department to inspect and test vehicles at a station in order to determine compliance with this Chapter.
- X. Motor Vehicle: means the same as the defined term in Section 41-1a-102 of the Utah Code, as amended.
- Y. Motorcycle: means the same as the defined term in Section 41-1a-102 of the Utah Code, as amended.
- Z. Off Highway Vehicle: means the same as the defined term in Section 41-22-2 of the Utah Code, as amended.
- AA. On Board Diagnostics (OBDII): an emissions control diagnostics system installed on a vehicle as required by the Clean Air Act, 42 U.S. Code, Section 7521(m), which identifies deterioration or malfunction of vehicle systems and stores the information for retrieval.
- AB. Reciprocity: an agreement between Davis County and any other county(s) operating a comparable emissions program whereby the certificate of compliance from that/those county(s) would be accepted for vehicle registration in Davis County and vice versa.
- AC. Reconstructed Vehicle: means the same as the defined term in Section 41-1a-102 of the Utah Code, as amended.
- AD. Referee Inspection: an inspection conducted by a Department representative for the purpose of resolving disputes, verifying tests, or gathering data.
- AE. Replica Vehicle: means the same as the defined term in Section 41-1a-102 of the Utah Code, as amended.
- AF. Specially Constructed Vehicle: means the same as the defined term in Section 41-1a-102 of the Utah Code, as amended, or a vehicle made from a kit.
- AG. Station: a business permitted by the Department to conduct inspections in compliance with this Chapter.
- AH. Tampering: the altering of the federal or CARB certified configuration or modification/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; modifications which may include but are not limited to, exhaust systems, air intake systems, ignition systems, internal engine modifications; engine switching; electronic/mechanical tampering; or replacing emissions control devices with parts that are not EPA or CARB certified as replacements for the original equipment.
- AI. Technical Center: a facility operated by the Department for technical or administrative support of the I/M Program.
- AJ. Vehicle: see "Motor Vehicle."
- AK. Vehicle Inspection Report (VIR): a report from the analyzer at the end of the test which enumerates the results of the test.

AL. Waiver: see "Certificate of Waiver."

10.12.1.050 Powers and Duties

- A. The Department is empowered to administer and enforce all aspects of this Chapter in all incorporated and unincorporated areas of Davis County as authorized by Utah Code 26A-1-114(1(a)).
- B. The Department shall be responsible for the following duties:
 - 1. Require the submission of information from stations, inspectors, and motor vehicle owners, as necessary, to implement the requirements of this Chapter;
 - 2. Issue, renew, deny, suspend, or revoke permits, and charge fees as necessary, to administer and enforce the provisions, requirements, and standards of this Chapter;
 - 3. Perform audits of stations and inspectors to determine compliance with the Chapter;
 - 4. Develop policies and procedures necessary to ensure that the provisions and purposes of this Chapter are met and accomplished.
 - 5. Investigate complaints or information regarding the alleged violations of any provisions of this Chapter and provide a means that inspection results may be challenged.
 - a. Notice may be issued to the owner(s) of a motor vehicle that is reported to be emitting excessive visible contaminants in excess of the standards listed in Section 41-6a-1626 of the Utah Code, as amended.
 - 6. Assess penalties for non-compliance consistent with the requirements of this Chapter. The Department may:
 - a. Issue a notice of violation for any violation of this Chapter.
 - b. Suspend or revoke a permit for any violation of this Chapter.
 - c. Negotiate a monetary penalty and/or require additional stipulations in lieu of, or in addition to, suspending a permit.
 - d. Request the revocation of a motor vehicle registration through the Utah Division of Motor Vehicles if the vehicle is in violation of this Chapter.
 - e. Enter a motor vehicle on the Compliance Assurance List if the owner(s) fail to comply with the actions required in a notice.
 - f. Inactivate an analyzer that is not functioning, equipped, or operated properly.
 - g. Require additional training for inspector and/or station owners.
 - h. Impose a civil penalty on motor vehicle owners that register a vehicle in another county in order to avoid an inspection as authorized in Section 41-6a-1626 of the Utah Code, as amended.
 - 7. Recall any motor vehicle, including those suspected of a fraudulent inspection, to be subject to a Referee Inspection at the Technical Center.

10.12.1.060 General Provisions

- A. Any motor vehicle registered in Davis County shall comply with the requirements of this Chapter.
- B. It shall be unlawful for any motor vehicle that is operated primarily from a bona fide address or location within Davis County to be registered with a situs and/or physical address in any other jurisdiction, except as specified in Section 10.12.060(F).
- C. All 1968 and newer non-diesel motor vehicles, and all 1998 and newer diesel motor vehicles, must pass an inspection or be issued a Certificate of Waiver prior to obtaining or renewing their registration with the Utah Division of Motor Vehicles, unless otherwise exempted.

1. A vehicle that is issued an "EX" or "UHP" license plate, and therefore not required to renew registration in accordance with Section 41-1a-216 of the Utah Code, as amended, must have proof of inspection compliance that can be provided to the Department upon request.
 2. Inspection requirements may be deferred for vehicles registered in Davis County that are temporarily out of state for an extended period of time.
- D. The following motor vehicles are exempt from the inspection requirements of this Chapter:
1. Vehicles less than two 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 41-6a-1642 of the Utah Code, as amended;
 4. Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;
 5. Any motorcycle;
 6. Any vehicle registered as an off highway vehicle;
 7. Any new vehicle being sold for the first time that has a valid MSO;
 8. Any vehicle that operates exclusively on electricity or battery power; and
 9. Any heavy duty diesel motor vehicle.
- E. Fleet vehicles operated from a facility located within Davis County shall be subject to the I/M Program requirements of this Chapter.
- F. 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 inspection requirements of this Chapter, as required by Section 118 of the Clean Air Act, as amended.
- G. Official inspections conducted in another vehicle emissions programs within the State of Utah will be allowed through reciprocity in accordance with Section 41-6a-1643 of the Utah Code, as amended.
- H. A Certificate of Compliance is valid for the timeframes specified in Section 41-6a-1642 of the Utah Code, as amended.
- I. A motor vehicle dealer licensed with the State of Utah issuing a temporary registration for a vehicle registered in Davis County must supply proof of a passing inspection unless the provisions that waive this requirement are met in accordance with Section 41-3-303 of the Utah Code, as amended.
- J. The Department shall impose fees to administer and enforce the provisions of this Chapter.
1. Refer to section 10.12.140 for the current fee schedule.
- K. Stations may charge a fee to conduct an inspection.
1. The inspection fee shall include an initial inspection and, if the inspection was failed, one free re-inspection within 15 days of the initial inspection.
- L. No owner or operator of a motor vehicle shall allow a vehicle's engine to remain idling for longer than two minutes, unless otherwise exempted.
- M. A motor vehicle may be exempted from the idling limitation requirements of Section 10.12.060(L) under the following conditions:
1. Traffic for which a driver has no control, including, but not limited to: stopped in a line of traffic, stopped at a railroad crossing, or stopped in a construction zone;
 2. To supply power to a refrigeration unit for the purpose of cooling the contents of the cargo area of a truck or trailer;
 3. To provide heat or air conditioning to a sleeper unit of the vehicle or to occupied buses;
 4. To supply power to emergency response vehicles; or
 5. As necessary to protect the health and safety of a driver or passengers.

- N. A motor vehicle shall not produce visible emissions unless it meets the conditions for exception listed in Section 41-6a-1626 of the Utah Code, as amended.
- O. The Department shall have a quality assurance program that complies with 40 CFR 51.363.

10.12.1.070 Station and Inspector Permits

- A. A person shall not operate a station without obtaining a valid permit to operate, issued to the station by the Department.
 - 1. A station's permit to operate shall be valid for one year.
 - a. A permit shall be renewed at least 30 days prior to the date of expiration.
 - b. A late fee may be assessed if the permit expires prior to the renewal of the permit, and every 30 days thereafter.
 - c. Analyzers operated by a station may be inactivated by the Department if a permit expires prior to the renewal of the permit.
 - 2. A permit is non-transferrable and is valid only for the person and location to which it is issued.
 - a. The Department shall be notified if a station or analyzer changes ownership.
 - 3. A valid permit must be posted within view of the public.
 - 4. A station owner shall ensure all inspections conducted at their station are in compliance with the requirements of this Chapter.
 - 5. A station shall have the following resources available for their inspectors:
 - a. Repair manuals for all motor vehicles required to have an inspection.
 - b. An emissions control application guide that includes high altitude specifications, and is no more than two years older than the current motor vehicle model year.
- B. A person shall not conduct an inspection without a valid inspector permit issued by the Department.
 - 1. An inspector's initial permit shall be valid for one year. An inspector's permit renewal shall be valid for two years.
 - a. If the permit expires prior to the inspector renewing their permit, the inspector may have their login credentials inactivated.
 - b. If an inspector fails to renew their permit within two years of expiration, it will no longer be eligible for renewal.
 - 2. In order to obtain an inspector permit, a person must complete a Department approved training course and shall demonstrate the knowledge and skills necessary for conducting an inspection by passing:
 - a. A written qualification test covering at a minimum:
 - (1) Operation and purposes of emissions control devices;
 - (2) Inspection procedures as outlined in this Chapter;
 - (3) The operation of an analyzer;
 - (4) The provisions of section 207(b) warranty provisions of the Clean Air Act; and
 - (5) The requirements of this Chapter and other Department policies and procedures.
 - b. A performance qualification test covering at a minimum:
 - (1) Visual inspection procedures and knowledge of the function of the emissions control devices;
 - (2) Proper use, care, maintenance, and calibration of an analyzer;
 - (3) Demonstration of ability to conduct an inspection; and
 - (4) Demonstration of ability to accurately input data.

3. A person who fails the qualification testing twice may be required to complete the Department approved training course again prior to attempting the qualification tests.
 4. An inspector shall be required to attend a Department approved training prior to renewing their permit.
 - a. The Department may waive the requirement to attend training when inspector skill and competency can be demonstrated through an alternative approach.
- C. Permitted stations and inspectors shall ensure that:
1. A Department representative is allowed access to the regulated premises upon providing proper identification;
 2. All inspections are conducted in accordance with Section 10.12.090 of this Chapter;
 3. A Certificate of Compliance is issued only after a motor vehicle passes an inspection conducted in accordance with this Chapter;

10.12.1.080 Emissions Inspection Analyzers

- A. Inspections required by this Chapter shall be performed using an analyzer.
 1. Analyzer specifications are contained in Appendix A of this Chapter.
- B. Any modifications to the design or component specifications of an analyzer shall be approved by the Department.
- C. Each analyzer shall be maintained in accordance with the manufacturer's recommendations.
- D. Each analyzer designed to conduct TSI inspections must be equipped with:
 1. A non-reactive tail pipe extender or probe adapter for inspecting vehicles with a screened or baffled exhaust system;
 2. An adapter for testing dual exhaust vehicles;
 3. Functional gas cap testing equipment;
 4. Calibration gases that meet BAR-97 specifications; and
 5. Compressed air.

10.12.1.090 Inspection Procedures

- A. All motor 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 analyzer;
 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 vehicle is on the Compliance Assurance List.
 - a. Vehicles on the Compliance Assurance List shall only be inspected at the Technical Center.
 - b. The analyzer will notify the station if a vehicle presented for an inspection has been placed on the Compliance Assurance List.
- B. The inspector shall use their assigned passcode to login to the analyzer to initiate an inspection.
 1. An inspector shall not allow any other person to access the analyzer with their assigned passcode or to conduct an inspection under their login.
- C. The inspector shall follow the prompts on the analyzer to:
 1. Verify all of the information for the motor vehicle being inspected is accurately input into the analyzer.
 - a. OBDII equipped motor vehicles shall be connected to the analyzer, when prompted, by connecting the OBDII cable of the analyzer directly to the motor vehicle's data

link connector for data retrieval.

- (1) Any intermediary device preventing the direct connection between the analyzer and the motor vehicle's data link connector shall be removed before the inspection may continue.
 2. Perform a functional and/or visual gas cap check, as applicable. This is done by removing the gas cap and:
 - a. Visually verifying the sealing surface of the gas cap; and
 - b. Testing the gas cap in the functional gas cap tester, if applicable.
 3. Complete the MIL verification, if applicable;
 4. Complete the TSI test if the motor vehicle is not OBDII equipped.
 - a. A dual exhaust adaptor shall be used to test any motor vehicle with a dual exhaust system.
 - b. A non-reactive tail pipe extender or probe adapter shall be utilized for motor vehicles with a screened or baffled exhaust system.
 - c. The TSI test shall be restarted if the motor vehicles engine stalls during the test.
 5. Perform a visual check of all emissions components required for the motor vehicle being inspected.
 - a. The inspector shall identify all components required by the VECI label, an emissions control application guide, and/or an appropriate vehicle repair manual.
 - b. The inspector shall record "Pass", "Fail" or "N/A" on the analyzer for each emissions component listed.
 - (1) Any emissions component determined to be damaged, non-functional, tampered, or missing shall be recorded as "FAIL".
 - (2) Emissions components observed, that are not listed on the analyzer, shall be recorded as "Fail" in the "Other" category of emissions components.
 - (3) Only emissions components that are not applicable to the motor vehicle being tested shall be recorded as "N/A".
 - c. The inspector shall utilize the analyzer camera to photograph emissions components, as prompted by the analyzer.
 6. Observe the tailpipe(s) exhaust system of the motor vehicle being inspected while the engine is running and record whether visible emissions were observed or not.
- D. All inspections shall be completed in view of the lane camera unless otherwise exempted by the Department.
- E. The result of the inspection shall be printed from the analyzer's dedicated printer as a VIR and provided to the owner of the motor vehicle.

10.12.1.100 Emissions Standards

- A. A motor vehicle's powertrain system and emissions components shall be configured to an EPA certified configuration.
 1. Replacement emissions components shall be EPA and/or CARB certified to the powertrain systems make and model year that they have been installed on.
- B. OBDII equipped motor vehicles shall:
 1. Allow for communication interrogation by the analyzer through the motor vehicle's datalink connector.
 2. Have their applicable readiness monitors functioning and ready for interrogation.
 - a. Non-diesel motor vehicles, model years 1996-2000, are allowed two readiness monitors to be set as "Not Ready".
 - b. Non-diesel motor vehicles, 2001 and newer, are allowed one readiness monitor to

- be set as "Not Ready".
- c. Diesel motor vehicles are allowed two readiness monitors to be set as "Not Ready".
 3. Have a functional MIL that operates under the following conditions:
 - a. The MIL shall illuminate when the ignition is set to the "On" position with the engine turned off, and
 - b. The MIL shall be extinguished when the ignition is set to the "On" position with the engine running or set to run.
 - C. Gray Market Vehicles/Foreign Vehicles shall meet the following emissions standards:
 1. All non-diesel motor vehicles that are 1995 and older or 1996 and newer which have a GVWR greater than, or equal to, 8,501 pounds are required to meet the applicable cut points for the model year appearing on the registration;
 2. All non-diesel motor vehicles that are 1996 and newer and have a GVWR of 8,500 pounds or less shall be OBDII compliant; and
 3. Diesel motor vehicles shall meet the EPA certified configuration requirements of their U.S. counterparts.
 - D. Reconstructed vehicles, replica vehicles and specially constructed vehicles shall meet the applicable cut points for the model year of the engine of the vehicle.
 1. The vehicle must be OBDII compliant if the model year of the engine is 1996 or newer.
 2. It is the vehicle owner's responsibility to furnish proof of the engine's model year.
 - E. Refer to Section 10.12.140 for cut points.
 1. Diesel motor vehicles are exempted from meeting the cut points.
 - F. Motor Vehicles equipped with a dedicated CNG/LPG fuel system or bi-fuel systems shall comply with the following:
 1. Motor vehicles, 1995 and older, with manually switchable bi-fuel systems shall be inspected and meet the applicable cut points for both fuel types.
 2. Motor vehicles, 1995 and older, with non-manual switchable bi-fuel systems shall be inspected and meet the applicable cut points for both fuel types when possible.
 3. Motor vehicles, 1995 and older, with a dedicated CNG/LPG fuel system shall be inspected and meet the applicable cut points for the model year and weight class of the motor vehicle.
 4. Motor vehicles, 1996-2004, unless OBDII compliant, shall meet the applicable cut points for all fuel types equipped on the motor vehicle.
 - a. OBDII compliant motor vehicles shall be inspected as such.
 5. Motor vehicles, 2005 and newer, shall be OBDII compliant and inspected as such.
 - G. Diesel motor vehicles and OBDII equipped non-diesel motor vehicles are exempt from the functional gas cap test requirement.
 - H. Diesel motor vehicles that are not OBDII equipped are exempt from the TSI procedures.

10.12.1.110 Certificates of Waiver

- A. A Certificate of Waiver may be issued by the Department after the following conditions have been met:
 1. Proof of repair costs for the vehicle are provided in the form of a dated, itemized statement in which repairs, including parts and labor, are specifically identified.
 - a. Only labor charges performed through a vehicle repair facility will be accepted.
 - b. Repairs must be performed no more than 60 days prior to an initial test failure and the repairs must be appropriate to the cause of the test failure.

2. The minimum dollar amount required, not including taxes, to be spent on the emissions related repairs of a non-diesel motor vehicle is:
 - a. \$450.00 for 1996 and newer model year vehicles;
 - b. \$350.00 for 1981 – 1995 model year vehicles;
 - c. \$250.00 for 1968 – 1980 model year vehicles.
 3. The minimum dollar amount required, not including taxes, to be spent on the emissions related repair of a diesel motor vehicle is \$750.00.
 4. Any vehicle that experiences an increase in emissions levels from the most recent initial inspection shall not be eligible for a Certificate of Waiver regardless of the amount spent in attempting to repair the vehicle.
 5. Visible emissions must be in compliance with Section 41-6a-1626 of the Utah Code, as amended.
 6. The catalyst readiness monitor must be operational and set as “Ready” for motor vehicles that are model years 1996 and newer.
 7. Emissions readings shall be at or below the maximum allowable waiver cut points for the model year of the vehicle established in Section 10.12.120.
 - a. Diesel motor vehicles are exempt from the waiver cut points.
 8. Any tampered vehicle shall not be eligible for a waiver.
- B. A motor vehicle may only receive one waiver in its lifetime, unless otherwise approved by the Department.

10.12.1.120 Cut Points

1978 AND OLDER NON-DIESEL MOTOR VEHICLES, 6,000 POUNDS OR LESS GVWR 1979 AND NEWER NON-DIESEL MOTOR VEHICLES, 8,500 POUNDS OR LESS GVWR				
Model Year	CO (%)	HC (PPM)	CO (%) Waiver	HC (PPM) Waiver
1968-1969	6.0	800	7.0	1000
1970-1974	5.0	700	6.0	800
1975-1976	4.0	600	5.0	700
1977-1979	3.0	500	4.0	600
1980	2.0	300	3.0	400
1981-1995	1.2	220	2.0	300
>1995	OBDII	OBDII	1.2	220

1978 AND OLDER NON-DIESEL MOTOR VEHICLES, OVER 6,000 POUNDS GVWR 1979 AND NEWER NON-DIESEL MOTOR VEHICLES, OVER 8,500 POUNDS GVWR				
Model Year	CO (%)	HC (PPM)	CO (%) Waiver	HC (PPM) Waiver
1968-1969	7.0	1500	8.0	1700
1970-1978	5.0	1200	7.0	1500
1979-1980	4.0	1000	5.0	1200
1981-1995	3.5	800	4.0	1000
1996-2007	1.2	220	4.0	1000
>2007	OBDII	OBDII	4.0	1000

10.12.1.130 Engine Switching and Tampering

- A. Engine switching and tampering shall be subject to the current EPA Tampering Policy.
 - 1. If the engine has been converted to another type of fuel, the motor vehicle must comply with the laws governing the type of fuel which is being used in the motor vehicle.

10.12.1.140 Penalties

- 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, may be guilty of a class B misdemeanor. The Department may administer additional penalties allowed by law including 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 years, he/she may be guilty of a class A misdemeanor and the Department may impose appropriate civil penalties as allowed by law.
- B. Each occurrence and/or day a violation is committed or allowed to continue may 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 Department, the Davis County Attorney may initiate civil or criminal legal action against any person who violates this Chapter.
 - 1. 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 attorney's fees and costs of court, incurred by the Department and/or the County incurred arising from the violation or enforcement of this Chapter, whether civil or criminal.
- D. Each occurrence of a violation committed by an inspector or at a station shall be penalized in accordance with the prescribed penalty schedule below.
 - 1. Violations that have been determined to be intentional or flagrant may result in a penalty of up to \$10,000 per occurrence.
 - 2. The number of occurrences for the failure of a covert audit that a station or inspector has will reset to zero if the station or inspector successfully passes two successive covert vehicle audits.
 - 3. The Department may negotiate a consent agreement with a monetary penalty, in lieu of, or in addition to, a permit suspension.
 - 4. Permit revocations are not eligible for negotiated consent agreements.
 - 5. Inspectors shall be subject to additional training prior to having a permit reinstated following a permit suspension.
- E. A motor vehicle shall be recorded on the Compliance Assurance List if the owner(s) of the motor vehicle fails to comply with the actions of a notice.
 - 1. A motor vehicle on the Compliance Assurance List must be brought to the Technical Center for inspection prior to renewing their registration.
 - 2. The Department may request that the Utah Division of Motor Vehicles revoke the motor vehicle registration for non-compliance with a notice.
- F. The Department may impose a civil penalty as allowed by Section 41-6a-1642 of the Utah Code, as amended, to an owner of a motor vehicle if the Department determines the owner intentionally registered the motor vehicle in another jurisdiction to avoid an inspection.

Penalty Schedule

Violation	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Substituting a vehicle other than the vehicle on the test record; or Falsifying inspection information. <i>(intentional pass)</i>	Inspector: 180 day permit suspension	Inspector: Revocation of permit. May not re-apply for five (5) years.		
	Station: 180 day permit suspension	Station: 270 day permit suspension	Station: Revocation of permit. May not re-apply for five (5) years.	
Passing a failing vehicle or recording "pass" for a tampered vehicle. <i>(gross negligence)</i>	Inspector: 30 day permit suspension	Inspector: 60 day permit suspension	Inspector: Revocation of permit. May not re-apply for five (5) years.	
	Station: 15 day permit suspension	Station: 30 day permit suspension	Station: 60 day permit suspension	Station: Revocation of permit. May not re-apply for five (5) years.
Allowing unpermitted person to conduct an inspection. <i>(gross negligence)</i>	Inspector: 60 day permit suspension	Inspector: 180 day permit suspension	Inspector: Revocation of permit. May not re-apply for five (5) years.	
	Station: 60 day permit suspension	Station: 180 day permit suspension	Station: Revocation of permit. May not re-apply for five (5) years.	
Inaccurate or incomplete data entry; or Failure to follow proper test procedures; or Failure of a covert audit. <i>(incompetence)</i>	Inspector: Formal warning	Inspector: 30 day permit suspension	Inspector: 90 day permit suspension	Inspector: Revocation of permit. May not re-apply for five (5) years.
	Station: Formal warning	Station: 15 day permit suspension	Station: 45 day permit suspension	Station: Revocation of permit. May not re-apply for five (5) years.

10.12.1.150 Right to Appeal

- A. Within ten business days after the Department has issued a notice of violation(s), any person(s) aggrieved may appeal the findings, and/or penalty, by submitting a written request to the Department for a hearing.
 - 1. The Department shall schedule a hearing within ten business days after a request for a hearing is received.

2. At the conclusion of a hearing, the hearing officer shall make a final determination to affirm, modify, enhance or reverse the action or order.
3. Representatives of stations that present evidence of a quality assurance and quality control program may have penalties reduced or absolved by the hearing officer. The extent to which the penalties are reduced shall be dependent on the assessment of the quality assurance and quality control plan and the supporting documentation provided.
4. Within ten business days following a hearing, a person may appeal the determination of the hearing officer by submitting a written appeal to the Davis County Board of Commissioners.

B. Use of the hearing process outlined in this Chapter does not preclude judicial review.

10.12.1.160 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.

10.12.1.170 Severability

If any part of this Chapter is found to be prohibited or unenforceable, such invalidity shall not affect the other provisions of this Chapter. The provisions which are not prohibited or unenforceable shall be independent and shall remain in full force and effect.

10.12.1.180 Fee Schedule

The fees assessed by the Department shall be:

I/M Station Plan Review	\$50.00
I/M Station Permit	\$200.00
I/M Inspector Permit (One Year)	\$25.00
I/M Inspector Permit Renewal (Two Years)	\$50.00
Department Referee / Waiver Inspection	\$30.00
Emissions Certificate	\$3.25
Station Emissions Inspection Fee	Set by Station
Air Pollution Control Fee	\$3.00
Late Fee	\$100.00

Effective Date

This Ordinance shall take effect on July 1, 2023 in accordance with Section 17-53-208(7) of the Utah Code, as amended.

ENACTED AND ADOPTED this 13 day of June, 2023.

This Chapter was duly approved and adopted by the Board of County Commissioners of Davis County, Utah on the 13 day of June, 2023 with Commissioners Lorene Miner Kamalu Excused Bob J Stevenson aye, and Randy B. Elliott aye, all voting as documented herein.

BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY

By:


~~Lorene Miner Kamalu, Chair~~
Bob J Stevenson, Vice-Chair

ATTEST:


Brian McKenzie
Davis County Clerk

Approved as to legal form and compatibility with state law:


Deputy Davis County Attorney

Publication Date: , 2023
Effective Date: , 2023

**APPENDIX A
Emissions Inspection Analyzer Specifications**

COMPUTER HARDWARE/SOFTWARE

• 19" Flat Screen Color Monitor	• 3 Gigahertz CPU speed or faster
• On Board Video	• 4 Gigabit RAM minimum
• Ethernet Port	• 125 Gigabit Hard Drive (or larger)
• Standard Mouse/Pointer	• 256 Kilobit External Cache Memory
• 2D Barcode Reader	• 104 Enhanced Keyboard
• Laser Printer	• Two types of RPM Detection

OBDII-ONLY TABLET SYSTEM

• Integrated Tablet Unit	• Wi-Fi Printer
• OBDII Self-Check Cable	• Wi-Fi Router
• Integrated OBDII with 4 Foot Cable, 2D Barcode Scanner, Front and Rear Cameras	• Davis County Win10 Baseline – Driveclean Tablet Systems
• OBDII Self-Check 12 VDC Power Supply	• Operator's Manual
• Docking Station with Power Cord	

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		35-110°F	+/- 3%	
• Barometer Pressure		24-32 inches	+/- 3%	

REQUIREMENTS

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

CALIBRATION SYSTEM

- * 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
- * Sample Chiller for Enhanced Water Separation

SUB-SYSTEM

- * OBDII Integrated Function
- * Integrated Fuel Cap Tester (TSI Only)

