

**SYNOPSIS OF
PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RELATING TO
RULES FOR ENHANCED INSPECTION and MAINTENANCE
CHAPTER 391-3-20**

Rule 391-3-20-.01, “Definitions,” is being amended.

Purpose: This purpose of this amendment is to update the definitions by revision, deletion or addition as necessary,

Main Features: Several paragraphs are being amended to be consistent with revisions to the Inspection and Maintenance Test Manual, to remove obsolete language, to include new definitions consistent with changes to other Inspection and Maintenance rules, to make definitions consistent with U.S. EPA definitions, to reference a new Test Manual and a new Procedures Manual, and to remove redundant language that is currently in the Georgia Motor Vehicle Emissions Inspection and Maintenance Act.

Rule 391-3-20-.03 “Covered Vehicles; Exemptions,” is being amended.

Purpose: The purpose of this amendment is being revised to clarify certain provisions, to update terminology to be consistent with current emission inspection technology, to update a reference to another state agency.

Main Features: Several paragraphs are being amended to clarify terminology and make them consistent with current emission inspection technology. Subparagraph (7) is amended to change “Georgia Department of Motor Vehicle Safety” to “Georgia Department of Revenue, Motor Vehicle Division”, and to add language in case of later reorganization.

Rule 391-3-20-.04, “Emission Inspection Procedures,” is being amended.

Purpose: The purpose of this amendment is to provide clarification regarding inspections required by the Inspection and Maintenance Act and update it to current terminology.

Main Features: Several paragraphs are being amended to clarify terminology and to remove obsolete language. Subparagraph (2)(c) is revised to clarify the tampering inspection requirement for catalytic converters.

Rule 391-3-20-.05, “Emission Standards,” is being amended.

Purpose: The purpose of this amendment is to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.

Main Features: Several subparagraphs are being amended to clarify terminology and to remove obsolete language. Subparagraph (2)(a)2. is revised to remove reference to an “EPD approved emission control reference manual” which is obsolete. Subparagraphs (2)(b)3. and (2)(d) are revised to be consistent with current emission testing technology.

Rule 391-3-20-.06, “On Road Testing,” is being amended.

Purpose: The purpose of this amendment is to update this section based upon new technology and the needs and requirements of the department.

Main Features: The title of this section is being changed from “On Road Testing” to “Testing of Exhaust Emissions by Remote Sensing Technology or Other Means”. Paragraphs (2) through (8) which placed specific provisions on the Division for the implementation of a remote sensing program are removed. They are replaced with a revised Paragraph (1) that provides the Division flexibility in implementing a remote sensing or alternative program as needed to meet federal requirements.

Rule 391-3-20-.07, “Inspection Equipment System Specifications,” is being amended.

Purpose: The purpose of this amendment is to update terminology to be consistent, use generic terminology, and to clarify the meaning of the rule.

Main Features: Several paragraphs are being amended to change the generic “test system” to “Georgia Analyzer System”. Paragraph (4) is being revised to use generic terminology and clarify its meaning.

Rule 391-3-20-.08, “Quality Control and Equipment Calibration,” is being amended.

Purpose: The purpose of this amendment is to revise provisions to allow for better enforcement of the rules, to update standard terminology, and to remove a duplicate section.

Main Features: Several paragraphs are being amended to replace the generic “test system” with “Georgia Analyzer System” and to provide clarity. Paragraph (3) is a removed because it is duplicative of requirements contained in Rule 391-3-20-.09.

Rule 391-3-20-.09, “Inspection Station Requirements,” is being amended.

Purpose: The purpose of this amendment is to provide clarification by using standard terms, adding clarifying language and remove unnecessary and obsolete language.

Main Features: Several subparagraphs are being amended or rearranged to clarify terminology, to remove obsolete language, and to replace generic terminology with specific terminology. Subparagraph (2)(a)1. and (2)(q) are added and subparagraph (2)(b) is revised to enhance the Division’s compliance and enforcement capabilities. Subparagraph (2)(k) regarding liability insurance is revised to be consistent with current insurance practices and to provide the option of having a bond instead of liability insurance. The time frame for notifying the Management Contractor when an inspector leaves employment of a station in subparagraph (2)(n) is changed from five to three days.

Rule 391-3-20-.10, “Certificate of Authorization,” is being amended.

Purpose: The purpose of this amendment is to clarify the requirements in this rule, make them consistent with current practice, and improve the Division’s ability to properly enforce the Inspection and Maintenance rules.

Main Features: Several paragraphs are being amended to clarify terminology and to remove obsolete language. A requirement is added to Paragraph (4) that requires renewal applications be submitted at least 30 days prior to expiration to allow sufficient time for processing. The 10-day time limit for maintaining utilities at a sold station in Subparagraph (5)(b) is removed so that the Management contractor can complete a close-out audit in the event that it takes more than 10 days. Paragraph (6) is amended to clarify that a new owner must obtain a Certificate of Authorization prior to operating the station. Subparagraph (7) is revised to improve the Director’s ability to deny a renewal when there is sufficient cause.

Rule 391-3-20-.11, “Inspector Qualifications and Certification,” is being amended.

Purpose: The purpose of this amendment is to clarify the requirements of this section by removing obsolete terms, updating language, or adding necessary requirements.

Main Features: Several paragraphs are being amended to clarify terminology, to remove obsolete language, and to revise the rule to be consistent with standard operating procedures in order to enhance enforcement capabilities. Subparagraph (1)(a) is re-written to clarify inspector requirements. Paragraph (5) is re-written to be consistent with current procedures. The inspector address change notification is changed from thirty days to the next business day. A portion of Paragraph (9) is moved to new

Paragraph (10) and existing Paragraph (10) [now Paragraph (11)] is revised to provide clarification.

Rule 391-3-20-12, “Schedules for Emission Inspections,” is being amended.

Purpose: The purpose of this amendment is to clarify and update the requirements.

Main Features: Several paragraphs are being amended to clarify terminology. The term “time extension” is added to the rule to refer to time extension provisions already contained in the rules.

Rule 391-3-20-13, “Certificate of Emission Inspection,” is being amended.

Purpose: The purpose of this amendment is to update this section and add clarification.

Main Features: Several paragraphs and subparagraphs are being amended to clarify terminology.

Rule 391-3-20-15 - “Repairs and Reinspections,” is being amended.

Purpose: The purpose of this amendment is to clarify terminology and use standardized terms.

Main Features: Several paragraphs are being amended to clarify terminology.

Rule 391-3-20-16, “Extensions and Reciprocal Inspections,” is being amended.

Purpose: The purpose of this amendment is to make the rule consistent with the Inspection and Maintenance Act.

Main Features: A new Paragraph (4), regarding extension lengths is added to be consistent with the Inspection and Maintenance Act.

Rule 391-3-20-17, “Waivers,” is being amended.

Purpose: The purpose of this amendment is to use standardized terminology, eliminate obsolete provisions, and to specify the requirements for obtaining waivers consistent with current procedures.

Main Features: Subparagraph (2)(c) is added to specify the requirements for receipts submitted to qualify for a repair waiver. Other paragraphs and subparagraphs are revised to standardize terminology and eliminate obsolete provisions.

Rule 391-3-20-18, “Sale of Vehicles,” is being amended.

Purpose: The purpose of this amendment is to specify that the Division has the option to collect civil penalties as an alternative to criminal penalties.

Main Features: Paragraph (1), is being amended by specifying a civil penalty of up to \$5000.00 per day. The Division already has the authority under 12-9-55(g) to pursue civil penalties of \$5,000 per day for violations of any requirement of the Georgia Motor Vehicle Emissions Inspection and Maintenance Act (i.e., the Act) and Rules, including the car sales provision.

Rule 391-3-20-19, “Management Contractor,” is being amended.

Purpose: The purpose of this amendment is to reflect a reorganization of state agencies.

Main Features: Paragraph (2), is amended to change “Georgia Department of Motor Vehicle Safety” to “Georgia Department of Revenue, Motor Vehicle Division”, and to add language in case of later reorganization.

Rule 391-3-20-20, “Referee Program,” is being amended.

Purpose: The purpose of this amendment to make it consistent with the Inspection and Maintenance Act and to update terminology.

Main Features: Paragraph (5) is revised to be consistent with the Inspection and Maintenance Act. Other paragraphs are revised to include the term “Georgia Analyzer System”.

Rule 391-3-20-21, “Inspection Fees,” is being amended.

Purpose: The purpose of this amendment is to remove obsolete provisions.

Main Features: Paragraph (3) is revised to eliminate obsolete language.

Rule 391-3-20-22, “Enforcement,” is being amended.

Purpose: The purpose of this amendment is to remove obsolete wording.

Main Features: The reference to the Division’s Enforcement Policy in Paragraph (1) is removed.

STATEMENT OF RATIONALE
Rules for Enhanced Inspection and Maintenance

Rule 391-3-20-.01 – Definitions

The basis of this rule is to provide definitions for terms used in the Enhanced Inspection and Maintenance Rules, Chapter 391-3-20. The purpose of this revision is to 1) revise definitions to be consistent with federal definitions; 2) revise definitions to be consistent with the Georgia Motor Vehicle Emissions Inspection and Maintenance Act ; and 3) add definitions needed due to advances in technology or that are missing.

This revision is administrative in nature and is in no way any more restrictive than the federal requirements. It does not incur any additional costs to the Environmental Protection Division or the regulated industry beyond what is required by federal regulations. No costs will be imposed on local governments or the general public.

Rule 391-3-20-.03 – Covered Vehicles; Exemptions

The basis of this rule is to establish requirements for the vehicles that are required to be inspected. The requested revisions to this rule are to add clarifying language and update the name of another state agency referenced in the rule.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.04 – Emissions Inspection Procedures

The basis of this rule is to establish requirements for the process of inspecting vehicles. The requested revisions are to clarify the inspection steps by removing obsolete or unnecessary language, use standardized terminology, and add clarifying language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.05 – Emission Standards

The basis of this rule is to establish standards against which vehicles are to be tested. The requested revisions are to clarify the inspection standards by removing obsolete or unnecessary language, use standardized terminology, and add clarifying language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.06 – On-Road Testing

The basis of this rule is to provide for on-road testing of vehicles for program evaluation. The requested revisions remove the requirement to use remote sensing as a method of identifying high polluting vehicles while allowing other methods to be used.

This revision is administrative in nature and is designed to reduce costs to the Environmental Protection Division. It has no effect on the regulated industry.

Rule 391-3-20-07 – Inspection Equipment System Specifications

The basis of this rule is to establish criteria for the approval of the Georgia Analyzer System used in the inspection process. This rule sets forth the requirements of what features the Georgia Analyzer System must contain. The requested revisions are to replace non-standardized terms with established standardized terms and to add clarifying language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-08 – Quality Control and Equipment Calibration Procedures

The basis of this rule establishes the requirements that the Georgia Analyzer Systems must meet to maintain accuracy. The requested revisions are for the purpose of deleting obsolete or duplicate requirements, add clarifying terms, and use standardized terminology.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-09 – Inspection Station Requirements

The basis of this rule is to set forth the requirements that a station must follow to maintain certification to perform emission inspections. The revisions clarify this rule by replacing obsolete terms with standardized terms, delete obsolete terms, and add new requirements to aid in oversight and compliance.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-10 – Certificates of Authorization

The basis of this subparagraph is to specify by rule the requirements for becoming an authorized inspection station. The requested revisions are to remove or replace obsolete language, used standardized terms, and to add needed requirements for enforcement oversight.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-11 – Inspector Qualifications and Certification

The basis of this rule is to stipulate the qualification requirements to become a certified emissions inspector. The revisions requested clarify the rule by enumerating several existing requirements, deleting obsolete language, adding clarifying language, and replacing outdated terminology.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-12 – Schedule for Emission Inspections

The basis of this subparagraph is to establish by rule the schedule of emission inspection for the program. The revisions clarify certain aspects and use standardized terms throughout this chapter.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-13 – Certificate of Emission Inspection

The basis of this rule is to create requirements for what the vehicle inspection report provided to the motorist must contain. Revisions requested in this rule clarify the requirements by using standardized terminology and add clarifying language.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public than are required to meet the Federal rule.

Rule 391-3-20-15 – Repairs and Reinspections

The basis of this rule is to establish requirements for repairs and reinspections after a vehicle has failed an inspection. The requested revisions are for the purpose of clarifying the rule by replacing obsolete terminology with standardized terms and deleting or adding clarifying language.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public than are required to meet the Federal rule.

Rule 391-3-20-16 – Extensions and Reciprocal Inspections

The basis of this paragraph is to specify the requirements of Georgia's emission inspection waiver requirements. The requested revisions clarify the wording by correcting some terms and adding clarifying language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-17 – Waivers

The basis of this paragraph is to specify various requirements for obtaining an emissions inspection waiver. The purpose of this revision is to provide clarifying language by revision, deletion, and addition of clarifying language. Dates that have passed are being deleted since they are obsolete

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-18 – Sale of Vehicles

The basis of this rule is to identify the requirements of those who sell vehicles in Georgia. The revision specifies a civil penalty component to the sale of vehicles in violation of the law. The Division already has the authority under 12-9-55(g) to pursue civil penalties of \$5,000 per day for violations of any requirement of the Georgia Motor Vehicle Emissions Inspection and Maintenance Act (i.e., the Act) and Rules, including the car sales provision. The additional language is added for clarification purposes.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-19 – Management Contractor

The basis of this paragraph is to specify requirements of the contractors and their employees. The revision requested updates the name of a state agency referenced in the rule.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-20 – Referee Program

The basis of this paragraph is to specify the conditions for obtaining a referee inspection. The revisions requested standardize certain terms and delete obsolete language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-21 – Inspection Fees

The basis of this paragraph is to specify the fee for an inspection and the cost of the administrative fee. The fee for an inspection is due from the motorist to the inspection station. The administrative fee is due from the inspection facility to EPD. The purpose of this revision is to remove obsolete language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-22 – Enforcement

The basis of this rule is to specify various enforcement requirements for stations and inspectors. The purpose of this revision is to delete unnecessary language and add clarifying terms.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.