

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 3. DEPARTMENT OF TRANSPORTATION – HIGHWAYS DIVISION

PREAMBLE

- 1. Sections Affected:**

Article 2	<u>Rulemaking Action:</u>
R17-3-201	Amend
R17-3-202	Amend
R17-3-203	Amend
R17-3-204	Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 28-366
Implementing statutes: A.R.S. §§ 28-6923, 41-2501(N)
- 3. The effective date of the rules:**

December 10, 2001
- 4. A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 6 A.A.R. 4675, December 15, 2000
Notice of Proposed Rulemaking: 7 A.A.R. 3028, July 13, 2001
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Wendy S. LeStarge, Rules Analyst
Address:	Arizona Department of Transportation Administrative Rules Unit, Mail Drop 507M 3737 N. 7th Street, Suite 160 Phoenix, AZ 85014-5079
Telephone:	(602) 712-6007
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Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.dot.state.az.us/about/rules.
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**

Prequalification is part of the competitive bid process for awarding a contract for the construction or reconstruction of transportation facilities, and is a recognized procedure under the Arizona Procurement Code. A.R.S. § 41-2541. Prequalification usually involves evaluating a contractor's work experience, personnel, equipment, financial resources, and performance history. It increases the likelihood of selecting a competent contractor when using the competitive bidding process since only a contractor who passed the prequalification process may submit a proposal in the competitive bidding process. It also decreases the likelihood of a contractor failing to finish a project because it was not professionally competent or able to manage the size of the project. Contractor defaults lead to continued disruptions of traffic because a new contractor must be hired or the work is inferior and will not last as long.

While the federal government does not require a prequalification process in order to receive federal aid, the federal government recognizes that prequalification can be a useful process. 23 CFR § 635.110. Many states use some type of prequalification process to evaluate a contractor before the contractor submits a proposal on a state-funded project.

The Arizona Department of Transportation (“ADOT”) is authorized to adopt rules regarding procurement of construction or reconstruction of transportation facilities, since it is exempt from the Arizona Procurement Code’s provisions. A.R.S. §§ 41-2501(J), 41-2401(N). A.R.S. § 28-6923 sets out the bidding procedures ADOT must follow for construction or reconstruction of transportation facilities. ADOT has general rulemaking authority to enforce the provisions the director administers or enforces. A.R.S. § 28-366.

ADOT prequalifies contractors by two criteria: 1) the type of work to be accomplished in the contract, and 2) the contractor’s ability to manage a certain dollar value of projects. The four Sections of Article 2 accomplish the following objectives:

- Establish the Contractor Prequalification Board.
- Set forth the specific requirements a contractor must meet in order to become prequalified to bid on a construction contract.
- Set forth the conditions for reducing or canceling prequalification.
- Preserve the privacy of the contractor’s financial information.

This rulemaking arises from proposed agency action in the five-year review report approved by the Governor’s Regulatory Review Council on May 2, 2000 (F-00-0402). This rulemaking includes some of the following amendments:

- Amends the language so that it is clear, concise, and understandable, and complies with the Secretary of State’s rule-making standards;
- Creates a Section for definitions;
- Eliminates the requirement that out-of-state corporations submit a letter from the Arizona Corporation Commission;
- Allows the Contractor Prequalification Board to grant a 60-day extension on expired financial statements;
- Increases the prequalification amounts;
- Adds failing to submit required documentation for closing out a previous contract with ADOT as a reason to reduce prequalification amount or disqualify a contractor; and
- Reinforces the authority that ADOT can waive the prequalification requirement if it is in the best interest of the state.

7. A reference to any study that the agency relied on its evaluation or justification for the rule, and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

The main benefit of the contractor prequalification rules is to prevent the possibility of a contractor defaulting on a contract, and leaving ADOT and the general public with additional costs and delays. The costs to contractors, in comparison, are small. Contractors must submit the same type of firm experience and financial information in different contexts, such as: financial statements for surety companies or tax returns, and firm resumes for advertising or public relations. Other benefits include: promoting contractor confidence in the competitive bidding process, and preventing duplicative prequalification processes in joint projects with political subdivisions. Other costs include: ADOT employee salaries and administrative costs for processing the prequalification applications.

The rules are designed to minimally impact small business contractors. Although a contractor must pay a public accountant or CPA to prepare the financial statement, the rules do not require a contractor to submit a more costly examined financial statement. Instead a contractor may submit a compiled financial statement that does not give an accountant’s professional opinion as to the contractor’s financial stability.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The title was changed from “Contractor Bidding and Award” to “Contractor Bidding” since the scope of the rules do not address award, only bidding in the prequalification process. Other technical and grammatical changes were made based on suggestions from Council staff.

11. A summary of the principal comments and the agency response to them:

No comments were received.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 3. DEPARTMENT OF TRANSPORTATION - HIGHWAYS DIVISION

ARTICLE 2. MANAGEMENT OF CONTRACTOR ~~BIDDING/AWARD~~ BIDDING

Section

R17-3-201. General

R17-3-202. Contractor Prequalification

R17-3-203. Reduced Prequalification Amounts or Disqualifications

R17-3-204. Access to Department Prequalification Files

ARTICLE 2. MANAGEMENT OF CONTRACTOR ~~BIDDING/AWARD~~ BIDDING

R17-3-201. General

A. Definitions.

1. “Application” means a request for contractor prequalification, consisting of an application booklet available from the Department’s office of Contracts and Specifications, and a financial statement prepared according to the requirements of this subsection and R17-3-202.
2. “Board” means the Contractor Prequalification Board.
3. “Compiled financial statement” means a financial statement prepared for form, appropriateness, and arithmetic accuracy. It does not express an opinion or provide any assurance regarding the financial statement.
4. “Contractor” means the individual, partnership, firm, corporation, joint venture, or any combination acceptable to the Department, that seeks to contract with the Department for constructing or reconstructing state transportation facilities, unless the context requires otherwise.
5. “Contractor prequalification” means the Department’s process of review and evaluation of a contractor’s work history and current financial condition before a contractor is allowed to submit a proposal for constructing or reconstructing state transportation facilities.
6. “Department” means the Arizona Department of Transportation.
7. “Examined financial statement” means a financial statement that includes the amounts and disclosures in the firm’s financial statement, an assessment of the accounting principles used and the significant estimates made by management, and an evaluation of the overall financial statement presentation.
8. “Financial statement” means a financial report prepared according to generally accepted accounting principles by an independent certified public accountant or an independent public accountant. The financial statement includes a cover letter on the accountant’s letterhead, a balance sheet, a statement of cash flows, an income statement, and all notes and appropriate supporting schedules.
9. “Joint venture” means the combination of two or more contractors for the purpose of submitting a proposal to the Department and performing a contract for constructing or reconstructing state transportation facilities.
10. “Prequalification amount” means the dollar limitation of each contract, based on the Department’s estimate of contract value, for which a contractor may submit a proposal to the Department for constructing or reconstructing state transportation facilities.
11. “Reviewed financial statement” means a financial statement that includes an inquiry of company personnel, and a review of the analytical procedures applied to the financial data. It does not express an opinion regarding the financial statement taken as a whole.
12. “State Engineer” has the meaning in A.R.S. § 28-6901(3).

A-B. Contractor Prequalification Board.

1. ~~The State Engineer for the Arizona Department of Transportation, hereinafter the “Department”, will shall appoint a Contractor Prequalification Board, hereinafter the “Board”~~ the Board to consider and decide on applications for contractor prequalification.
2. ~~The Board will be comprised of three Department employees, one of whom shall be a registered professional engineer, registered by the Arizona Board of Technical Registration, and one a certified or licensed public accountant.~~

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- 3. ~~The Board will be empowered to administer the function of contractor prequalification within the scope of these rules. The Board's authority to determine prequalification does not limit the Department's ability to establish additional criteria for contracts.~~
- B.** ~~Out-of-state corporations. Prior to the award of any contract, corporations chartered under the laws of any state other than Arizona shall provide to the Department a copy of the letter from the Arizona Corporation Commission authorizing them to do business in Arizona.~~
- C.** ~~Licensing. License requirements to perform highway construction in Arizona are governed by the Arizona Registrar of Contractors.~~

R17-3-202. Contractor ~~prequalification~~ Prequalification

- A.** Application Criteria. An applicant for contractor prequalification shall include on the application and the Board shall consider the following information in determining the prequalification amount for a contractor:
 - 1. Key personnel and their work experience.
 - 2. Organizational structure.
 - 3. History of past or current projects and contracts.
 - 4. Company affiliations.
 - 5. Equipment owned or controlled.
 - 6. Any applicable licenses.
 - 7. Type of work requested.
 - 8. Individuals authorized to act on behalf of the contractor.
 - 9. Any prequalification or bidding disputes with a government agency, and
 - 10. Financial condition.
- B.** Prequalification Expiration and Extension.
 - 1. ~~An application for contractor prequalification, hereinafter "Application", shall include information concerning the applicant's key personnel, organizational structure, major projects completed, any company affiliations, equipment owned or controlled, type of work requested and financial condition (application booklets are available at the Contracts and Specifications office of the Department). A financial statement shall accompany the application showing the firm's current financial condition in accordance with the requirements of classification of financial statements found in subsection (D) of this rule.~~
 - 2. ~~If the application or accompanying financial statement is incomplete or the Board determines that additional information is required, the Board will make a written request for the additional information.~~
 - 3. ~~All applications shall be filed at least 15 calendar days prior to the bid opening date of any project on which the applicant is interested in submitting a bid.~~
 - 4. Prequalifications will expire ~~Prequalification expires~~ 15 months from the date of the ~~after the end of a contractor's fiscal year, as reflected on the financial statement that accompanies the application. Due to the time necessary to prepare an examined financial statement, the Board may grant up to a 60 day extension on the expiration of prequalification, if:~~
 - a. The contractor submits a letter from its accountant stating the reasons for delay in preparing the examined financial statement.
 - b. The letter from the accountant states the anticipated completion date of the examined financial statement, and
 - c. The contractor submits an interim compiled or reviewed financial statement that was prepared within the previous six months.
 - 2. The Board will notify each contractor in writing of its decision on the contractor's prequalification amount.
- ~~B-C.~~** Joint ventures Ventures.
 - 1. ~~Each contractor in a proposed joint venture shall be prequalified, in accordance with these rules and~~ The joint venture shall submit a ~~notarized joint venture statement of intent at least five 5 calendar days prior to~~ before the applicable bid opening date.
 - 2. ~~If one or more of the parties to the joint venture are corporations, a copy of a resolution from the Board of Directors authorizing the corporation to enter into the joint venture and execute all contract documents shall be submitted with the statement of intent.~~
 - 3. ~~Contractors operating as a joint venture on a continuing basis may file for prequalification as a joint venture entity.~~
 - 4. The Board may allow a contractor operating as a joint venture to prequalify for a pro rata share of the entire contract amount. The percentage share of work shall not exceed each individual contractor's prequalification amount.
- ~~C-D.~~** Classification of contracting firms Contractors. Applicants will be categorized in accordance with The Board shall categorize contractors into the following classifications:
 - 1. ~~Inexperienced firms: Firms which that have had no experience as prime contractors in highway transportation facilities construction work;~~
 - 2. ~~New firms: Recently organized firms that have officers with experience with other contractors in positions of responsible charge of highway responsibility for transportation facilities construction with other prime contracting firms;~~

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3. Unknown firms: Firms ~~which that~~ have experience as ~~prime~~ contractors but have not completed a highway transportation facilities construction contract as a ~~prime~~ contractor for the Department within the past five years or at any time;
4. Known firms: Firms ~~which that~~ have successfully completed at least one highway transportation facilities construction ~~project~~ contract within the past five years as a ~~prime~~ contractor for the Department.

D-E Classification of financial statements Financial Statements.

1. ~~The prequalification applicant shall attach, as a part of the application package, a copy of the firm's annual financial statement including a balance sheet, an operating statement, appropriate supporting schedules and the accountant's report or opinion.~~
2. 1. All financial statements shall be examined, reviewed, or compiled according to generally accepted accounting principles, by either an independent certified public accountant or an independent public accountant, registered and licensed under the laws of any state. ~~The examination, review, or compilation of financial statements and their definitions shall be in accordance with the American Institute of Certified Public Accountants Professional Standards. In no case will a financial statement be considered acceptable if~~ A contractor shall not submit a financial statement prepared by either a certified or public accountant who is directly or indirectly interested in or affiliated with the business of the ~~contracting firm submitting the application~~ contractor.
3. 2. ~~Any contracting firm~~ A contractor that desires a prequalification amount in excess of \$700,000 \$1.5 million shall submit an examined financial statement ~~with a certified opinion~~.
4. 3. ~~A contracting firm~~ contractor that submits a reviewed financial statement ~~with a certified report~~ will be limited to a maximum prequalification amount of \$700,000 \$1.5 million.
5. 4. ~~A contracting firm~~ contractor that submits a compiled financial statement will be limited to a maximum prequalification amount of \$300,000.

E-F Prequalification limits Limits. In determining the prequalification amount for each contractor, the amount set by the Board may be less than the maximum amount set out in this subsection due to the Board's evaluation of the contractor's information under R17-3-202(A).

1. Inexperienced firms. ~~Inexperienced firms~~ An inexperienced firm will be limited to a maximum prequalification amount ~~not to exceed~~ of \$300,000 until the contractor has satisfactorily completed at least one highway transportation facilities construction project has been satisfactorily completed as a prime contract contract for the Department or any other public agency.
2. New firms. ~~New firms~~ A new firm will be limited to a maximum prequalification amount of five times ~~their~~ the firm's net worth.
3. Unknown firms. ~~Unknown firms~~ An unknown firm will be limited to a maximum prequalification amount of five times ~~their~~ the firm's net worth or the amount of the largest highway transportation facilities construction ~~project they have~~ contract it has successfully completed as a ~~prime~~ contractor for any other public agency, whichever is larger.
4. Known firms. ~~Known firms~~ A known firm will be limited to a maximum prequalification amount of ten times ~~their~~ the firm's net worth. An unlimited prequalification amount may be granted if the product of ten times ~~their~~ the firm's net worth exceeds \$30,000,000 \$100 million.
5. All firms. Evidence of additional assets ~~that are~~ pledged in behalf of the ~~contracting firm~~ a contractor or letters from ~~the firm's~~ a contractor's surety company may be considered in establishing higher prequalification amounts than stated in subsections (F)(2) through (F)(4). The approximate total contract amount of all uncompleted work from all sources, plus the estimated cost of work on which the contractor seeks to bid, shall not exceed the prequalification amount set by the Board. A parent company that pledges assets in behalf of a contractor shall submit a financial statement.

F-G Reconsideration of ~~prequalification determination~~ Prequalification Determination.

1. ~~If an applicant a contractor is dissatisfied with the Board's decision, the applicant contractor may request in writing a reconsideration hearing, within 15 days of receiving the Board's decision. The hearing shall be conducted under A.R.S. § 41-1062. The letter shall indicate the basis for the request and shall provide supportive data. The Board shall review the request and accompanying information will be reviewed and a decision given by the Board and decide on the request within 30 calendar days from the date of its receipt of the request.~~
2. ~~If the applicant contractor is still dissatisfied with the decision of the Board, the applicant contractor may appeal in writing to the state engineer who will review the information furnished and render a decision within 30 calendar days. The decision of the State Engineer shall be final. State Engineer. The Board shall notify the contractor about the appeal procedures.~~

G-H Issuance of bidding documents. Bidding documents will be issued upon request to prequalified firms in accordance with the type of work and dollar amount for which they are prequalified by the Department. The final responsibility for requesting bidding documents and for submitting bids in accordance with the requirements of these rules, shall lie with the contracting firm. Bidding Documents. A contractor shall not request bid documents for a contract for which it is not prequalified.

- I. The Department may waive the prequalification requirement on an individual contract when it is in the best interest of the state. The advertisement for bids shall identify if prequalification is waived.

R17-3-203. ~~Reduced prequalification amounts~~ Prequalification Amounts or disqualifications ~~Disqualifications~~

- A. ~~Contracting firms which have been prequalified to bid on Department contracts may receive a reduced prequalification amount or be disqualified. The Board may reduce the prequalification amount of a contractor already prequalified or disqualify a contractor from bidding if they a contractor:~~
- ~~1. Falsify~~ Falsifies any document or ~~misrepresent~~ misrepresents any material fact in the information furnished to the Department, ~~or~~ ;
 - ~~2. Fail~~ Fails to enter into a contract with the Department, ~~or~~ ;
 - ~~3. Default~~ Defaults on a previous contract with any public agency, ~~or~~ ;
 - ~~4. Have~~ Has an unsatisfactory work performance record with the Department on the basis of workmanship, competent superintendence, adequate and proper equipment, ~~or~~ timely completion, or failure to submit required documentation for closing out a contract; or
 - ~~5. Fail~~ Fails to provide notification to the Board, within 30 calendar days of occurrence, of any changes ~~change~~ in ownership, corporate officers or general partners ~~or any~~ , bankruptcy, receivership, court supervised reorganization, or the entry of a judgment in a judicial or administrative proceeding adverse to the contractor.
- B. ~~Notification of reduced prequalification or disqualification will be made in writing by the~~ The Board shall notify a contractor in writing of its intention to reduce the prequalification amount or to disqualify a contractor. Such action ~~The Board's notice to reduce prequalification or to disqualify a contractor shall become a final determination unless a written appeal is filed~~ the contractor requests a hearing with the Department by the contractor ~~Board~~ within 20 calendar days after receiving such notification. The Board ~~will consider any such appeal within 30 calendar days of its receipt. The Board may request additional written evidence or a personal interview.~~ shall notify the contractor about the hearing procedures.
- C. ~~The contracting firm~~ contractor may appeal the Board's decision to the ~~Arizona Department of Transportation Board,~~ hereinafter "~~Transportation Board~~", who will act upon the appeal within 45 calendar days. ~~State Engineer. The Board shall notify the contractor about the appeal procedures.~~

R17-3-204. ~~Access to Department prequalification files~~ Prequalification Files

~~Prequalification files will be~~ are considered as ~~to be~~ strictly confidential ~~in nature.~~ The files will be available only to:

1. Members of the Board,
2. The Director ~~of the Department~~ or any authorized agents of the Department,
3. Members of the ~~Arizona State~~ Transportation Board,
4. The division administrator of the Federal Highway Administration or any authorized representatives,
5. Agents of surety upon the filing of an application for bond duly signed by an authorizing party of the prequalified ~~firm~~ contractor,
6. Members of the Arizona State Board of Accountancy or their duly authorized representatives- and
7. The contractor that is the subject of the file.

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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL

PREAMBLE

- 1. Sections Affected**
R18-2-1024
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 49-104(A)(11), 49-425, 49-447, and 49-542; Laws 2001, Ch. 371 § 19
Implementing statutes: A.R.S. §§ 28-955, 49-104(A)(11), 49-541, 49-542, 49-542.06, and 49-542.07; Laws 2001, Ch. 371 § 19
- 3. The effective date of the rule:**
December 14, 2001
- 4. List of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 7 A.A.R. 4098, September 14, 2001
Notice of Proposed Rulemaking: 7 A.A.R. 4086, September 14, 2001

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Mark Lewandowski
Address: Department of Environmental Quality
3033 N. Central
Phoenix, AZ 85012-2809
Telephone: (602) 207-2230 (Extension may be reached in-state by dialing 1-800-234-5677, and asking for that extension.)
Fax: (602) 207-2366

6. An explanation of the rule, including the agency's reasons for initiating the rule:

The Arizona Department of Environmental Quality (ADEQ) has finalized a new rule to implement a pilot program for roadside diesel testing according to Sections 10 and 19 of Chapter 371, Laws 2001 (HB 2538). The pilot program will be implemented by contractors interested in participating in the permanent roadside diesel testing program under A.R.S. §§ 49-542.05 and 49-542.06. Under this final rule, an interested contractor may contract with local or state law enforcement agencies and perform sufficient roadside diesel tests to demonstrate procedures and technology and produce a report on the findings. The statute mandates that testing be done using Society of Automotive Engineers standard J1667, which is the procedure currently being used at official state inspection stations to test Arizona-registered heavy-duty diesel trucks. Under both the pilot program, and the permanent roadside diesel testing program under A.R.S. § 49-542.05, scheduled to be effective June 30, 2003, interstate vehicles registered under the proportional registration provisions of A.R.S. § 28-2233, would also be tested if operated in area A or B.

Subsection (E) of this rule requires a report to be submitted to the Department by April 15, 2002. This date was determined based on the following timetable, working backwards from the September 30, 2002, deadline for the diesel vehicle emissions testing study committee report prescribed in § 19(D) of Laws 2001, Chapter 371.

Submit rule to G.R.R.C.	October 22, 2001
G.R.R.C. meeting	December 4, 2001
Rule effective	December 10, 2001
Letter of intent due	January 11, 2002
Notice to proceed	January 25, 2002
Pilot programs begin	March 1, 2002
Pilot program reports due to ADEQ	April 15, 2002
ADEQ report to Governor's Office	May 15, 2002
ADEQ report to study committee	May 30, 2002
Deadline for study committee report	September 30, 2002
Current effective date of A.R.S. §§ 49-542.06 and 49-542.07	July 1, 2003

Roadside diesel testing was recommended in the Governor's Brown Cloud Summit final report, January 16, 2001, as a measure to improve visibility in the Phoenix area by reducing particulate emissions from mobile sources.

7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

Governor's Brown Cloud Summit final report, January 16, 2001. This document is available at:

Arizona Department of Environmental Quality Library
3033 N. Central Ave., Suite 100
Phoenix, AZ 85012
(602) 207-4335

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. Summary of the economic, small business, and consumer impact:

This rule authorizes private companies to engage in a pilot program of emission testing of heavy duty diesel vehicles without direct cost to either the state or vehicle owners or operators. Participation in the pilot program is a prerequisite for participation in the procurement process for a diesel testing program to be established later. All emission testing in the pilot program will be voluntary and owners and operators would incur no penalties for excessive smoke.

State and local law enforcement agencies or MVD may experience increased revenues if private companies contract with them for testing or other assistance in anticipation of bidding on the permanent roadside diesel testing program under A.R.S. § 49-542.06.

There are indications that at least three companies are seriously pursuing participation in the pilot program that would be set up under this rule. Based on information ADEQ has at its disposal, the field costs of the three weeks of roadside diesel testing are estimated to be approximately \$20,000 to \$35,000. Additional costs related to overhead, development, and reporting could be just as much. Compared to this, gross revenues from the permanent roadside diesel testing program could be as much as \$1 million to \$5 million annually.

As a result of this rule, the general public will be able to experience improved visibility, and receive cleaner air and health-related benefits because of reduced emissions of carbon monoxide, nitrogen oxides, volatile organic compounds, and PM10. In addition, the state of Arizona is less likely to be subject to sanctions under the Clean Air Act. These sanctions carry the potential of large losses of federal highway funds, and further reductions in the ability of industry to locate in the nonattainment area.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The following changes were made between the proposed and final rules:

R18-2-1024. Reserved Pilot Program for Roadside Diesel Testing

A. Purpose. This rule:

1. Establishes criteria for ~~the administration of~~ the pilot program required by Laws 2001, Chapter 371, Section 19;
2. Allows an interested ~~contractors~~ contractor the opportunity to demonstrate ~~their~~ testing procedures and technology to the Department over a minimum three-week period; and
3. Provides for the collection of data and information to enable the Department to submit a report to the diesel vehicle emissions testing study committee on roadside diesel testing.

B. Authority and Definitions. The Department or any person may contract with ~~the Motor Vehicle Division, or~~ any local or state law enforcement agency, to perform roadside diesel tests under this Section to determine excessive smoke under A.R.S. § 28-955(C), or to assist in other services related to testing. For the purposes of this Section:

1. "Excessive smoke" means smoke with an opacity that exceeds the applicable standard in R18-2-1006(H)(1), ~~as measured by the procedures in that Section; and~~
2. "Interested contractor" means a person, business, firm, partnership, or corporation that ~~has received~~ receives a notice to proceed for the roadside diesel testing pilot program under subsection (C)(2);
3. "Responsible official" has the meaning at R18-2-301; and
4. "Three week period" means a time interval containing at least 21 days of testing by an interested contractor according to this Section.

C. A pilot program is established to evaluate methods of determining excessive smoke under A.R.S. § 28-955. A person may participate in the pilot program if ~~all of the following are true:~~

1. The person ~~has submitted~~ submits a letter of intent to the Department within 30 days after the effective date of this rule, demonstrating how the person will comply with subsection (D), ~~and that contains~~ The letter of intent shall contain all of the following:
 - a. Identification of the person, including a statement of qualifications describing technical capability, key personnel, ~~past~~ experience, and any other information the person believes is relevant to ~~implementing~~ implement the pilot program ~~described in this Section;~~
 - b. Identification of any ~~subcontractors~~ subcontractor the person plans to use, including a statement of the subcontractor's qualifications ~~as described in subsection (a);~~
 - c. The proposed methods, locations, and dates of testing, including an evaluation of how the methods, locations, and dates allow for trucks to be identified, stopped, and tested safely, without creating traffic congestion, or exposing drivers, enforcement and testing personnel, or the public to dangerous traffic or other harmful conditions;
 - d. ~~Proposed methods~~ Each proposed method of visually screening ~~vehicles~~ a vehicle for excessive smoke;
 - e. A copy of any agreement with an enforcement ~~agencies~~ agency;
 - f. ~~Proposed methods~~ Each proposed method for communicating the nature and purpose of the pilot program and the right of test refusal ~~to the operators of vehicles~~ of a vehicle operator to refuse testing;
 - g. A statement by a responsible official, ~~as defined in R18-2-301,~~ that the person, with any ~~subcontractor(s)~~ subcontractor, has the equipment, personnel, and experience necessary to conduct testing and produce a report as required by this Section;
 - h. The following language: "To the extent permitted by A.R.S. § 41-621 and § 35-154, [name of ~~company~~ person] agrees to indemnify and hold harmless the state of Arizona for its vicarious liability for incidents arising out of implementation of this letter of intent";
 - i. Evidence of financial responsibility, including evidence of an insurance policy that ~~would cover incidents~~ covers any incident arising out of participation in the pilot program;

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- j. A description of a proposed ~~systems~~ system for data collection; and
 - k. A description of how the proposed pilot program will demonstrate a testing system that meets the requirements of A.R.S. §§ 49-542.06 and 49-542.07; and
2. The person ~~has received~~ receives a notice to proceed from the Department. The Department shall issue a notice to proceed to any person ~~that has submitted~~ who submits a letter of intent that complies with subsection (1). ~~However, the Department may add conditions to the notice to proceed that are different from the letter of intent with the written agreement of the person. The Department, with the consent of the person receiving the notice to proceed, may add conditions to the notice to proceed not contained in the letter of intent to enhance the pilot program.~~
- D. Pilot program requirements.**
- 1. ~~Each~~ An interested contractor participating in the pilot program retains ownership of any intellectual property rights it has or develops in the process of participating in the pilot program.
 - 2. An interested contractor participating in the pilot program shall:
 - ~~1-a.~~ Not be paid a fee by the Department or by the operator of the vehicle;
 - ~~2-b.~~ Conduct the pilot program consistent with the letter of intent and notice to proceed, except that the interested contractor may vary from the terms of the letter of intent and notice with the advance written approval of the Department;
 - ~~3-c.~~ Employ procedures and equipment conforming to Society of Automotive Engineers standard J1667, as incorporated by reference in R18-2-1006(H)(1);
 - ~~4-d.~~ Not issue ~~citations~~ any citation for excessive smoke if a vehicle is stopped and tested; ~~however, motorist advisory information shall be provided;~~
 - e. Provide motorist advisory information at the time of testing;
 - ~~5-f.~~ Shall test Test a sufficient number and variety of vehicles, including apportioned vehicles, with a GVWR greater than 10,000 pounds ~~that are~~ operated in areas area A or B, to justify the evaluations in the report required under subsection (E); and
 - ~~6-g.~~ Conduct testing for a ~~period of at least 3 weeks~~ a three week period; ~~and~~
 - ~~7. Retain ownership of any intellectual property rights it has or develops in the process of participating in the pilot program.~~
- E. Pilot program report.** An interested contractor that participates in the pilot program; shall submit a report to the Department by April 15, 2002, that contains the following:
- 1. A general description of ~~what the interested contractor did, including any deviations~~ the testing;
 - 2. Any deviation from the letter of intent and notice to proceed, and any known instances instance of the interested contractor's noncompliance with state or local law;
 - 2. A demonstration that the procedures and technology used are effective for screening potential polluters;
 - 3. A demonstration of the actual test ~~times~~ time and testing volume capabilities of a roadside diesel testing system based on the pilot program that could be used to implement a program under A.R.S. §§ 49-542.06 and 49-542.07;
 - 4. An evaluation of the use of various screening cut points, database management and recordkeeping procedures, including any cooperation that may be necessary with the ~~Arizona department~~ Department of transportation Transportation;
 - 5. An evaluation of maximum allowable opacity cut points for each model year of ~~model~~ vehicle ~~covered to be tested~~; and
 - 6. An evaluation of the feasibility of a civil penalty system complying with A.R.S. § 49-542.07, including an enforcement database that tracks all citations, penalties, and payments by vehicle and driver.
- F.** A person may not participate in the procurement process for the roadside diesel testing program under A.R.S. § 49-542.06 unless the person ~~participated~~ participates in the pilot program. ~~In order for a person to have participated~~ Participating in the pilot program for the purpose of participating in the procurement process for the roadside diesel testing program under A.R.S. § 49-542.06, means the person ~~shall have~~:
- 1. ~~Received~~ Receives a notice to proceed under subsection (C)(2), and
 - 2. ~~Submitted~~ Submits the report required under subsection (E).

11. A summary of the principal comments and the agency responses to them:

ADEQ received two comment letters on the proposed rule, one from the Motor Vehicle Division of the Arizona Department of Transportation (MVD), and one from the Arizona Motor Transport Association (AMTA). Both letters made comments in a number of areas. Comments are combined below where possible.

Comment 1: MVD asked that ADEQ remove the reference to MVD in subsection (B) of the rule that reads: "The Department or any person may contract with the Motor Vehicle Division, or any local or state law enforcement agency, to perform roadside diesel tests under this Section to determine excessive smoke under A.R.S. § 28-955(C)." The commenter viewed this as a granting of authority not authorized under the statute.

Response 1: ADEQ has removed MVD from subsection (B). ADEQ still expects that MVD may be involved in the pilot program testing in a more peripheral manner, such as database sharing.

Comment 2: MVD asked what is a "responsible official".

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Response 2: “Responsible official” is defined in R18-2-301. ADEQ has added a definition of “responsible official in subsection (B) that references the definition in R18-2-301.

Comment 3: MVD asked what constitutes “a sufficient number and variety of vehicles”.

Response 3: ADEQ defines this phrase in the same sentence as sufficient “to justify the evaluations in the report required under subsection (E).” This general definition is adequate, since it isn’t necessary for ADEQ to determine whether the number of vehicles tested was sufficient for any purpose related to the pilot program. A contractor is deemed to have participated if he submits a report with the required evaluations. Sufficient vehicle tests merely goes to the reliability of the evaluations, which is relevant only after the pilot is finished. ADEQ believes that a more detailed definition of this phrase will limit the flexibility necessary to implement this program successfully.

Comment 4: MVD asked what the rule means by “potential polluter”.

Response 4: The phrase is used in the subsection describing the report section on screening methodologies. In that context, it means a vehicle that is likely to fail cutpoints yet to be established for the roadside diesel testing program using the J1667 procedure. ADEQ has purposely not established cutpoints or a particular probability of failure for potential polluter to allow maximum flexibility to the interested contractors in the pilot program and report.

Comment 5: MVD asked ADEQ to clarify the phrase “cooperation with ADOT” and asked whether it was even necessary to use the phrase if MVD was going to be removed from subsection (B) of the rule.

Response 5: ADEQ believes that both the authorizing statute and the rule use the phrase in the expectation that the program for roadside diesel testing under A.R.S. § 49-542.05 will require the contractor to have some sort of access to a portion of the MVD database related to titles and registration of Arizona vehicles tested, and driver’s licenses of the Arizona drivers of the those vehicles that fail subjecting the driver to possible citations under § 49-542.06. Currently, the contractor performing the annual and biennial testing of vehicles in areas A and B under § 49-542 engages in extensive cooperation with ADOT. This cooperation may be useful for certain testing strategies even if ADEQ removes the reference to MVD in subsection (B).

Comment 6: Both MVD and AMTA requested that the rule should give further guidance on safety.

Response 6: ADEQ has added language on safety to subsection (C)(1)(c).

Comment 7: Please clarify how the rule could increase revenues for MVD, as stated in the economic impact statement.

Response 7: ADEQ envisions that MVD’s assistance could be needed during the actual testing, as testing and enforcement personnel conduct the test under various testing and recordkeeping methodologies they may need titling, registration and driver licensing information. This information may also be needed at a later date, if and when fines are assessed.

Comment 8: In general, the standards for the pilot seem vague.

Response 8: ADEQ spent considerable time evaluating whether a number of specific, more detailed standards would be beneficial. In each case, ADEQ thought that it was more important to preserve flexibility to maximize participation. The core concept of a pilot program is to foster different and creative approaches. ADEQ believes that there is sufficient structure and detail in this rule for the purposes listed in subsection (A), but not too much so as to stifle participation.

Comment 9: The pilot program should be carried out in conjunction with other enforcement activities, and not stop vehicles just for the purpose of smoke testing.

Response 9: ADEQ does not wish to limit the flexibility of interested contractors in the pilot program, and has not prohibited stopping vehicles just for smoke testing.

Comment 10: The pilot program should not proceed if there are not at least two vendors.

Response 10: ADEQ has made considerable effort to encourage interest and participation in the pilot program, and ADEQ hopes that there will be 2 or more interested contractors that receive a notice to proceed. ADEQ is required to comply with § 19 of HB 2538 to administer this pilot program, and the session law contains no options in the event of only one participant.

Comment 11: The pilot program should not allow the testing of clean, or non-smoking vehicles simply to build a database.

Response 11: To promote flexibility, the final rule does not take a position on the testing of clean vehicles under the pilot program. The two relevant provisions, at subsections (E)(2) and (E)(4) of the rule, merely ask that the participants demonstrate the effectiveness of procedures and technology for screening potential polluters, and evaluate the use of various screening cutpoints.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their locations in the rules:

None

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL

ARTICLE 10. MOTOR VEHICLES; INSPECTION AND MAINTENANCE

Section

R18-2-1024. ~~Reserved~~ Pilot Program for Roadside Diesel Testing

ARTICLE 10. MOTOR VEHICLES; INSPECTION AND MAINTENANCE

R18-2-1024. ~~Reserved~~ Pilot Program for Roadside Diesel Testing

A. Purpose. This rule:

1. Establishes criteria for the pilot program required by Laws 2001, Chapter 371, Section 19;
2. Allows an interested contractor the opportunity to demonstrate testing procedures and technology to the Department over a minimum three-week period; and
3. Provides for the collection of data and information to enable the Department to submit a report to the diesel vehicle emissions testing study committee on roadside diesel testing.

B. Authority and Definitions. The Department or any person may contract with any local or state law enforcement agency, to perform roadside diesel tests under this Section to determine excessive smoke under A.R.S. § 28-955(C), or to assist in other services related to testing. For the purposes of this Section:

1. “Excessive smoke” means smoke with an opacity that exceeds the applicable standard in R18-2-1006(H)(1);
2. “Interested contractor” means a person, business, firm, partnership, or corporation that receive a notice to proceed for the roadside diesel testing pilot program under subsection (C)(2);
3. “Responsible official” has the meaning at R18-2-301; and
4. “Three week period” means a time interval containing at least 21 days of testing by an interested contractor according to this Section.

C. A pilot program is established to evaluate methods of determining excessive smoke under A.R.S. § 28-955. A person may participate in the pilot program if:

1. The person submits a letter of intent to the Department within 30 days after the effective date of this rule, demonstrating how the person will comply with subsection (D). The letter of intent shall contain all of the following:
 - a. Identification of the person, including a statement of qualifications describing technical capability, key personnel, experience, and any other information the person believes is relevant to implement the pilot program;
 - b. Identification of any subcontractor the person plans to use, including a statement of the subcontractor’s qualifications described in subsection (a);
 - c. The proposed methods, locations, and dates of testing, including an evaluation of how the methods, locations, and dates allow for trucks to be identified, stopped, and tested safely, without creating traffic congestion, or exposing drivers, enforcement and testing personnel, or the public to dangerous traffic or other harmful conditions;
 - d. Each proposed method of visually screening a vehicle for excessive smoke;
 - e. A copy of any agreement with an enforcement agency;
 - f. Each proposed method for communicating the nature and purpose of the pilot program and the right of a vehicle operator to refuse testing;
 - g. A statement by a responsible official, that the person, with any subcontractor, has the equipment, personnel, and experience necessary to conduct testing and produce a report as required by this Section;
 - h. The following language: “To the extent permitted by A.R.S. § 41-621 and § 35-154, [name of person] agrees to indemnify and hold harmless the state of Arizona for its vicarious liability for incidents arising out of implementation of this letter of intent”;
 - i. Evidence of financial responsibility including evidence of an insurance policy that covers any incident arising out of participation in the pilot program;
 - j. A description of a proposed system for data collection; and
 - k. A description of how the proposed pilot program will demonstrate a testing system that meets the requirements of A.R.S. §§ 49-542.06 and 49-542.07; and
2. The person receives a notice to proceed from the Department. The Department shall issue a notice to proceed to any person who submits a letter of intent that complies with subsection (1). The Department, with the consent of the per-

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son receiving the notice to proceed, may add conditions to the notice to proceed not contained in the letter of intent to enhance the pilot program.

D. Pilot program requirements.

1. An interested contractor participating in the pilot program retains ownership of any intellectual property rights it has or develops in the process of participating in the pilot program.
2. An interested contractor participating in the pilot program shall:
 - a. Not be paid a fee by the Department or by the operator of the vehicle;
 - b. Conduct the pilot program consistent with the letter of intent and notice to proceed, except that the interested contractor may vary from the terms of the letter of intent and notice with the advance written approval of the Department;
 - c. Employ procedures and equipment conforming to Society of Automotive Engineers standard J1667, as incorporated by reference in R18-2-1006(H)(1);
 - d. Not issue any citation for excessive smoke if a vehicle is stopped and tested;
 - e. Provide motorist advisory information at the time of testing;
 - f. Test a sufficient number and variety of vehicles, including apportioned vehicles, with a GVWR greater than 10,000 pounds operated in area A or B, to justify the evaluations in the report required under subsection (E); and
 - g. Conduct testing for at least a three week period.

E. Pilot program report. An interested contractor that participates in the pilot program, shall submit a report to the Department by April 15, 2002, that contains the following:

1. A general description of the testing;
2. Any deviation from the letter of intent and notice to proceed, and any known instance of the interested contractor's noncompliance with state or local law;
3. A demonstration that the procedures and technology used are effective for screening potential polluters;
4. A demonstration of the actual test time and testing volume capabilities of a roadside diesel testing system based on the pilot program that could be used to implement a program under A.R.S. §§ 49-542.06 and 49-542.07;
5. An evaluation of the use of various screening cut points, database management and recordkeeping procedures, including any cooperation that may be necessary with the Arizona Department of Transportation;
6. An evaluation of maximum allowable opacity cut points for each model year of vehicle to be tested; and
7. An evaluation of the feasibility of a civil penalty system complying with A.R.S. § 49-542.07, including an enforcement database that tracks all citations, penalties, and payments by vehicle and driver.

F. A person may not participate in the procurement process for the roadside diesel testing program under A.R.S. § 49-542.06 unless the person participates in the pilot program. Participating in the pilot program for the purpose of participating in the procurement process for the roadside diesel testing program under A.R.S. § 49-542.06, means the person:

1. Receives a notice to proceed under subsection (C)(2), and
2. Submits the report required under subsection (E).

NOTICE OF FINAL RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL

PREAMBLE

1. Sections Affected

- R18-2-1001
- R18-2-1003
- R18-2-1005
- R18-2-1006
- R18-2-1007
- R18-2-1009
- R18-2-1010
- R18-2-1011
- R18-2-1012
- R18-2-1014
- R18-2-1015
- R18-2-1016
- R18-2-1017
- R18-2-1018
- R18-2-1019

Rulemaking Action

- Amend
- Repeal
- Repeal
- Amend
- Amend
- Amend
- Amend

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R18-2-1020	Amend
R18-2-1025	Amend
R18-2-1027	Amend
Table 2	Amend
Table 3	Amend
Table 6	Repeal

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 49-104(A)(11), 49-425, 49-447, and 49-542

Implementing statutes: A.R.S. §§ 49-104(A)(11), 49-541, 49-542, and 49-543

3. The effective date of the rules:

January 1, 2002

4. List of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 7 A.A.R. 3850, August 31, 2001

Notice of Proposed Rulemaking: 7 A.A.R. 4055, September 14, 2001

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Mark Lewandowski

Address: Department of Environmental Quality
3033 N. Central
Phoenix, AZ 85012-2809

Telephone: (602) 207-2230 (Extension may be reached in-state by dialing 1-800-234-5677, and asking for that extension.)

Fax: (602) 207-2366

6. An explanation of the rule, including the agency's reasons for initiating the rule:

Summary. The Arizona Department of Environmental Quality (ADEQ) has made changes to its vehicle emissions rules in order to implement OBD (On-Board Diagnostics) testing for 1996 and newer light-duty vehicles in Areas A and B. Areas A and B are defined in A.R.S. § 49-541. In addition, ADEQ has made other minor technical changes to the vehicle emissions rules.

OBD. OBD capability was required in the Clean Air Act Amendments of 1990. In an EPA regulation promulgated on August 6, 1996, OBD testing became an element of vehicle inspection and maintenance (I/M) programs required for both basic and enhanced programs as part of the mandatory, periodic inspection. Ongoing studies, dialog with manufacturers, and real-world experience with OBD testing caused EPA to amend the I/M rule in 1998, and again in 2001. In the 2001 rule, EPA extended the deadlines for I/M programs to adopt OBD testing from January 1, 2001 to January 1, 2002. (66 FR 18156, 04/05/2001). That rule also contains some flexibility for states to delay implementation of OBD for 1 year.

In 1993, the Arizona Legislature enacted HB 2001, in special session, allowing ADEQ to require any vehicle to take and pass an on-board diagnostic check according to the Clean Air Act (CAA). In 2000, the Legislature enacted HB 2104 (Ch. 404), specifically allowing ADEQ to require OBD testing for newer light duty vehicles in area A, but changing OBD testing to advisory only in area B. In 2001, HB 2538 (Ch. 371) authorized ADEQ to require OBD testing in area B as well.

OBD testing is essentially a result of the vehicle's OBD specific computer performing continuous emission tests during normal operation. The computer checks a number of systems (differing by vehicle and model year) for malfunctions or deterioration that would render the vehicle incapable of complying with the emission standards established for the vehicle. Specifically, the on-board diagnostic system must be capable of identifying catalyst deterioration, engine misfire, oxygen sensor deterioration, and any other deterioration or malfunction within the powertrain which could cause emission increases greater than or exceeding the threshold levels established in 40 CFR 86.094-17.

A malfunction indicator light (MIL) located in the dashboard of the vehicle is required to be illuminated when the OBD system detects malfunctions. The purpose of the MIL is to inform the vehicle operator of the need for service when the vehicle is operating under potentially high emitting conditions. Once illuminated to indicate a malfunction, the MIL must remain illuminated during all periods of engine operation until the trouble codes stored in the on-board computer are cleared by a service technician or after repeated reevaluation by the OBD system fails to detect a recurrence of the problem. The EPA regulations allow the OBD system to extinguish the MIL after three subsequent driving cycles of similar operation in which a system fault does not reoccur. Similar operating conditions are defined as being within ten percent of the load condition and 375 rpm with the same engine warm-up status that existed when the malfunction was first determined (40 CFR 86.094-17).

Codes indicating the likely problem are stored in the vehicle's on-board computer for ready access by technicians, enabling proper diagnosis and repair. The CAA requires that OBD system information be unrestricted and accessible to anyone via standardized connectors without requiring access codes or any device only available from the manufacturer. Further, the OBD system information must be usable without need for any unique decoding information or device. EPA allows the computer-stored fault codes to be cleared after forty engine warm-up cycles if the same fault is not reregistered.

Under EPA regulations, OBD systems must allow an inspector to scan for stored malfunction codes at the time of the periodic I/M test by simply attaching a computerized scan tool to the standardized plug provided on all OBD-equipped vehicles. The presence of one or more emissions-related codes in a vehicle's OBD system will indicate current or recent existence of a malfunction with the potential to cause high emissions. Furthermore, current emissions problems are also indicated if the MIL is commanded to be illuminated by the OBD system. If the MIL is commanded to be illuminated and an emissions-related code is present, the vehicle must fail the I/M OBD inspection and be required to obtain the repair indicated by the malfunction code.

On-board diagnostic system inspections are intended to improve the accuracy of I/M programs, thus enhancing air quality benefits. The short emission tests used in I/M programs allow some vehicles that need repair to nevertheless "pass" the test. In addition, visual inspections of emission control devices can only determine presence and possibly proper connection but do not necessarily establish that the devices are functioning properly.

The OBD system check procedures added in this rule at R18-2-1006(E)(3) and R18-2-1006(F)(3) follow the latest EPA guidance published in June, 2001. The guidance, "Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program", is incorporated by reference in the rule, and incorporates several key recommendations made to EPA by the OBD Workgroup, which is part of the Mobile Source Technical Review Committee, established under the Federal Advisory Committee Act (FACA). This guidance was also developed by drawing from the experiences of several states that are currently performing some form of OBD-based inspection. As of June 2001, ten states (New York, California, Colorado, Alaska, Illinois, Wisconsin, Vermont, Oregon, Maine, and Utah) were performing some form of vehicle OBD system check and at least three other states (Indiana, New Hampshire, and Georgia) were actively moving towards early implementation of vehicle OBD system checks. The development of the guidance was also aided by comments received from stakeholders in response to an earlier draft guidance released for public comment in December, 2000.

Interrogation of the OBD system provides another means of identifying vehicles in need of repair. It also enables more accurate and efficient repairs by identifying vehicle components responsible for emission increases. OBD testing has several other advantages to traditional tailpipe testing. It is quicker, less intrusive, and can detect vehicle emissions defects before they show up at the tailpipe.

This rule has an effective date of January 1, 2002. OBD testing will take place biennially in Phoenix, where it replaces the biennial IM147 test, and annually in Tucson, where it replaces the annual loaded cruise test. ADEQ has not changed the existing waiver procedures as a result of OBD. As with all other vehicles, only one waiver per vehicle lifetime is allowed.

Other Changes. In a number of Sections, the "evaporative integrity test" has been renamed the "evaporative pressure test", so as to conform to EPA guidance and regulation. The test procedure itself remains unchanged.

Alternative fuel vehicle test procedures have been clarified at R18-2-1003(B)(10)(b) and R18-2-1006(D) to conform recent statutory changes at A.R.S. §§ 49-542(J)(2) and 49-542.05 (SB1004, 7th Sp. Session, 2000).

18-2-1014, R18-2-1015, and Table 6 have been repealed because the programs have been discontinued and the statutory authority no longer exists.

The format of Table 2 has been changed to make it easier to read. None of the values in the table have been changed.

7. A reference to any study that the agency relied on in its evaluation of or justification for the final rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. Summary of the economic, small business, and consumer impact:

Rule Identification

Title 18, Chapter 2: R18-2-1001, R18-2-1003, R18-2-1005, R18-2-1006, R18-2-1007, R18-2-1009, R18-2-1010, R18-2-1011, R18-2-1012, R18-2-1014, R18-2-1015, R18-2-1016, R18-2-1017, R18-2-1018, R18-2-1019, R18-2-1020, R18-2-1025, R18-2-1027, Table 2, Table 3 and Table 6

This rule allows implementation of a new emissions test in both area A and area B. What is known about OBD testing in an actual I/M testing environment comes from experiences of other states that have just recently added OBD testing to their I/M programs. Little data are directly applicable to Arizona because testing procedures vary. Neverthe-

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less, ADEQ expects that OBD testing will be somewhat quicker and less costly for the contractor to implement and will alleviate the need for added infrastructure and higher test fees in the future as more and more vehicles become subject to OBD testing. In CY 2002, it is estimated that 180,000 MY 96 and 97 vehicles will be tested with OBD instead of IM147 in area A. This is about 22% of the total IM147 vehicle base. In area B in CY 2002, ADEQ estimates that 64,000 MY 96 or 97 vehicles will be tested with OBD instead of the loaded cruise test.

The contractor should be able to reduce up to 1.5 minutes testing time on the average 1996 or 1997 OBD-equipped vehicle. Average test time for OBD is expected to be 4 minutes; the current average for 1996 vehicles taking the IM147 is approximately 5.5 minutes. A primary benefit, therefore, from implementing OBD is increased throughput, which in effect increases network capacity. This ultimately keeps test fees down over the life of the contract since the network can be smaller and more efficient. The contractor's cost of testing, in addition to the time factor, includes deterioration of test equipment. The time spent testing the vehicle includes personnel time and throughput time. The types of equipment experiencing deterioration include dynamometers, analyzers, blower systems, hoses etc. With OBD, deterioration is confined to cabling and plugs.

Partially offsetting these long-term benefits are one-time costs for transition, such as equipping each lane with OBD test equipment, software development, and system integration and testing. However, because the number of vehicles being tested with OBD will increase each year, the benefits should exponentially outgrow the costs.

Based on analysis of data from Wisconsin, the EPA has initially indicated that vehicle failure rates should be the same with OBD as with IM240 tests. The IM147 test required for area A is similar to the IM240 test. Thus, ADEQ expects no impact on vehicle owners from a change in failure rates. It should be noted that the current failure rate for vehicles subject to the IM147 test is less than 1%. However, this rate will gradually increase as the subject vehicle population ages, because older vehicles are more likely to fail the test.

Finally, ADEQ expects that OBD testing will have no impact or a minimally positive impact on average repair costs for owners of 1996 and newer OBD equipped vehicles that fail Arizona's I/M test. This is because OBD can eliminate some of the more subjective decisions sometimes made by repair technicians who interpret tailpipe readings from IM147 test results (in Phoenix) and loaded cruise test results (in Tucson), without consulting the vehicle's OBD system. While the IM147 tailpipe test and loaded cruise test identify a vehicle as failing for a given pollutant by sampling the exhaust, the OBD test identifies specific systems or components in need of repair or replacement. The current estimated average repair cost for owners of 1996 and newer vehicles failing an I/M test is \$189. (The average repair cost sample is rather small. Out of 9782 tested in the first 8 months of 2001, only 55 failed.)

Other Changes. As noted in the preamble, alternative fuel vehicle test procedures have been clarified at R18-2-1003(B)(10)(b) and R18-2-1006(D) to conform to recent statutory changes at A.R.S. §§ 49-542(J)(2) and 49-542.05 (SB1004, 7th Sp. Session, 2000, effective Dec. 14, 2000). The statutory changes, which are already being implemented, require that these vehicles be tested before registration, and if able to operate on more than the alternative fuel, tested both while operating on gasoline and while operating on the alternative fuel. The changes to the rules make the rules conform to the statutory changes but have no additional or independent economic impact. Based on current estimates of alternative fuel vehicles already tested, the changes will affect approximately 5,000 alternative fueled vehicles per year in areas A and B.

Minor technical changes have been made to R18-2-1019(B) which lists equipment required at licensed fleet inspection stations. The subsection has been reorganized based on the type of vehicle tested, but no new equipment is required and a number of archaic equipment requirements have been removed. ADEQ expects no economic impact to fleets based on this change.

Impact on small business.

Automotive technicians, mechanics and vehicle repair shop owners are a significant group of small businesses that can be affected by changes in the vehicle emissions inspection program. In the 1995 economic census, the US Bureau of the Census recorded 3,104 Arizona business establishments in the vehicle repair industry employing 21,427 people with a combined annual payroll of \$404.2 million. More than three-quarters (77.6%) of these establishments are located in Maricopa and Pima counties.

All failed vehicles require repairs and the primary beneficiaries of this requirement are people employed in vehicle repair businesses. However, as indicated above, ADEQ expects no change in failure rates as a result of implementing OBD, and, as a result, expects no impact on these small businesses.

The statutory changes requiring earlier testing of alternative fuel vehicles may have an impact on small businesses because of earlier failures for some alternative vehicles. There may be small business converters of these vehicles who would have the primary responsibility to repair an emission failure.

As a result of this rule, the general public will receive cleaner air and health-related benefits because of reduced emissions of carbon monoxide, nitrogen oxides, volatile organic compounds, and PM 10. In addition, the state of Arizona is less likely to be subject to sanctions under the Clean Air Act. These sanctions carry the potential of large losses of federal highway funds, and further reductions in the ability of industry to locate in the nonattainment area.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The following changes were made between the proposed and final rules:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL

ARTICLE 10. MOTOR VEHICLES; INSPECTION AND MAINTENANCE

Section

- R18-2-1001. Definitions
- R18-2-1003. Vehicles to be Inspected by the Mandatory Vehicular Emissions Inspection Program
- R18-2-1005. Time of Inspection
- R18-2-1006. Emissions Test Procedures
- R18-2-1007. Evidence of Meeting State Inspection Requirements
- R18-2-1009. Tampering Repair Requirements
- R18-2-1010. Low Emissions Tune-up, Emissions, and Evaporative System Repair
- R18-2-1011. Vehicle Inspection Report
- R18-2-1012. Inspection Procedures and Fee
- R18-2-1016. Licensing of Inspectors
- R18-2-1017. Inspection of ~~Governmental~~ Government Vehicles
- R18-2-1018. Certificate of Inspection
- R18-2-1019. Fleet Station Procedures and Permits
- R18-2-1020. Licensing of 3rd Party Agents; Issuing Alternative Fuel Certificates
- R18-2-1025. Inspection of Contractor's Equipment and Personnel
- R18-2-1027. Registration and Inspection of ~~Emission~~ Emissions Analyzers and Opacity Meters
- Table 2. ~~Emission~~ Emissions Standards - Annual Tests
- Table 3. ~~Emission~~ Emissions Standards - Transient Loaded ~~Emission~~ Emissions Tests

ARTICLE 10. MOTOR VEHICLES; INSPECTION AND MAINTENANCE

R18-2-1001. Definitions

In this Article, unless the context otherwise requires:

1. Abbreviations and symbols are as follows:
 - a. "A/F" means air/fuel,
 - b. "CO" means carbon monoxide,
 - c. "CO₂" means carbon dioxide,
 - d. "EGR" means exhaust gas recirculation,
 - e. "GVWR" means gross vehicle weight rating,
 - f. "HC" means hydrocarbon,
 - g. "HP" means horsepower,
 - h. "LNG" means liquefied natural gas,
 - i. "LPG" means liquid petroleum gas,
 - j. "MIL" means malfunction indicator lamp,
 - k. "MPH" means miles per hour,
 - l. "MVD" means the Motor Vehicle Division of the Arizona Department of Transportation,
 - m. "NDIR" means nondispersive infrared,
 - n. "NO_x" means the sum of nitrogen oxide and nitrogen dioxide,
 - o. "%" means percent,
 - p. "OEM" means original equipment manufacturer,
 - q. "OBD" means on-board diagnostics,
 - r. "PCV" means positive crankcase ventilation,
 - s. "PPM" means parts per million by volume,
 - t. "RPM" means revolutions per minute, and
 - u. "VIN" means vehicle identification number.
2. "Annual test" means any vehicle emissions test that is not a biennial test.
3. "Apportioned vehicle" means a vehicle that is subject to the proportional registration provisions of A.R.S. § 28-2233.
4. "Area A" has the ~~same~~ meaning as in A.R.S. § 49-541.
5. "Area A vehicle" means a motor vehicle subject to ~~emission~~ emissions inspection and that is:
 - a. Registered or to be registered within area A;

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- b. Owned by or leased to a person having a valid fleet permit and customarily kept in area A;
 - c. A government vehicle customarily kept in area A;
 - d. Used to commute to the driver's principal place of employment located in area A; or
 - e. Parked, will be parked, or is the subject of a parking permit application at an institution located in area A and subject to the requirements of A.R.S. §§ 15-1444(C) or 15-1627(G).
6. "Area B" has the ~~same~~ meaning as in A.R.S. § 49-541.
 7. "Area B vehicle" means a motor vehicle subject to ~~emission~~ emissions inspection and that is:
 - a. Registered or to be registered within area B;
 - b. Owned by or leased to a person having a valid fleet permit and customarily kept in area B;
 - c. A government vehicle customarily kept in area B;
 - d. Used to commute to the driver's principal place of employment located in area B; or
 - e. Parked, will be parked, or is the subject of a parking permit application at an institution located in area B and subject to the requirements of A.R.S. §§ 15-1444(C) or 15-1627(G).
 8. "Biennial test" means the transient loaded ~~emission~~ emissions test and evaporative system tests required under R18-2-1006(E)(2), or the OBD test for area A vehicles under R18-1006(E)(3).
 9. "Calibration gas" means a gas with assigned concentrations of CO, hexane, or ~~CO(2)~~CO₂ that is used by a state inspector to check the accuracy of emissions analyzers.
 10. "Certificate of compliance" means a serially numbered document issued by a state station at the time of a vehicle inspection indicating that the vehicle has met the emissions standards.
 11. "Certificate of exemption" means a serially numbered ~~certificate~~ document issued by the Director exempting a vehicle from inspection that is not available within the state for an inspection during the 90 days before the emissions compliance expiration date.
 12. "Certificate of inspection" means a serially numbered document issued by the Director indicating that a vehicle has been inspected under A.R.S. § 49-546 and has passed inspection.
 13. "Certificate of waiver" means a serially numbered document issued by the Department or a fleet inspector other than an auto dealer licensed to sell used motor vehicles under A.R.S. Title 28, indicating that the requirement of passing reinspection has been waived for a vehicle under A.R.S. § 49-542.
 14. "Conditioning mode" means either a fast idle condition or a loaded condition as defined in this Section.
 15. "Constant 4-wheel drive vehicle" means any 4-wheel drive vehicle ~~with 4 wheels and~~ that cannot be converted to 2-wheel drive except by disconnecting ~~one~~ one of the vehicle's drive shafts.
 16. "Constant volume sampler" means a system that dilutes engine exhaust to be sampled with ambient air so that the total combined flow rate of exhaust and dilution air mix is nearly constant for all engine operating conditions.
 17. "Contractor" means a person, business, firm, partnership, or corporation with whom the Director has a contract that provides for the operation of ~~one~~ one or more official emissions inspection stations.
 18. "Curb idle test" means an exhaust emissions test conducted with the engine of the vehicle running at the manufacturer's idle speed ± 100 RPM but without pressure exerted on the accelerator.
 19. "Curb weight" means a vehicle's unloaded weight without fuel and oil plus 300 pounds.
 20. "Dealer" means a person or organization licensed by the Arizona Department of Transportation as a new motor vehicle dealer, used motor vehicle dealer, or motorcycle dealer.
 21. "Department" means the Department of Environmental Quality.
 22. "Director" means the Director of the Department of Environmental Quality.
 23. "Director's certificate" means a serially numbered document issued by the Director in ~~special~~ certain circumstances ~~that the Director deems inappropriate~~ for the vehicle to show evidence of meeting the minimum standards for registration or reregistration under R18-2-1019 or R18-2-1022.
 24. "Electrically-powered vehicle" means a vehicle that ~~both~~ uses electricity as the means of propulsion and does not require the combustion of fossil fuel within the confines of the vehicle ~~in order~~ to generate electricity.
 25. "Emissions compliance expiration date" means:
 - a. Each registration expiration date for ~~vehicles~~ a vehicle subject to ~~an annual tests test~~; and
 - b. The registration expiration date in the ~~2nd~~second year after the initial biennial test required under this Article or R18-2-1005(B) for ~~vehicles~~ a vehicle subject to ~~a biennial tests test~~.
 26. "Emissions inspection station permit" means a certificate issued by the Director authorizing the holder to perform vehicle emissions inspections under this Article.
 27. "Exhaust emissions" means products of combustion emitted into the atmosphere from any opening in the exhaust system downstream of the exhaust ports of a motor vehicle engine.
 28. "Exhaust pipe" means the pipe that attaches to the muffler and exits the vehicle.
 29. "Fast idle condition" means to operate a vehicle by running the engine at 2,500 RPM, ± 300 RPM, for up to 30 seconds, with the transmission in neutral, to prepare the vehicle for a subsequent curb idle test.

30. "Fast pass or fast fail algorithm" means a procedure in a vehicle ~~emission~~ emissions testing system that logically determines whether a vehicle will pass or fail the transient loaded ~~emission~~ emissions test under R18-2-1006(E)(2) before the test is over.
31. "Fleet emissions inspection station" or "fleet station" means any vehicle emissions inspection facility operated under a permit issued under A.R.S. § 49-546.
32. "Fuel" means any material that is burned within the confines of a vehicle to propel the vehicle.
33. "Four-stroke vehicle" means a vehicle equipped with an engine that requires two revolutions of the crankshaft for each piston power stroke.
34. "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, has an unladen weight less than 1,300 pounds, is designed to be and is operated at not more than 15 MPH, and is designed to carry golf equipment and persons.
35. "Government vehicle" means a registered motor vehicle exempt from the payment of a registration fee, or a federally owned or leased vehicle.
36. "Gross vehicle weight rating" (GVWR) means the maximum vehicle weight that ~~the~~ a vehicle is designed for as established by the manufacturer.
37. "Inspection" means the mandatory vehicle emissions inspection including the tampering inspection.
38. "Inspection sticker" means a self-adhesive, serially numbered rectangular sticker indicating a government vehicle has met Arizona emissions inspection requirements.
39. "Loaded condition" means to condition a vehicle by running the vehicle on a chassis dynamometer at a specified speed and load for no more than 30 seconds to prepare the vehicle for a subsequent curb idle test.
40. "Loaded cruise test" means an exhaust emissions test conducted on a chassis dynamometer under R18-2-1006(E)(1)(a) and (F)(2)(a).
41. "Mass ~~emission~~ emissions measurement" means measurement of a vehicle's exhaust in mass units such as grams.
42. "Model year" means the date of manufacture of the original vehicle within the annual production period of the vehicle as designated by the manufacturer or, if a reconstructed vehicle, the ~~first~~ first year of titling.
43. "MOL percent" means the percent, by volume, that a particular gas occupies in a mixture of gases at a uniform temperature.
44. "Motorcycle" means a motor vehicle, other than a tractor, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground.
45. "Motorhome" means a vehicle built on a truck or bus chassis and equipped as a self-contained traveling home.
46. "New aftermarket catalytic converter" or "new aftermarket converter" means a catalytic converter, except for an OEM, that meets the standards under 40 CFR 86.
47. "Official emissions inspection station" means an inspection facility, other than a fleet emissions inspection station, whether placed in a permanent structure or in a mobile unit for conveyance to various locations within the state, for the purpose of conducting inspections under A.R.S. § 49-542.
48. "~~On-Board Diagnostics Test~~ On-board diagnostics test" means a method of emissions testing using the on-board computer systems of a 1996 and or newer vehicles vehicle, to diagnose and report on the status of ~~engine~~ the engine's ~~emission~~ emissions systems by connecting a scan tool to the vehicle's ~~diagnostic~~ data link connector.
49. "Opacity" means the degree of absorption of transmitted light.
50. "Operational air pump" means an air injection system (~~AIS~~) to supply additional ~~oxygen~~ (~~air~~) into the exhaust system to promote further oxidation of HC and CO gases and to assist in catalytic reaction.
51. "Person" means the federal government, state, or any federal or state agency or institution, any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.
52. "Reconditioned OEM catalytic converter" or "reconditioned OEM converter" means a used OEM reconditioned equivalent or an OEM converter that has had the pellets replaced with new or used OEM equivalent pellets and that also meets the standards under 40 CFR 86.
53. "Recognized repair facility" means a business with an Arizona transaction privilege (~~sales~~) tax license whose primary purpose is vehicle repair, and ~~having~~ who has at least ~~one~~ one employee with a nationally recognized certification for emissions-related diagnosis and repair.
54. "Reconstructed vehicle" means:
 - a. A reconstructed special as identified by the code letters "SP" on the section of the vehicle's Arizona registration card or Arizona certificate of title reserved for identification of the vehicle's style; or
 - b. A vehicle in which the vehicle style is not shown on the Arizona registration card or certificate of title, and the original manufacturer of the complete vehicle cannot be identified from the body.
55. "Standard gases" means gases maintained as a primary standard for determining the composition of working gases, calibration gases, or the accuracy of an emissions ~~analyzers~~ analyzer.
56. "State inspector" means an employee of the Department designated to perform quality assurance or waiver functions under this Article.

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57. "State station" means an official emissions inspection station operated by a contractor.
58. "Tampering" means removing, defeating, or altering an emissions control device that was installed on a vehicle at the time the vehicle was manufactured. For the purposes of this Article, defeating includes failure to repair any malfunctioning emission control system or device.
59. "Two-stroke vehicle" means a vehicle equipped with an engine that requires ~~one~~ one revolution of the crankshaft for each power stroke.
60. "Unloaded fast idle test" means an exhaust emissions test conducted with the engine of the vehicle running at 2,500 RPM.
61. "Vehicle" means any automobile, truck, truck tractor, motor bus, or self-propelled or motor-driven vehicle registered or to be registered in this state and used upon the public highways of this state for the purpose of transporting persons or property, except implements of husbandry, roadrollers, or road machinery temporarily operated upon the highway.
62. "Vehicle emissions inspector" means an individual who is licensed by the Director to perform vehicle emissions inspections under this Article.
63. "Working gases" means gases maintained to perform periodic calibration of an emissions analyzer ~~analyzers~~.

R18-2-1003. Vehicles to be Inspected by the Mandatory Vehicle Emissions Inspection Program

- A. The following vehicles shall be inspected according to this Article at a state station or a fleet station unless exempted by subsection (B):
1. A vehicle to be registered or reregistered within area A or area B for highway use. For the purposes of this Article, registration or reregistration within area A or area B shall be determined by the vehicle owner's permanent and actual residence. The permanent address in the MVD database shall be presumed to be the owner's permanent and actual residence. A post office box address listed on a title or registration document under A.R.S. § 28-2051(C) is not evidence of the owner's permanent and actual residence;
 2. Each vehicle delivered to a ~~retail purchaser~~ purchaser by a dealer licensed to sell used motor vehicles for highway use under A.R.S. Title 28 and whose place of business is located in area A or area B;
 3. Each vehicle registered outside area A and area B but used to commute to the driver's principal place of employment located within area A or area B;
 4. Each vehicle owned by a person who is subject to A.R.S. §§ 15-1444(C) or 15-1627(G); and
 5. An area A or area B vehicle located out-of-state for more than 90 days before vehicle registration expiration shall be emissions tested at an official emissions inspection testing center in the area where it is located. If no official emissions testing program is available in the area for that vehicle, the vehicle shall meet the testing requirements under this Article within 15 calendar days of returning to Arizona.
- B. The following vehicles are exempt from the inspection requirements of this Article:
1. A vehicle manufactured in or before the 1966 model year;
 2. A vehicle leased to a person residing outside area A and area B by a leasing company whose place of business is in area A or area B, except as provided in subsection (A)(3);
 3. A vehicle sold between motor vehicle dealers;
 4. An electrically-powered vehicle;
 5. An apportioned vehicle;
 6. A golf cart;
 7. A vehicle with an engine displacement of less than 90 cubic centimeters;
 8. A vehicle registered at the time of change of name of ownership except when:
 - a. The change in registration is accompanied by the required ~~fees~~ fee for the year following expiration of the prior registration, or
 - b. The change results from the sale by a dealership whose place of business is located in area A or area B;
 9. A vehicle for which a current certificate of exemption or Director's certificate ~~has been~~ is issued;
 10. ~~Vehicles~~ A vehicle of a model year the same as, or newer than, the current calendar year and ~~vehicles~~ a vehicle of the prior ~~four~~ four model years, except:
 - a. ~~Reconstructed vehicles~~ A reconstructed vehicle;
 - b. ~~An Alternative~~ alternative fuel ~~vehicles~~ vehicle, as defined in A.R.S. § 43-1086, and
 - c. ~~Vehicles~~ A vehicle failing an emissions inspection the owner chooses to have under A.R.S. § 49-543.
 11. ~~Vehicles~~ A vehicle designed to operate exclusively on hydrogen, as defined in A.R.S. § 1-215.
- C. Government vehicles operated in area A or area B and not exempted by this Article shall be emissions inspected according to R18-2-1017.

R18-2-1005. Time of Inspection

- A. ~~All area B vehicles, area~~ Area A vehicles subject to an annual test, all area B vehicles, and vehicles sold or offered for sale by dealers required to be inspected under R18-2-1003, shall be inspected at the following times:
1. For ~~vehicles~~ a vehicle not covered by a fleet station permit, within 90 days before each registration expiration date.
 2. For ~~vehicles~~ a vehicle sold by a dealer licensed to sell used motor vehicles under A.R.S. Title 28, whose place of business is located in area A or area B, before delivery of the vehicle to the retail purchaser.

3. For ~~a~~ ~~consignment vehicles~~ vehicle offered for sale by a dealer licensed to sell used motor vehicles under A.R.S. Title 28 whose place of business is located in area A or area B, before delivery of the vehicle to the retail purchaser. ~~Such~~ The ~~consignment vehicles~~ vehicle shall be inspected at a state station according to R18-2-1006.
 4. For government vehicles:
 - a. For ~~vehicles~~ a vehicle not exempt under R18-2-1003(B)(10), within 12 months after acquisition by the operating entity and ~~then~~ annually thereafter, on or before the anniversary date of the previous inspection; and
 - b. For ~~vehicles~~ a vehicle ~~temporarily~~ exempt under R18-2-1003(B)(10), within 90 days after the vehicle becomes subject to testing, and ~~then~~ annually thereafter, on or before the anniversary date of the previous inspection.
 - c. ~~The~~ A ~~vehicle becomes~~ is subject to testing on the anniversary of its date of acquisition.
 5. For ~~vehicles~~ a vehicle owned by or leased to a person having a valid fleet station permit, at least once within each 12-month period following any original registration or reregistration.
 6. For ~~vehicles~~ a vehicle to be registered in area A or area B under conditions not specified in ~~subsections~~ subsection (1) through (5), within 90 days before registration.
 7. For ~~vehicles~~ a vehicle registered outside area A and area B and used to commute to the driver's principal place of work located in area A or area B, upon vehicle registration or reregistration.
 8. For ~~vehicles~~ a vehicle owned by ~~persons~~ a person subject to A.R.S. §§ 15-1444(C) or 15-1627(G), within 30 calendar days following the date of initial registration at the institution located in area A or area B and annually thereafter.
 9. For ~~vehicles~~ a vehicle issued a certificate of exemption under R18-2-1023, within 15 calendar days after returning to Arizona, unless an official emissions inspection document from the out-of-state emissions inspection station ~~was~~ is submitted with the request for exemption.
- B. Area** ~~An area A~~ ~~vehicles~~ vehicle subject to a biennial test shall be inspected at the following times:
1. For ~~vehicles~~ a vehicle not covered by a fleet station permit, within 90 days before the vehicle's emissions compliance expiration date.
 2. For ~~a~~ government ~~vehicles~~ vehicle;
 - a. For ~~vehicles~~ a vehicle not exempt under R18-2-1003(B)(10), within 12 months after acquisition by the operating entity, and biennially thereafter, on or before the anniversary date of the previous inspection; and
 - b. For ~~vehicles~~ a vehicle ~~temporarily~~ exempt under R18-2-1003(B)(10), within 90 days after the vehicle becomes subject to testing, and biennially thereafter, on or before the anniversary date of the previous inspection.
 - c. The vehicle becomes subject to testing on the anniversary of its date of acquisition.
 3. For ~~vehicles~~ a vehicle owned by or leased to a person having a valid fleet station permit, at least once within each successive 24-month period following original registration.
 4. For ~~vehicles~~ a vehicle registered outside area A but used to commute to the driver's principal place of work located in area A, upon vehicle registration and biennially thereafter.
 5. For ~~vehicles~~ a vehicle owned by ~~persons~~ a person subject to A.R.S. §§ 15-1444(C) or 15-1627(G), within 30 days following the date of initial registration at the institution located in area A and biennially thereafter.
 6. For ~~vehicles~~ a vehicle to be registered as area A vehicles under conditions not specified in ~~subsections~~ subsection (1) through (5), upon initial registration and within 90 days before the vehicle's emissions compliance expiration date thereafter.
 7. For ~~vehicles~~ a vehicle issued a certificate of exemption under R18-2-1023, within 15 calendar days after returning to Arizona, unless an official emissions inspection document indicating compliance with the emissions requirements from the out-of-state emissions inspection station is submitted with the request for exemption.
- C.** ~~Unless exempted by R18-2-1003(B), a~~ A used vehicle not registered as an area A or area B vehicle shall be inspected according to this Article before registration as an area A or area B vehicle unless exempted by R18-2-1003(B).
- D.** An area B vehicle being registered in area A is subject to the appropriate annual or biennial test from area A before registration even if the emissions compliance period for area B has not yet expired.
- E.** ~~New~~ A new ~~vehicles~~ vehicle that ~~are temporarily~~ is exempt from ~~emission~~ emissions testing under R18-2-1003(B)(10), ~~except alternative fuel vehicles as defined in A.R.S. § 43-1086, and~~ subject to either an annual or biennial test, shall be tested before registration in the calendar year that exceeds the vehicle's model year by ~~five~~ five years.
- F.** Nothing in this Section shall be construed to waive a late registration fee because of failure to meet inspection requirements by the registration deadline, except that a motor ~~vehicles failing~~ vehicle that fails the initial or subsequent test shall not be subject to a penalty fee for late registration renewal if:
1. The initial test is accomplished before the emissions compliance expiration date, and
 2. The registration renewal is received by MVD within 30 days of the initial test.
- G.** ~~An owner of a~~ An owner of a vehicle subject to subsection (A)(1), (A)(6), (B)(1), or (B)(6) may ~~be submitted for a voluntary~~ submit the vehicle for emissions inspection more than 90 days before the emissions compliance expiration date ~~on payment of the inspection fee. A voluntary~~ but the inspection is not compliance with ~~does not satisfy~~ the registration or reregistration testing requirement under R18-2-1003.

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R18-2-1006. Emissions Test Procedures

- A. Each vehicle inspected at a state station shall be visually inspected before the emissions test for the following unsafe or untestable conditions:
1. A fuel leak that causes wetness or pooling of fuel;
 2. A continuous engine or transmission oil leak onto the floor;
 3. A continuous engine coolant leak onto the floor such that the engine ~~has overheated~~ is overheating or may overheat within a short time;
 4. ~~The A~~ A vehicle ~~has with~~ with a tire on a driving wheel with less than 2/32-inch tread, with metal protuberances, unmatched tire size, with obviously low tire pressure as determined by visual inspection, or any other condition that precludes a loaded test for reasons of personnel, equipment, or vehicle safety;
 5. An exhaust pipe that does not exit the rear or side of the vehicle to allow for safe exhaust probe insertion.
 - ~~6.~~ 6. An exhaust pipe on a diesel-powered vehicle that does not allow for safe exhaust probe insertion and attachment of opacity meter sensor units;
 - ~~6-7.~~ 7. Improperly operating brakes;
 - ~~7-8.~~ 8. Any vehicle modification; or mechanical condition that prevents dynamometer operation; and
 - ~~8-9.~~ 9. Any other condition deemed unsafe or untestable by the inspector, including loud internal engine noise or an obvious exhaust leak.
- B. A vehicle emissions inspection shall not be performed by an official emissions inspection station on any vehicle towing a heavily loaded trailer, carrying a heavy load, loaded with explosives, or loaded with any hazardous material not used as fuel for the vehicle.
- C. Any vehicle unsafe or otherwise untestable as determined by the visual inspection shall be rejected without an emissions test. ~~Vehicle owners or drivers shall be notified~~ The inspector shall notify the vehicle owner or operator of all unsafe conditions found on rejected vehicles. ~~A fee shall not be charged~~ The state station shall not charge a fee if the vehicle is rejected ~~at a state station~~. ~~The contractor shall not conduct an emissions test~~ shall not be conducted on a vehicle rejected for a safety reason or any other untestable condition until the cause for rejection is repaired.
- D. When conducting the emissions test ~~procedure~~ required by this Section, the vehicle emissions inspector shall meet all of the following requirements ~~shall be met~~:
1. ~~All vehicles~~ The vehicle shall be tested in the condition presented, unless rejected under subsection (A), (B), or (C). The vehicle's engine shall be operating at normal temperature and not be overheating as indicated by a gauge, warning light, or boiling radiator. All of the vehicle's accessories shall be turned off during testing.
 2. ~~Vehicles~~ A vehicle designed to operate with more than ~~four~~ one fuel shall be tested on the fuel in use when the vehicle is presented for inspection, except alternative fuel vehicles, as defined in A.R.S. § 43-1086. The inspector shall test the alternative fuel vehicle shall:
 - ~~a.~~ Be tested and pass on each fuel for which it is intended to operate, using the appropriate emissions test procedure and standards for that vehicle; The alternative fuel vehicle shall:
 - ~~b-a.~~ Be operated a minimum of 30 seconds before testing, after switching fuels;
 - ~~e-b.~~ Be rejected if it is not able to operate on both fuels; and
 - ~~d-c.~~ Be rejected if the vehicle operator cannot switch fuels.
 3. ~~Vehicles~~ A vehicle operated exclusively on propane or natural gas, as defined in A.R.S. § 1-215, shall be exempt from the gas cap and evaporative pressure testing described in subsection (E)(5)(b)(ii), (E)(6)(a), and (F)(6)(a).
- E. In area A, the inspection test procedures for ~~all vehicles~~ a vehicle other than a diesel-powered vehicle ~~and vehicles~~ or a vehicle held for resale by a fleet-licensed motor vehicle dealer ~~dealer~~ shall ~~conform to~~ consist of the following:
1. ~~Vehicles~~ A vehicle manufactured with a model year of 1967 through 1980, ~~all a~~ a nonexempt ~~vehicles~~ vehicle with a GVWR greater than 8,500 pounds, and ~~all a~~ a reconstructed ~~vehicles~~ vehicle, ~~except a motorcycle~~ and a motorcycle and a constant 4-wheel drive ~~vehicles~~ vehicle, ~~are~~ is required to annually take and pass a loaded cruise test and a curb idle test, as follows:
 - a. Loaded cruise test. The vehicle's drive wheels shall be placed on a dynamometer and the vehicle shall be operated according to Table 1 of this Article, in drive for automatic transmission or ~~2nd~~ second or higher gear for manual transmission. Overdrive shall not be used for testing. All vehicles shall be driven by the inspector during testing. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 90 seconds, whichever occurs first. After exhaust emissions ~~have been~~ are recorded, engine speed shall be returned to idle for a curb idle test.
 - b. Curb idle test. The test shall be performed with the vehicle in neutral for 1981 and newer vehicles. For 1980 and older vehicles, the test shall be performed in neutral, except that if the vehicle has an automatic transmission, drive shall be used. Engine RPM shall be within ± 100 RPM of the manufacturer's specified idle RPM. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 90 seconds, whichever occurs first. A CO₂ plus CO reading of 6% or greater shall be registered to establish test validity. ~~Except when tested at a fleet emissions inspection station, a~~ A CO₂ plus CO reading of less than 6% shall be

- proof of exhaust sample dilution and the vehicle shall be rejected from further emissions inspection until repaired, ~~except when tested at a fleet emissions inspection station.~~
- c. Exhaust sampling for ~~vehicles~~ a vehicle required to take an annual emissions test under subsection (E)(1) shall comply with subsection (F)(7).
2. ~~Vehicles~~ A vehicle with a 1981 or newer model year and a GVWR of 8,500 pounds or less, except ~~motorcycles a motorcycle, a reconstructed vehicles vehicle, a 1996 or newer OBD-equipped vehicles and vehicle or a constant 4-wheel drive vehicles vehicle, are is~~ required to biennially take and pass a transient loaded emissions test and an evaporative system pressure test as follows:
 - a. The transient loaded ~~emission emissions~~ test shall consist of 147 seconds of mass ~~emission emissions~~ measurement using a constant volume sampler while the vehicle is driven by an inspector through a computer-monitored driving cycle on a dynamometer with inertial weight settings appropriate for the weight of the vehicle. The driving cycle shall include the acceleration, deceleration, and idle operating modes described in Table 4. The 147 second sequence may be ended earlier using ~~a fast pass or fast fail algorithms algorithm.~~ A retest algorithm shall be used to determine if a test failure is due to insufficient vehicle preconditioning. As determined by the retest algorithm, up to ~~2~~ two additional tests may be performed on a failing vehicle. Drive shall be used for automatic transmissions and ~~1st~~ first gear shall be used to begin for manual transmissions. Exhaust emissions concentrations in grams per mile for HC, CO, NO_x and CO₂ shall be recorded continuously beginning with the ~~1st~~ first second. The inspector shall reject ~~from testing vehicles~~ a vehicle with an audible or visible exhaust ~~leaks~~ leak from emissions testing.
 - b. The evaporative system pressure test shall consist of the following steps in sequence:
 - i. Connect the test equipment to either the fuel tank vent hose at the canister or the fuel tank filler neck. The gas cap shall be checked to determine that cap leakage does not exceed 60 cubic centimeters of air per minute at a pressure of 30 inches of water gauge.
 - ii. Pressurize the system to 14 ± 0.5 inches of water without exceeding 26 inches of water system pressure.
 - iii. Close off the pressure source, seal the evaporative system, and monitor pressure decay for no more than ~~2~~ two minutes.
 - c. For ~~vehicles~~ a vehicle requiring ~~a~~ transient loaded emissions ~~testing test~~ under subsection (a), all testing and test equipment shall conform to "IM240 & Evap Technical Guidance," EPA420-R-98-010, EPA, August 1998, incorporated by reference, and no future editions or amendments, except that the transient driving cycle in Table 4 of this Article shall be used. ~~"IM240 & Evap Technical Guidance" is incorporated by reference and A copy of the incorporated material is on file with the Department and the Secretary of State. A copy of this referenced material, and may be obtained at EPA's National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105-2498.~~
 3. ~~Vehicles~~ A vehicle with a 1996 or newer model year and a GVWR of 8500 pounds or less, except ~~motorcycles and a motorcycle or a reconstructed vehicles vehicle, are is~~ required to biennially take and pass an OBD test and a functional gas cap test as follows:
 - a. The OBD test shall consist of:
 - i. ~~a~~ A visual inspection of the MIL function; and
 - ii. ~~an~~ An electronic examination of the OBD computer by connecting a scan tool to the data link connector and interrogating the OBD system to determine ~~the~~ vehicle readiness status, MIL status, and ~~the~~ presence of diagnostic trouble codes.
 - b. The OBD test and test equipment shall conform to "Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program," EPA420-R-01-015, EPA, June 2001, incorporated by reference, and no ~~later~~ future editions or amendments, ~~which is incorporated by reference and A copy of this incorporated material is on file with the Department and the Secretary of State. A copy of this referenced material and may be obtained at the EPA's National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI, 48105-2498.~~
 - c. The functional gas cap test shall comply with subsection (E)(6)(a).
 4. ~~All motorcycles, and all A motorcycle, or a constant 4-wheel drive vehicles vehicle except those one~~ requiring an OBD emissions test under subsection (E)(3), shall take and pass only a curb idle test according to subsection (F)(1). ~~All terrain vehicles (ATVs) An all-terrain vehicle (ATV), as defined in A.R.S. § 28-101, shall be tested as motorcycle~~ a motorcycle.
 5. The emissions pass-fail determination for ~~all vehicles~~ a vehicle tested under subsection (E) shall be made as follows:
 - a. ~~Vehicles~~ A vehicle tested under subsection (E)(1), that ~~do~~ does not exceed the loaded cruise mode or curb idle mode HC and CO emissions standards listed in Table 2 for the vehicle, comply complies with the emissions standards in Table 2. The loaded cruise test standards in Table 2 apply to a fleet ~~vehicles vehicle~~ tested with the 2,500 RPM unloaded fast idle test under R18-2-1019(E).
 - b. ~~Vehicles~~ A vehicle tested under subsection (E)(2) shall meet the standards in Table 3 and pass the evaporative system pressure test as follows:

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- i. Table 3 Standards. A vehicle shall meet either the composite standard for the whole test or the phase 2 standard for seconds 65 to 146. The Department may implement a testing ~~algorithms~~ algorithm for fast pass, fast fail, or both, provided that the ~~algorithms are~~ algorithm is reliable in accurately predicting the final outcome of the entire cycle. ~~Vehicles~~ A vehicle not meeting either the composite or phase 2 standard shall fail the emissions test.
 - ii. Evaporative System Pressure Test. A vehicle fails the emissions test if the evaporative system cannot maintain a system pressure above ~~8~~ eight inches of water for at least ~~2~~ two minutes after being pressurized to 14 ± 0.5 inches of water. Additionally, ~~vehicles fail~~ a vehicle fails the evaporative test if the canister is missing or damaged, if ~~hoses~~ a hose or electrical ~~connections are~~ connection is missing, routed incorrectly, or disconnected, according to the vehicle emissions control information label, or if the gas cap is missing.
 - c. ~~Vehicles~~ A vehicle that ~~operate~~ operates on natural gas ~~comply~~ complies with HC emissions standards if the HC emissions value does not exceed the applicable standard in subsection (E)(5)(a) or (b), if:
 - i. Multiplied by 0.19, when using an analyzer with a flame ionization detector, or
 - ii. Multiplied by 0.61, when using an NDIR analyzer.
 - d. ~~Motorcycles and~~ A motorcycle or a constant 4-wheel drive ~~vehicles~~ vehicle, except ~~those~~ one requiring an OBD emissions test under subsection (E)(3), that ~~does~~ does not exceed the curb idle mode HC and CO emissions standards listed in Table 2 on either the ~~1st~~ first curb idle test or the ~~2nd~~ second curb idle test ~~comply with the emissions standards in Table 2~~ passes the emissions test.
 - e. ~~For a~~ A vehicle tested under subsection (E)(3), ~~the results of the OBD test and functional gas cap test are determined as follows shall:~~
 - i. ~~A vehicle taking any OBD test shall fail the test for any of the following: Fail if~~ the data link connector is missing, tampered, or otherwise inoperable during any OBD test;
 - ii. ~~Fail if~~ the MIL does not illuminate at all when the ignition key is turned to the key on, engine off position, or does not illuminate briefly during engine start during any OBD test;
 - iii. ~~Fail if~~ the MIL illuminates continuously or flashes after the engine has been started during any OBD test;
 - iv. ~~Fail if~~ a diagnostic trouble code is present and the MIL status, as indicated by the scan tool, is commanded on during any OBD test.
 - ii-v. ~~A vehicle taking~~ Be rejected from an initial OBD test ~~shall be rejected from the OBD test and required to take and pass a transient loaded test under subsection (E)(2) if the number of unset readiness indicators, excluding continuous indicators, is three or more for a model year 1996-2000 vehicle, or two or more for a model year 2001 and newer vehicle.~~
 - iii-vi. ~~A vehicle taking~~ Be rejected from an OBD retest ~~(after OBD failure) shall be rejected if the number of unset readiness indicators, excluding continuous indicators, exceeds the number allowed in subsection (ii)(v).~~
 - iv-vii. ~~A vehicle fails~~ Fail the functional gas cap test if the gas cap does not comply with subsection (E)(6)(a).
 - f. A vehicle ~~exceeding that exceeds~~ the applicable emissions standards for the tests described in ~~subsections~~ subsection (E)(1) and (E)(2)(a), or fails the OBD test described in subsection (E)(3), ~~fail~~ fails the emissions test and shall not be reinspected until a low-emissions tune-up is performed as described in R18-2-1010. A vehicle that fails the evaporative system pressure test described in subsection (E)(2)(b) shall not be reinspected until repaired as required in R18-2-1010(D)(1) and (2). A vehicle that fails the functional gas cap test described in subsection (E)(3)~~(b)(6)(a)~~ shall not be reinspected until repaired as required in R18-2-1009(B).
6. A vehicle required to take an annual ~~emission~~ emissions test in area A shall, at the time of the test, undergo a tampering inspection based on the original configuration of the vehicle as manufactured. The applicable ~~emission~~ emissions system requirements shall be verified by the "VEHICLE EMISSION CONTROL INFORMATION" label. ~~Vehicles~~ A vehicle that ~~fail~~ fails any portion of the tampering inspection shall be repaired according to R18-2-1009 before reinspection or ~~shall provide unless the owner provides~~ the written statement required in R18-2-1008(B). "Original configuration" for a foreign-manufactured ~~vehicles~~ vehicle means the design and construction of a vehicle produced by the manufacturer for original entry and sale in the United States. The tampering inspection shall consist of the following:
- a. ~~All vehicles~~ Any vehicle ~~emission~~ emissions tested, except ~~those~~ one with a vented fuel ~~systems~~ system, shall have a functional test of the gas cap to determine that cap leakage does not exceed 60 cubic centimeters of air per minute at a pressure of 30 inches of water gauge. ~~Vehicles~~ A vehicle with a vented fuel ~~systems~~ system shall be checked for the presence of a properly fitting fuel cap.
 - b. For a 1975 and newer model year ~~vehicles~~ vehicle:
 - i. A visual inspection to determine the presence of ~~properly installed~~ and proper installation of each required catalytic ~~converters~~ converter, if applicable;
 - ii. An examination to determine the presence of an operational air pump, if applicable; and
 - iii. A visual inspection to determine the presence of an operational positive crankcase ventilation system and evaporative control system, if applicable.

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- F. In area B, the inspection test procedures for ~~all vehicles~~ a vehicle other than ~~a diesel-powered vehicle~~ vehicle shall consist of the following:
1. ~~Area B vehicles~~ An area B vehicle with a model year of 1967 through 1980 shall take and pass only a curb idle test. The curb idle test shall be performed with the vehicle in drive for ~~vehicles with~~ automatic transmissions or in neutral for ~~vehicles with~~ manual transmissions. Engine RPM shall be within ± 100 RPM of the manufacturer's specified idle RPM. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 30 seconds, whichever occurs first. A CO₂ plus CO reading of 6% or greater shall be registered to establish test validity. ~~Except when tested at a fleet emissions inspection station, a~~ A CO₂ plus CO reading less than 6% shall be proof of exhaust sample dilution and the vehicle shall be rejected from further emissions inspection until repaired, ~~except when tested at a fleet emissions inspection station.~~ If the vehicle fails the curb idle test, and if permitted by the vehicle operator, the vehicle shall be conditioned according to ~~one~~ of the following conditioning procedures:
 - a. ~~For the fast idle~~ Fast-idle conditioning procedure, ~~the~~ The vehicle shall be conditioned by increasing engine speed to 2,500, ± 300 RPM, for up to 30 seconds with the transmission in neutral. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 30 seconds, whichever occurs first. The conditioning procedure standards in Table 2 are for diagnostic and advisory information only. After exhaust emissions are recorded, the engine speed shall be returned to curb idle for a ~~2nd~~ second idle test. The fast-idle conditioning procedure may be used on a vehicle at ~~a state stations~~ station instead of the loaded conditioning procedure if any of the following occurs:
 - i. The vehicle has a tire on a driving wheel with less than 2/32-inch tread, with metal protuberances, with visibly low tire pressure as determined by visual inspection, or any other condition that precludes loaded conditioning for reasons of personnel, equipment, or vehicle safety;
 - ii. The vehicle is driven by a person who, because of physical incapacity, is unable to yield the driver's seat to the vehicle emissions inspector;
 - iii. The driver refuses to yield the driver's seat to the vehicle emissions inspector; or
 - iv. The vehicle cannot be tested according to Table 1 because of the vehicle's inability to attain the speeds specified.
 - b. ~~For the loaded~~ Loaded conditioning procedure, ~~for all vehicles,~~ For a vehicle other than ~~motorcycles~~ a motorcycle ~~and or a~~ constant 4-wheel drive ~~vehicles~~ vehicle, the vehicle's drive wheels shall be placed on a dynamometer and the vehicle shall be operated according to Table 1, in drive for automatic transmission, or ~~2nd~~ second or higher gear for manual transmission. All front wheel drive vehicles shall be driven by the inspector. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 30 seconds, whichever occurs first. The conditioning procedure standards in Table 2 are for diagnostic and advisory information only. After exhaust emissions are recorded, engine speed shall be returned to curb idle for a ~~2nd~~ second idle test.
 - c. Following ~~one~~ of the conditioning procedures in subsection (a) or (b), the vehicle shall be retested according to the curb idle test procedure in subsection (1).
 2. ~~Area~~ An area B ~~vehicles~~ vehicle with a 1981 or newer model year, except ~~motorcycles~~ a motorcycle, a constant 4-wheel drive ~~vehicles,~~ and vehicle, or a 1996 or newer ~~vehicles~~ vehicle equipped with OBD, shall take and pass a loaded cruise test and curb idle test, as follows:
 - a. Loaded Cruise Test. The vehicle's drive wheels shall be placed on a dynamometer and the vehicle shall be operated according to Table 1, in drive for automatic transmission or ~~2nd~~ second or higher gear for manual transmission. Overdrive shall not be used. All front wheel drive vehicles shall be driven by the inspector. ~~Exhaust emissions,~~ HC and CO exhaust emissions concentrations, shall be recorded after readings have stabilized, or at the end of 90 seconds, whichever occurs first. After exhaust emissions ~~have been~~ are recorded, engine speed shall be returned to idle for a curb idle test.
 - b. ~~The~~ Curb Idle Test. The test shall be performed with the vehicle in neutral. Engine RPM shall be within ± 100 RPM of the manufacturer's specified idle RPM. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 90 seconds, whichever occurs first. ~~Except when tested at a fleet inspection station, a~~ A CO₂ plus CO reading of 6% or greater shall be registered to establish test validity, ~~except when tested at a fleet inspection station.~~ A CO₂ plus CO reading less than 6% shall be proof of exhaust sample dilution and the vehicle shall be rejected from further emissions inspection until repaired.
 3. ~~Vehicles~~ A vehicle with a model year of 1996 ~~and or~~ newer and a GVWR of 8500 pounds or less, except ~~for motorcycle~~ and a motorcycle or a reconstructed ~~vehicles~~ vehicle, ~~are~~ is required to annually take and pass an OBD test and a functional gas cap test as follows:-
 - a. The OBD test shall consist of:
 - i. ~~a~~ A visual inspection of the MIL function; and
 - ii. ~~an~~ An electronic examination of the OBD computer by connecting a scan tool to the data link connector and interrogating the OBD system to determine ~~the~~ vehicle readiness status, MIL status, and ~~the~~ presence of diagnostic trouble codes.

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- b. The OBD test and test equipment shall conform to “Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program,” EPA420-R-01-015, EPA, June 2001, incorporated by reference, and no ~~later~~ future editions or amendments, ~~which is incorporated by reference and~~ A copy of this incorporated material is on file with the Department and the Secretary of State. A copy of this referenced material and may be obtained at the EPA’s National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI, 48105-2498.
- c. The functional gas cap test shall comply with subsection (F)(6)(a).
4. ~~All motorcycles and~~ A motorcycle or a constant 4-wheel drive ~~vehicles~~ vehicle, except ~~those one~~ requiring an OBD emissions test under subsection (F)(3), shall take and pass only a curb idle test according to subsection (1). ~~All-terrain vehicles (ATVs)~~ An all-terrain vehicle (ATV), as defined in A.R.S. § 28-101, shall be tested as ~~motorcycles a motor-~~ cycle. If the vehicle fails the curb idle test, and if permitted by the vehicle operator, the vehicle shall be conditioned according to the fast idle conditioning procedure required in subsection (1)(a). Following conditioning, the vehicle shall be retested according to the curb idle test procedure in subsection (1).
5. The emissions pass-fail determination shall be made as follows:
- a. ~~Vehicles~~ A vehicle with a model year of 1967 through 1980, except ~~motorcycles and a motorcycle or a~~ constant 4-wheel drive ~~vehicles~~ vehicle, that ~~do~~ does not exceed the curb idle mode HC and CO emissions standards in Table 2 on either the ~~1st first~~ or ~~2nd second~~ curb idle test, ~~comply~~ complies with the minimum ~~emission emis-~~ sions standards contained in Table 2.
- b. ~~Vehicles~~ A vehicle with a 1981 or newer model year, except ~~motorcycles and a motorcycle or a~~ constant 4-wheel drive ~~vehicles~~ vehicle, that ~~do~~ does not exceed the loaded cruise mode or curb idle mode HC and CO emissions standards listed in Table 2, ~~comply~~ complies with the minimum emissions standards in Table 2. The loaded cruise test standards specified in Table 2 shall apply to fleet vehicles tested with the 2,500 RPM unloaded fast idle test.
- c. ~~Vehicles~~ A vehicle that ~~operate~~ operates on natural gas ~~comply~~ complies with HC emissions standards if the HC emissions value, as determined by an NDIR analyzer, multiplied by 0.61 does not exceed the applicable standard in subsection (F)(5)(a) or (b).
- d. ~~Motorcycles and~~ A motorcycle or a constant 4-wheel drive ~~vehicles~~ vehicle, except ~~those one~~ requiring an OBD emissions test under subsection (F)(3), that ~~do~~ does not exceed the curb idle mode HC and CO emissions standards in Table 2 on either the ~~1st first~~ or ~~2nd second~~ curb idle test ~~comply~~ complies with the minimum emissions standards in Table 2.
- e. ~~Any~~ A vehicle ~~exceeding that exceeds~~ the ~~appropriate~~ applicable emissions standards, or ~~failing~~ fails the OBD test described in subsection (F)(3), fails the emissions test and shall have a low emissions tune-up as described in R18-2-1010 before reinspection. A vehicle that fails the functional gas cap test described in subsection (F)(3)~~(b)(c)~~ shall not be reinspected until repaired as required in R18-2-1009(B).
- f. ~~For a~~ A vehicle tested under subsection (F)(3), ~~the results of the OBD test and functional gas cap test are determined as follows shall:~~
- i. ~~A vehicle taking any OBD test shall fail the test for any of the following: Fail if~~ the data link connector is missing, tampered, or otherwise inoperable during any OBD test;
- ii. ~~Fail if~~ the MIL does not illuminate at all when the ignition key is turned to the key on, engine off position, or does not illuminate briefly during engine start during any OBD test;
- iii. ~~Fail if~~ the MIL illuminates continuously or flashes after the engine has been started during any OBD test;
- iv. ~~Fail if~~ a diagnostic trouble code is present and the MIL status, as indicated by the scan tool, is commanded on during any OBD test.
- ii-v. ~~A vehicle taking~~ Be rejected from an initial OBD test ~~shall be rejected from the OBD test and~~ required to take and pass a transient loaded cruise test and curb idle test under subsection (F)(2) if the number of unset readiness indicators, excluding continuous indicators, is three or more for a model year 1996-2000 vehicle, or two or more for a model year 2001 and newer vehicle.
- iii-vi. ~~A vehicle taking~~ Be rejected from an OBD retest ~~(after OBD failure) shall be rejected~~ if the number of unset readiness indicators, excluding continuous indicators, exceeds the number allowed in subsection ~~(ii)(v)~~.
- iv-vii. ~~A vehicle fails~~ Fail the functional gas cap test if the gas cap does not comply with subsection (F)(6)(a).
6. A vehicle required to take an emissions test in area B, except ~~vehicles~~ a vehicle required to take an OBD test as described in subsection (F)(3), shall at the time of the test, undergo a tampering inspection based on the original configuration of the vehicle as manufactured, ~~as follows:~~ The applicable ~~emission~~ emissions system requirements shall be verified by the “VEHICLE EMISSION CONTROL INFORMATION” label. ~~Vehicles~~ A vehicle that ~~fail~~ fails any portion of the tampering inspection shall be repaired according to R18-2-1009 before reinspection ~~or shall provide unless the owner provides~~ the written statement required in R18-2-1008(B). “Original configuration” for a foreign manufactured ~~vehicles~~ vehicle means the design and construction of a vehicle produced by the manufacturer for original entry and sale in the United States. The tampering inspection shall consist of the following:

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- a. ~~All vehicles~~ Any vehicle emissions tested, except ~~those one~~ with a vented fuel ~~systems system~~, shall have a functional test of the gas cap to determine that cap leakage does not exceed 60 cubic centimeters of air per minute at a pressure of 30 inches of water gauge. ~~Vehicles~~ A vehicle with a non-sealing gas ~~caps cap~~ shall be checked for the presence of a properly fitting gas cap.
- b. For a 1975 ~~and or~~ newer model year ~~vehicles vehicle~~:
 - i. A visual inspection to determine the presence ~~of properly installed~~ and proper installation of each required catalytic converters converter, if applicable; and
 - ii. An examination to determine the presence of an operational air pump, if applicable.
- 7. Exhaust sampling in area B shall comply with the following:
 - a. All CO and HC ~~emission emissions~~ analyzers shall have water traps incorporated in the sampling lines. Sampling probes shall be capable of taking undiluted exhaust samples from a vehicle exhaust system.
 - b. ~~All vehicles~~ A vehicle, other than a diesel-powered ~~vehicles vehicle~~, shall be inspected with a NDIR ~~analyzers analyzer~~ capable of determining concentrations of CO and HC within the ranges and tolerances specified in Table 5.
 - c. ~~Vehicles~~ A vehicle with multiple exhaust pipes shall be inspected by collecting and averaging samples by ~~one~~ of the following methods:
 - i. Collect separate samples from each exhaust pipe and use the average concentration to determine the test result;
 - ii. Use manifold exhaust probes to simultaneously sample approximately equal volumes from each pipe; or
 - iii. Use manifold exhaust pipe adapters to collect approximately equal volume samples from each pipe.

G. The following apply to all testing under ~~subsections subsection~~ (E) or (F):

- 1. A rotary piston engine shall be inspected as a 4-stroke engine with ~~4 four~~ cylinders or less;
- 2. A turbine engine shall be inspected as a 4-stroke engine ~~having with~~ more than ~~4 four~~ cylinders; and
- 3. A vehicle in which a diesel engine has been replaced with a gas engine shall be inspected as a gas-powered vehicle of the same vehicle model year. The vehicle shall not pass the inspection unless each catalytic converter, air pump, gas cap and other emissions control device applicable to the vehicle model year and the same or more recent year engine configuration is properly installed and in operating condition.

H. In area A, the inspection test procedure for a diesel-powered vehicle is as follows:

- 1. A diesel-powered vehicle with a GVWR greater than 8,500 pounds shall be tested with a procedure that conforms to Society of Automotive Engineers standard J1667, February 1996, incorporated by reference and on file with the Department and the Secretary of State. This incorporation by reference contains no future editions or amendments. A copy of this referenced material may be obtained at: Society of Automotive Engineers, 400 Commonwealth Dr., Warrendale, PA 15096-0001. The procedure shall utilize the corrections for ambient test conditions in Appendix B of J1667 for all tests. The test results shall be reported as the percentage of smoke opacity. Emissions pass-fail determinations are as follows:
 - a. ~~Vehicles~~ A vehicle powered by a 1991 or later model year diesel engine ~~fail fails~~ if the J1667 final test result is greater than 40%, unless the engine family is exempted from the 40% standard under subsection (e);
 - b. ~~Vehicles~~ A vehicle powered by a pre-1991 model year diesel engine ~~fail fails~~ if the J1667 final test result is greater than 55%, unless the engine family is exempted from the 55% standard under subsection (e);
 - c. The engine model year is determined by the emission control label. If the emission control label is missing, illegible, or incorrect, the test standard shall be 40%, unless a correct, legible emission control label replacement is attached to the vehicle within 30 days of the inspection;
 - d. A vehicle that exceeds the opacity standard in subsection (a) or (b) fails the ~~emission emissions~~ test. Before reinspection, the vehicle shall have a low emissions tune-up as described in R18-2-1010(G);
 - e. The Director shall exempt any engine family from the standards in subsections (a) or (b) if the engine manufacturer demonstrates either of the following:
 - i. The engine family exhibits smoke opacity greater than the standard when in good operating condition and adjusted to the manufacturer's specifications. The Director shall identify a technologically appropriate less stringent standard based on a review of data obtained from engines in good operating condition and adjusted to manufacturer's specifications; or
 - ii. The engine family is exempted from an equivalent standard based on J1667 by the executive officer of the California Air Resources Board (CARB). The Director shall allow the engine family to comply with any technologically appropriate less stringent standard identified by the executive officer of CARB; and
 - f. A demonstration under subsection (e)(i) shall be based on data from at least ~~3 three~~ vehicles. Data from official inspections under subsection (H)(1) showing that vehicles in the engine family meet the standard may be used to rebut the demonstration. The Director shall implement any new standard resulting from each exemption as soon as practicable for all subsequent tests and provide notice at all affected test stations and fleets.
- 2. A diesel-powered vehicle with a GVWR greater than 4,000 pounds and less than or equal to 8,500 pounds shall be tested by a loaded dynamometer test by applying a single load of 30 HP, ± 2 HP, while operated at 50 MPH. A die-

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sel-powered vehicle with a GVWR of 4,000 pounds or less shall be tested by a loaded dynamometer test by applying a single load of between 6.4 - 8.4 HP while operated at 30 MPH. For all diesel-powered vehicles with a GVWR less than or equal to 8,500 pounds:

- a. The emissions pass-fail determination shall be made as follows:
 - i. The opacity reading for a period of ~~10~~ten consecutive seconds with the engine under applicable loading shall be compared to the opacity standard in R18-2-1030(B). ~~Vehicles~~ A vehicle that ~~do~~ does not exceed the applicable opacity ~~standards~~ standard in R18-2-1030(B) comply complies with the minimum ~~emission~~ emissions standards.
 - ii. A vehicle that exceeds the ~~appropriate~~ applicable opacity standard fails the ~~emission~~ emissions test. Before reinspection, the vehicle shall have a low emissions tune-up as described in R18-2-1010.
- b. Exhaust sampling shall comply with the following:
 - i. For a diesel-powered vehicle equipped with multiple pipes, separate measurements shall be made on each exhaust pipe. The reading taken from the exhaust pipe that has the highest opacity reading shall be used for comparison with the ~~appropriate~~ applicable emission emissions standard.
 - ii. ~~Vehicles~~ A vehicle shall be inspected with either a full-flow or sampling-type opacity meter. The opacity meter shall be a direct reading, continuous reading light extinction-type using a collimated light source and photo-electric cell, accurate to a value within $\pm 5\%$ of filter value.

I. In area B, the inspection test procedure for a diesel-powered vehicle is as follows:

1. A diesel-powered vehicle with a GVWR greater than 26,000 pounds or having tandem axles shall be tested according to ~~one~~ one of the following methods:
 - a. The vehicle shall be tested on a chassis dynamometer beginning with no power absorption by selecting a gear ratio that produces a maximum vehicle speed of 30-35 MPH at governed or maximum rated RPM. If the vehicle has a manual transmission or an automatic transmission with individual gear selection, the engine shall be operated at governed or maximum rated engine RPM, at normal operating temperature under a power absorption load applied to the dynamometer until the loading reduces the engine RPM to 80% of the governed speed at wide-open throttle position. If the vehicle has an automatic transmission and automatic gear kickdown, the engine shall be loaded to a speed just above the kickdown speed or 80% of the governed speed, whichever is greater. If the chassis dynamometer does not have enough horsepower absorption capability to lug the engine down to these speeds, the vehicle's brakes may be used to assist the dynamometer.
 - b. If a chassis dynamometer is not available, the vehicle shall be tested by being lugged by its own brakes by selecting a gear ratio that produces a maximum speed of 10-15 MPH at governed engine RPM or maximum rated RPM and then loading the engine by applying the brakes until the engine RPM is lugged down to 80% of the governed or maximum rated RPM at wide-open throttle position. If the vehicle does not have a tachometer, the vehicle may be loaded to 80% of governed or maximum rated speed.
2. A diesel-powered vehicle without tandem axles and having a GVWR greater than 10,500 pounds and less than or equal to 26,000 pounds shall be tested according to ~~one~~ one of the following methods:
 - a. The vehicle shall be tested on a chassis dynamometer beginning with no power absorption by selecting a gear ratio that produces a maximum vehicle speed of 30-35 MPH at governed or maximum rated RPM. If the vehicle has a manual transmission or an automatic transmission with individual gear selection, the engine shall be operated at governed or maximum rated engine RPM, at normal operating temperature under a power absorption load applied to the dynamometer until such loading reduces the engine RPM to 80% of the governed speed at wide-open throttle position. If the vehicle has an automatic transmission and automatic gear kickdown, the engine shall be loaded to a speed just above the kickdown speed or 80% of governed speed, whichever is greater. If the chassis dynamometer does not have enough horsepower absorption capability to lug the engine down to these speeds, the vehicle's brakes may be used to assist the dynamometer;
 - b. The vehicle shall be tested by applying a single load of 30 HP, ± 2 HP, while operated at 50 MPH; or
 - c. The vehicle shall be tested by being lugged by its own brakes by selecting a gear ratio that produces a maximum speed of 10-15 MPH at governed engine RPM or maximum rated RPM and then loading the engine by applying the brakes until the engine RPM is lugged down to 80% of the governed or maximum rated RPM at wide-open throttle position. If the vehicle does not have a tachometer, the vehicle may be loaded to 80% of governed or maximum rated speed.
3. A diesel-powered vehicle with a GVWR of greater than 4,000 pounds and less than or equal to 10,500 pounds shall be tested by a loaded dynamometer test by applying a single load of 30 HP, ± 2 HP, while operated at 50 MPH.
4. A diesel-powered vehicle with a GVWR of 4,000 pounds or less shall be tested by a loaded dynamometer test by applying a single load of between 6.4 - 8.4 HP while operated at 30 MPH.
5. The emissions pass-fail determination shall be performed:
 - a. The opacity reading during a period of ~~10~~ten consecutive seconds with the engine under applicable loading specified in subsections (1) through (4) shall be compared to the opacity standard specified in R18-2-1030(B). ~~Vehi-~~

~~es~~ A vehicle that ~~do~~ does not exceed the opacity ~~standards~~ standard in R18-2-1030(B) ~~comply~~ complies with the minimum ~~emission~~ emissions standards.

- b. A vehicle that exceeds the standard in R18-2-1030(B) fails the ~~emission~~ emissions test. Before reinspection, the vehicle shall have a low emissions tune-up as described in R18-2-1010.
6. Exhaust sampling shall comply with the following:
 - a. For a diesel-powered vehicle equipped with multiple exhaust pipes, separate measurements shall be made on each exhaust pipe. The reading taken from the exhaust pipe that has the highest opacity reading shall be used for comparison with the standard in R18-2-1030(B).
 - b. ~~Vehicles~~ A vehicle shall be inspected with either a full-flow or sampling-type opacity meter. The opacity meter shall be a direct reading, continuous reading light extinction-type using a collimated light source and photo-electric cell, accurate to a value within $\pm 5\%$ of filter value.
- J. All diesel-powered vehicles shall undergo a tampering inspection under subsection (E)(6).

R18-2-1007. Evidence of Meeting State Inspection Requirements

- A. No change
- B. No change
- C. No change
- D. ~~Complete certificates~~ A complete certificate of inspection dated within 12 months of registration for an annually tested ~~vehicles~~ vehicle and 24 months for a biennially tested ~~vehicles~~ vehicle shall be accepted by the MVD or its agent as evidence that a vehicle is in compliance with the requirements of this Article unless the MVD or its agent has reason to believe it is false. ~~Certificates~~ A certificate corrected ~~in accordance with~~ according to R18-2-1019(F)(1)(a) shall be accepted by the MVD or its agent.
- E. No change
- F. No change

R18-2-1009. Tampering Repair Requirements

- A. No change
- B. If a vehicle fails the functional gas cap pressure test described in R18-2-1006(E)(6)(a) or (F)(6)(a), the gas cap shall be replaced with one that meets those specifications. If a vehicle designed with a vented system fails a visual inspection for the presence of a gas cap, a properly fitting gas cap shall be installed on the vehicle.
- C. No change
- D. No change
- E. No change

R18-2-1010. Low Emissions Tune-up, Emissions and Evaporative System Repair

- A. A low emissions tune-up on a nondiesel-powered ~~vehicles~~ vehicle consists of the following procedures:
 1. Emissions Failure Diagnosis. For a computer-controlled ~~vehicles~~ vehicle, the on-board-diagnostics shall be accessed and any stored trouble codes recorded. For ~~vehicles utilizing a model year 1996 or newer vehicle equipped with an OBD systems~~ system, a compatible scan tool shall be used to access and record diagnostic trouble codes. The following instruments or equipment are required to complete a low emissions tune-up:
 - a. ~~tachometer,~~ Tachometer;
 - b. ~~timing~~ Timing light, ~~or an;~~
 - c. ~~engine~~ Engine analyzer or oscilloscope, and
 - d. ~~if specified by the manufacturer,~~ a HC/CO NDIR analyzer to make final A/F adjustments, if specified by the manufacturer.
 2. ~~Final adjustment shall be made on the vehicle engine only after the engine is at normal operating temperature.~~ Adjustment. All adjustments shall be made according to the manufacturer's specifications and procedures. Final adjustment shall be made on the vehicle engine only after the engine is at normal operating temperature.
 - ~~2-3.~~ Inspection of Air Cleaner, Choke, and Air Intake System. A dirty or plugged air cleaner, stuck choke, or restricted air intake system shall be replaced or repaired as required.
 - ~~3-4.~~ Dwell and Basic Timing Check. Dwell and basic engine timing shall be checked and adjusted, if necessary, according to manufacturer's specifications.
 - ~~4-5.~~ Inspection of PCV Valve. The PCV valve shall be checked to ensure that it is the type recommended by the manufacturer and is correctly operating. Free flow through the PCV system passages and hoses shall be verified. Repair or replace as required.
 - ~~5-6.~~ Inspection of Vacuum Hoses. The vacuum hoses shall be inspected for leaks, obstruction, and proper routing and connection. Repair or replace as required.
 - ~~6-7.~~ Perform a visual inspection for leaking fuel lines or system components. Repair or replace as required.
 - ~~7-8.~~ Idle Speed and A/F Mixture Check. The idle speed and A/F mixture shall be checked and adjusted according to manufacturer's specifications and procedures. If the vehicle is equipped with a fuel injection system or an alternate fuel (LPG or LNG), the manufacturer's recommended adjustment procedure shall be followed.

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- B.** A vehicle that fails reinspection does not qualify for a waiver unless a low emissions tune-up and diagnosis is performed on the vehicle.
- C.** If the maximum required repair cost in subsection (E) or (F) is not exceeded after a low emissions tune-up described in subsection (A), then the following procedures apply:
1. CO failure.
 - a. If a vehicle fails ~~the~~ CO only, the vehicle shall be checked for:
 - i. ~~proper~~ Proper canister purge system operation,
 - ii. ~~high~~ High float setting,
 - iii. ~~leaky~~ Leaky power valve, ~~and~~
 - iv. ~~faulty~~ Faulty or worn needles, seats, jets or improper jet size.
 - b. If applicable, the following shall also be checked:
 - i. ~~computer~~ Computer,
 - ii. ~~engine~~ Engine and computer sensors,
 - iii. ~~engine~~ Engine solenoids,
 - iv. ~~engine~~ Engine thermostats,
 - v. ~~engine~~ Engine switches,
 - vi. ~~coolant~~ Coolant switches,
 - vii. ~~throttle~~ Throttle body or port fuel injection system,
 - viii. ~~fuel~~ Fuel injectors,
 - ix. ~~fuel lines~~ Fuel line (routing and integrity),
 - x. ~~air~~ Air in fuel system (~~for example, including line, and pump~~),
 - xi. ~~fuel~~ Fuel return system,
 - xii. ~~injection~~ Injection pump,
 - xiii. ~~fuel~~ Fuel injection timing,
 - xiv. ~~routing~~ Routing of vacuum hoses, and
 - xv. ~~electrical~~ Electrical connections.
 - c. The items in subsections (a) and (b) shall be ~~Repair or replace~~ repaired or replaced as required.
 2. HC, or HC and CO failure.
 - a. If a vehicle fails HC, or HC and CO, the vehicle shall be checked for:
 - i. ~~faulty~~ Faulty spark plugs and faulty, open, crossed, or disconnected plug wires;
 - ii. ~~distributor~~ Distributor module;
 - iii. ~~vacuum~~ Vacuum hose routing and electrical connections;
 - iv. ~~distributor~~ Distributor component malfunctions including vacuum advance;
 - v. ~~faulty~~ Faulty points or condenser; ~~and~~
 - vi. ~~distributor~~ Distributor cap crossfire;
 - vii. ~~catalytic~~ Catalytic converter efficiency, ~~and catalytic converter~~ air supply;
 - viii. ~~vacuum~~ Vacuum leaks at intake manifold, carburetor base gasket, EGR, and vacuum-operated components.
 - b. The items in subsection (a) shall be ~~Repair or replace~~ repaired or replaced as required.
 3. NOX failure.
 - a. If a vehicle fails NO_x, the vehicle shall be checked for:
 - i. ~~removed~~ Removed, plugged, or malfunctioning EGR valve, exhaust gas ports, lines, and passages;
 - ii. EGR valve electrical and vacuum control circuitry, components, and computer control, as applicable;
 - iii. ~~above~~ Above normal engine operating temperature;
 - iv. ~~proper~~ Proper air management;
 - v. ~~lean~~ Lean A/F mixture;
 - vi. ~~catalytic~~ Catalytic converter efficiency; and
 - vii. ~~over~~ Over-advanced off-idle timing.
 - b. The items in subsection (a) shall be ~~Repair or replace~~ repaired or replaced as required.
 4. OBD failure. If the vehicle fails the OBD test, the vehicle shall be repaired for the item(s) indicated on the Vehicle Emissions Report as causing the failure. If the failure results ~~Failures resulting~~ from Diagnostic Trouble Codes (DTCs) which have ~~that~~ caused the Malfunction Indicator Lamp (MIL) to be illuminated, ~~must have~~ the components or systems ~~repaired or replaced which caused~~ causing the DTCs to be set in the OBD computer shall be repaired or replaced. After repair of a DTC failure, and ~~prior to~~ before reinspection, the vehicle shall be operated under conditions recommended by the vehicle manufacturer for the OBD computer to evaluate the repaired system.
- D.** For Evaporative System Failures, the following procedures apply:
1. If a vehicle fails the evaporative system pressure test, the vehicle shall be checked for leaking or disconnected vapor hoses, line, gas cap, and fuel tank.

2. If a vehicle fails a visual inspection of the evaporative system, the vehicle shall be checked for a missing or damaged canister, canister electrical and vacuum control circuits and components, disconnected, damaged, mis-routed or plugged hoses, and damaged or missing purge valves. Repair or replace as necessary.
- E. The maximum required repair cost for a vehicle in area A, not including ~~costs~~ cost to repair the vehicle for failing an evaporative system pressure test due to tampering, or other tampering repair ~~costs~~ cost, is:
1. For a diesel-powered vehicle with a GVWR greater than 26,000 pounds or a diesel-powered vehicle with tandem axles, \$500; and
 2. For a vehicle that is not a diesel-powered vehicle with a GVWR greater than 26,000 pounds and is not a diesel-powered vehicle with tandem axles:
 - a. Two hundred dollars for a vehicle manufactured in or before the 1974 model year;
 - b. Three hundred dollars for a vehicle manufactured in the 1975 through 1979 model years; and
 - c. Four hundred ~~and~~ fifty dollars for a vehicle manufactured in or after the 1980 model year.Subsection (E) does not prevent a vehicle owner from authorizing or performing more than the required repairs. A vehicle operator who has a vehicle reinspected shall have the repair receipts available when requesting a certificate of waiver.
- F. The maximum required repair cost for vehicles in area B, not including tampering repair ~~costs~~ cost, is:
1. For a diesel-powered vehicle with a GVWR greater than 26,000 pounds or a diesel-powered vehicle with tandem axles, \$300; and
 2. For a vehicle that is not a diesel-powered vehicle with a GVWR greater than 26,000 pounds and is not a diesel-powered vehicle with tandem axles:
 - a. Fifty dollars for a vehicle manufactured in or before the 1974 model year;
 - b. Two hundred dollars for a vehicle manufactured in the 1975 through 1979 model years; and
 - c. Three hundred dollars for a vehicle manufactured in or after the 1980 model year.Subsection (F) does not prevent a vehicle owner from authorizing or performing more than the required repairs. A vehicle operator who has a vehicle reinspected shall have the repair receipts available when requesting a certificate of waiver.
- G. A low emissions tune-up on a diesel-powered vehicle consists of the following procedures:
1. Inspect for dirty or plugged air cleaner, or restricted air intake system. Repair or replace as required.
 2. Check fuel injection system timing according to manufacturer's specifications. Adjust as required.
 3. Check for fuel injector fouling, leaking, or mismatch. Repair or replace as required.
 4. Check fuel pump and ~~air-fuel~~ A/F ratio control according to manufacturer's specifications. Adjust as required.
 5. If the vehicle fails the J1667 procedure, check smoke-limiting devices, if any, including the aneroid valve and puff limiter. Repair or replace as required.
- H. Any available warranty coverage for a vehicle shall be used to obtain needed repairs before an expenditure can be counted toward the cost limits in ~~subsections~~ subsection (E) and (F). If the operator of a vehicle within the age and mileage coverage of section 207(b) of the Clean Air Act presents a written denial of warranty coverage from the manufacturer or authorized dealer, warranty coverage is not considered available under this subsection.

R18-2-1011. Vehicle Inspection Report

- A. A vehicle inspected at a state station shall be provided a uniquely numbered vehicle inspection report of a design approved by the Director that contains, at a minimum, the following information ~~at a minimum~~:
1. License plate number;
 2. Vehicle identification number;
 3. Model year of vehicle;
 4. Make of vehicle;
 5. Style of vehicle;
 6. Type of fuel;
 7. Odometer reading to the nearest 1000 miles, truncated;
 8. Emissions standards for idle and loaded cruise modes, if applicable;
 9. Emissions measurements during idle and loaded cruise modes, if applicable;
 10. Opacity measurements and standards, if applicable;
 11. ~~emission~~ Emissions standards and measurements for the transient loaded test, and the evaporative system pressure test, if applicable;
 12. Results of OBD test including all diagnostic trouble codes ~~which have~~ that commanded the illumination of the malfunction indicator lamp;
 13. Tampering inspection results;
 14. Repair requirements;
 15. Final test results;
 16. Repairs performed;
 17. Cost of emissions-related repairs;

18. Cost of tampering-related repairs;
19. Name, address, and telephone number of the business or person making repairs;
20. Signature and certification number of person certifying repairs;
21. Date of inspection;
22. Test results of the previous inspection if the inspection is a reinspection;
23. Inspection station, lane ~~locators~~ locator; and
24. Test number and time of test.

- B. No change
- C. No change
- D. No change

R18-2-1012. Inspection Procedures and Fee

- A. A vehicle that is inspected by a state station must be accompanied by a document such as a registration renewal notice, registration, certificate of title, or bill of sale that identifies the vehicle by make, model year, identification number, and license plate if applicable.
- B. If the vehicle inspection report from the previous test is used, it shall be retained by the test lane inspector.
- C. The fees for emissions inspections at a state station shall be specified in the contract between the contractor and the state of Arizona according to A.R.S. § 49-543, and shall include the full ~~costs~~ cost of the vehicle emissions inspection program including administration, implementation, and enforcement. Each fee is payable directly to the contractor at the time and place of inspection in cash or by check approved by the contractor. ~~Fees~~ The amount collected by the contractor to defray the ~~costs~~ cost of the inspection shall be retained by the contractor. The ~~fee~~ amount collected to defray the ~~costs~~ cost of the administration, implementation, and enforcement of the vehicle emissions inspection program shall be remitted to the Department. Amounts collected shall be recorded and reported to the Department monthly. The contractor shall submit to the state of Arizona on a monthly basis, by the 10th day of each month, a report ~~setting forth~~ showing the number of inspections performed and the amount of fees collected.
- D. ~~Subsequent inspections~~ Each subsequent inspection, if needed, shall be treated by the state and the contractor in the same manner as an initial inspection and reinspection, providing for a free reinspection according to R18-2-1013, if needed, following a paid inspection. The fee for each paid reinspection shall be the full fee as provided for in the contract with the contractor.
- E. ~~State~~ A state station emissions ~~inspectors~~ inspector shall not recommend repairs or repair facilities.

R18-2-1016. Licensing of Inspectors

- A. No change
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
- H. A vehicle emissions inspector shall notify the Department of any change in employment status, due to retirement, resignation or termination, within ~~seven~~ seven days of ~~such~~ the change. The notification shall include the name and license number of the emissions inspector, a statement declaring the employment change, and the effective date of the employment change.
- I. No change

R18-2-1017. Inspection of Government Vehicles

- A. No change
- B. ~~All~~ A government ~~vehicles~~ vehicle except a federally owned ~~vehicles~~ vehicle that ~~are~~ is excluded from the definition of motor ~~vehicles~~ vehicle under 40 CFR 85.1703, shall be inspected according to this Article and shall have a Government Vehicle Certificate of Inspection affixed to the vehicle if in compliance with state inspection requirements.
 1. The vehicle emissions inspector performing the inspection shall punch out the appropriate year and month on the Government Vehicle Certificate of Inspection to designate date of the vehicle's next annual or biennial inspection. The vehicle ~~emission~~ emissions inspector, at the time of inspection, shall record the serial number of the Government Vehicle Certificate of Inspection on the vehicle inspection report. If the vehicle ~~emission~~ emissions inspection is performed at a fleet station, the ~~emission~~ emissions inspector, at the time of inspection, shall record the serial number in the block labeled "Certificate of Inspection No." on the "Fleet Vehicle Inspection Report/Monthly Summary". Each Government Vehicle ~~Certificates~~ Certificate of Inspection shall be used in serial number order. Presence of a current Government Vehicle Certificate of Inspection indicates a government vehicle has met the state of Arizona ~~emission~~ emissions inspection requirements.
 2. ~~Government vehicles~~ A government vehicle, with the exception of ~~motorcycles and a motorcycle or an~~ motorcycles and a motorcycle or an undercover law enforcement ~~vehicles~~ vehicle shall have the Government Vehicle Certificate of Inspection affixed to the lower left side of the rear window as determined from a position facing the window, from outside the vehicle. If a vehicle

does not have a rear window, the Government Vehicle Certificate of Inspection shall be affixed to the lower left corner of the windshield as determined from the driver's position.

3. ~~Government motorcycles~~ A government motorcycle shall have the Government Vehicle Certificate of Inspection affixed to the lower left-hand corner of the windshield as determined from the driver's position. If the Government Vehicle Certificate of Inspection cannot be affixed to the lower left-hand corner of the windshield, the Government Vehicle Certificate of Inspection may be affixed to a visible position on the front or left side of the left front fork of the motorcycle. The fork shall be determined from the driver's position.

- C. No change
- D. No change
- E. No change
- F. No change

R18-2-1018. Certificate of Inspection

- A. No change
- B. No change
- C. No change
- D. No change
- E. Only a person who meets the requirements of R18-2-1019(D)(4) is authorized to purchase certificates of inspection, certificates of waiver, or Government Vehicle Certificates of Inspection.

R18-2-1019. Fleet Station Procedures and Permits

- A. The following requirements apply to issuance of fleet station permits:
 1. An owner or lessee of a fleet of 25 or more nonexempt vehicles whose place of business is located in ~~areas~~ area A or B may apply to the Director for a permit to establish a fleet station. A dealer's business inventory of vehicles held for resale, counted cumulatively over the previous 12 months at the time of application review by the Department shall be used to determine compliance with this subsection. ~~Newly~~ A newly established ~~dealers~~ dealer shall certify that ~~they~~ it will comply with the 25 ~~non-exempt~~ nonexempt vehicles requirement.
 2. ~~Application forms~~ An application form for a fleet station ~~permits~~ permit shall be obtained from the Department. All completed applications shall be submitted to the Department. ~~Applications~~ An application shall be considered "administratively complete" when:
 - a. The Department ~~has received~~ receives a completed application form and fleet agent designation form;
 - b. The applicant or designated employee successfully completes the fleet agent examination; and
 - c. The Department ~~has conducted~~ conducts a site inspection.
 3. Before an application for a fleet station permit may be approved, a state inspector shall inspect ~~an inspection of~~ the premises to determine compliance with subsections (B) and (C) ~~shall be made by a state inspector~~.
 4. A fleet station permit shall not expire.
 5. A fleet station permit shall only be applicable to the fleet's inspection facility located at the address shown on the fleet station permit. If a fleet owner or lessee requests a permit for inspection facilities at more than ~~to one~~ one address, the fleet owner or lessee shall apply for a permit for each facility.
 6. ~~Fleet~~ A fleet station ~~permits~~ permit issued by the Director ~~are~~ is non-transferable.
 7. ~~When a permit~~ If the name or address of the permitted fleet facility changes and the name or address change does not involve a change of ownership, the permit shall be returned to the Department for cancellation and a new permit application shall be submitted. The Director shall cancel the returned permit and issue a new permit.
 8. In the event of loss, destruction, or mutilation of the permit, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of loss, destruction, or mutilation. ~~Any fleet that loses a fleet station permit issued by the Director, and, after obtaining~~ If a fleet owner or lessee obtains a duplicate permit and then, finds the original, the fleet owner or lessee shall immediately surrender the original permit to the Department.
- B. A fleet station permit applicant or fleet station permit holder, or its employees, shall own or lease the following equipment for testing and repair of ~~a fleet vehicles~~ vehicle, and maintain ~~it~~ the equipment in good working condition:
 1. If the permit is for the inspection of ~~vehicles~~ a vehicle required to take an idle only, or an idle plus 2500 RPM unloaded test:
 - a. An NDIR CO and HC emissions analyzer that complies with the requirements of R18-2-1006(F)(7) to conduct the emissions ~~inspections~~ inspection;
 - b. Pressure test equipment for the functional gas cap test ~~which that~~ which complies with the requirements of R18-2-1006(E)(6)(a); and
 - c. ~~Ignition-operated~~ An ignition-operated tachometer.
 2. If the permit is for the inspection of ~~vehicles~~ a vehicle required to take a steady-state loaded test:
 - a. An NDIR CO and HC emissions analyzer that complies with the requirements of R18-2-1006(F)(7) to conduct the emissions ~~inspections~~ inspection;

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- b. Pressure test equipment for the functional gas cap test ~~which that~~ which that complies with the requirements of R18-2-1006(E)(6)(a);
 - c. A dynamometer to operate the vehicle under load; and
 - d. ~~Ignition-operated~~ An ignition-operated tachometer.
3. If the permit is for the inspection of ~~vehicles~~ a vehicle required to take a transient loaded test:
 - a. Equipment to perform a transient loaded ~~emission~~ emissions test as required in R18-2-1006(E)(2);
 - b. Equipment to perform the evaporative system pressure test as required in R18-2-1006(E)(2)(b);
 - c. Equipment to perform the maintenance and quality control requirements of R18-2-1006(E)(2) and "IM240 and Evap Technical Guidance;" and
 - d. Pressure test equipment for the functional gas cap test ~~which that~~ which that complies with the requirements of R18-2-1006(E)(6)(a).
 4. If the permit is for the inspection of ~~vehicles~~ a vehicle required to take an OBD test:
 - a. A scan tool used to perform the OBD test ~~which that~~ which that complies with the Society of Automotive Engineers Recommended Practice J1979, September 1997, ~~which is incorporated by reference and on file with the Department and the Secretary of State. This incorporation by reference contains~~ no future editions or amendments. A copy of this referenced material is on file with the Department and the Secretary of State and may be obtained at: Society of Automotive Engineers, 400 Commonwealth Dr., Warrendale, PA 15096-0001; and
 - b. Pressure test equipment for the functional gas cap test ~~which that~~ which that complies with the requirements of R18-2-1006(E)(6)(a).
 5. If the permit is for the inspection of ~~vehicles~~ a vehicle required to take a diesel test:
 - a. Opacity meter: ~~Meters~~ A meter used in area A shall comply with the requirements of R18-2-1006(H) for the applicable test procedure. ~~Meters~~ A meter used in area B shall comply with the requirements of R18-2-1006(I)(6)(b); and
 - b. A dynamometer for testing any light-duty diesel ~~vehicles~~ vehicle in area A ~~and or for testing all any~~ and or for testing all any diesel ~~vehicles~~ vehicle in area B.
- C.** A fleet's inspection facility shall comply with the following requirements:
1. The facility shall include space devoted principally to maintaining or repairing the fleet's motor vehicles. The space shall be large enough to conduct maintenance or repair of at least ~~± one~~ ± one fleet motor vehicle.
 2. The facility shall be exclusively rented, leased, or owned by the permit applicant or permit holder.
- D.** A fleet owner or lessee shall employ the following personnel:
1. If the facility is for the repair of nondiesel-powered vehicles, at least ~~± one~~ ± one person to perform tune-ups of engines and replacement or repair of fuel system and ignition components.
 2. If the facility is for the repair of diesel-powered vehicles, at least ~~± one~~ ± one person to perform tune-ups and replacement or repair of diesel fuel systems in the vehicle fleet.
 3. A licensed vehicle emissions inspector who will perform the necessary inspections. This inspector may be the same person required by subsection (1) or (2).
 4. A fleet agent, who shall be in charge of the day-to-day operation of the fleet and who demonstrates proficiency by passing a Department-administered examination annually, with a score equal to or greater than 80%, on the statutes and rules governing the operation and administration of a fleet emissions inspection station. The fleet owner or lessee shall designate the fleet agent on a form obtained from the Department.
- E.** Unless inspected at a state station, ~~vehicles~~ a vehicle owned by or leased to a holder of a fleet emissions inspection station permit shall be inspected according to R18-2-1006(D) through (I), except as follows:
1. ~~Dealer~~ A dealer fleet ~~vehicles~~ vehicle in area A held for resale and ~~at an~~ at an area B fleet ~~vehicles~~ vehicle, with a model year of 1981 or newer, and other than diesel-powered, shall be required to take and pass both the curb idle test specified in R18-2-1006(F) (2)(b) and a 2,500 RPM unloaded fast idle test as follows:
 - a. The vehicle's engine shall be operated at 2,500, ± 300 RPM, for no more than 30 seconds with the transmission in neutral.
 - b. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized or at the end of 30 seconds, whichever occurs first, and compared to the loaded cruise standards in Table 2. The curb idle test standards in Table 2 shall apply for the idle test.
 2. ~~Dealer~~ A dealer fleet ~~vehicles~~ vehicle in area A held for resale, and ~~at an~~ at an area B ~~vehicles~~ vehicle, with a model year of 1980 or older and other than diesel-powered, shall be required to take and pass a curb idle test as specified in R18-2-1006(F)(1). The curb idle test standards in Table 2 shall apply.
 3. ~~Dealer~~ A dealer fleet ~~vehicles~~ vehicle in area A held for resale with a model year of 1975 or newer and other than diesel-powered, shall be required to take and pass a tampering inspection as specified in R18-2-1006(E)(6).
 4. ~~Dealer~~ A dealer fleet ~~vehicles~~ vehicle in area B held for resale with a model year of 1975 or newer and other than diesel-powered, shall be required to take and pass a tampering inspection as specified in R18-2-1006(F)(6).
 5. ~~Consignment~~ vehicles A consignment vehicle shall be tested at a state inspection station ~~in accordance with~~ according to R18-2-1005(A)(3).

- F. The vehicle emissions inspector shall complete and process the forms for vehicle inspection as follows, except a government entity ~~fleets~~ fleet shall issue and process each government vehicle ~~certificates~~ certificate of inspection under R18-2-1017:
1. ~~Certificates~~ A certificate of inspection shall be processed as follows:
 - a. A certificate of inspection shall be completed and signed by the vehicle emissions inspector performing the inspection at the time the vehicle passes inspection. The vehicle emissions inspector who performed the inspection may correct a certificate by drawing a single line through the mistake, writing the correct information directly above the mistake, and initialing and dating the correction. ~~Certificates~~ Each certificate shall be issued in numerical order;
 - b. For ~~all inspections~~ an inspection that ~~do~~ does not include a biennial test, the expiration date shall be ~~one~~ year from the date the vehicle passes the mandatory vehicle emissions inspection. For ~~vehicles~~ a vehicle required to pass a biennial test, the expiration date shall be 2 two years after the pass date;
 - c. All copies of a certificate of inspection shall be legible;
 - d. Unless inspection data is electronically transmitted under A.R.S. § 49-542(Q), the original completed certificate shall be presented to MVD for processing ~~of~~ the vehicle's application for title and registration or the Arizona registration card. MVD may accept a signed certificate of inspection as evidence that the vehicle is a fleet-inspected vehicle and meets the inspection requirements of this Article;
 - e. The vehicle emissions inspector shall forward the ~~2nd~~ second copy of each completed certificate of inspection, along with the ~~2nd~~ second copy of the "Fleet Vehicle Inspection Report/Monthly Summary," to the Department monthly, not later than 2 two weeks after the last day of the month in which the inspection is conducted;
 - f. The ~~3rd~~ third copy of each completed certificate of inspection, along with the original "Fleet Vehicle Inspection Report/Monthly Summary," shall be retained for 2 two years from the date of inspection;
 - g. Vehicle emissions certificates shall be purchased from the Department in lots of 25. Excess certificates may be returned to the Department for refund or may be used in subsequent years;
 - h. The fee for a certificate of inspection shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated costs to the state of administering and enforcing the provisions of this ~~article~~ Article as they apply to issuance of ~~certificates~~ a certificate of ~~inspections~~ inspection. Payment for certificates shall be included with an application for certificates. Checks shall be made payable to the Department of Environmental Quality.
 - i. Only the Department shall sell or otherwise transfer ~~certificates~~ a certificate of inspection. This subsection does not apply to the submission of a certificate of inspection to MVD for the purpose of vehicle registration;
 - j. The fleet station owner shall be responsible for the security and accountability of ~~all the owner's fleet's~~ certificates and fleet vehicle emissions inspection records. Certificates and fleet vehicle emissions inspection records shall be maintained at the fleet station and shall be made available for review by a state inspector during normal business hours of the fleet station;
 - k. If any ~~certificates are~~ certificate is discovered lost or stolen, the fleet station owner shall notify the Department in writing within 24 hours, indicating the number of certificates lost or stolen and ~~the each serial numbers~~ number. The Department may revoke a fleet station permit for refusal or failure to report a lost or stolen ~~certificates~~ certificate within 24 hours;
 - l. In the event of loss, destruction, or mutilation of an original completed certificate of inspection, a Director's certificate may be obtained from the Department by hand-delivery of the following:
 - i. The ~~2nd~~ second or ~~3rd~~ third copy of the lost, destroyed, or mutilated certificate of inspection;
 - ii. The original of the "Fleet Vehicle Inspection Report/Monthly Summary;"
 - iii. A cover letter from the fleet agent explaining the situation that caused the loss, destruction, or mutilation of the original certificate of inspection; and
 - iv. Payment of a fee to cover the cost of issuance of the Director's certificate. The fee for a Director's certificate shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated ~~costs~~ cost to the state of administering and enforcing the provisions of this Article as they apply to issuance of a Director's ~~certificates~~ certificate. Checks shall be made payable to the Department of Environmental Quality; and
 - m. If an original certificate of inspection is voided by a fleet station, the original of the voided certificate shall be matched to the corresponding ~~3rd~~ third copy of the certificate and retained at the fleet station for 2two years from the date of inspection.
 2. The fleet agent or vehicle emissions inspector shall obtain the "Fleet Vehicle Inspection Report/Monthly Summary" form from the Department. The vehicle emissions inspector performing the inspection shall record the following information on the form at the time of inspection:
 - a. The VIN of the vehicle passing inspection;
 - b. The vehicle's license number, if applicable;
 - c. The HC content of the undiluted exhaust recorded at idle, if applicable;

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- d. The CO content of the undiluted exhaust recorded at idle, if applicable;
 - e. The HC content of the undiluted exhaust recorded at 2,500 rpm, if applicable;
 - f. The CO content of the undiluted exhaust recorded at 2,500 rpm, if applicable;
 - g. ~~If applicable, results~~ Results of a tampering check, ~~if applicable~~;
 - h. The vehicle model year;
 - i. The vehicle make;
 - j. The GVWR (~~for vehicles~~ a vehicle certified under federal truck standards);
 - k. The date of inspection;
 - l. The license number of the vehicle emissions inspector conducting the inspection;
 - m. The signature of the inspector making the entry;
 - n. The serial number of the certificate of inspection, recorded in numerical order;
 - o. For ~~vehicles~~ a vehicle required to take the transient loaded ~~emission~~ emissions test, the inspector shall record the total HC, CO, CO₂ and NO_x measured in grams/mile, and the evaporative system pressure test result, if applicable;
 - p. The registration number of the registered analyzer or opacity meter used to perform the inspection;
 - q. For ~~light-duty~~ a light-duty diesel ~~vehicles~~ vehicle, the inspector shall record opacity rather than undiluted HC and CO;
 - r. For ~~heavy-duty~~ a heavy-duty diesel ~~vehicles~~ vehicle, instead of undiluted HC and CO:
 - i. The time of the inspection;
 - ii. The ambient temperature;
 - iii. The corrected barometric pressure;
 - iv. The relative humidity at the time of inspection;
 - v. The engine year and cubic inch or liter displacement;
 - vi. The GVWR;
 - vii. The diameter of the exhaust stack; and
 - viii. The corrected opacity reading.
 - s. For ~~vehicles~~ a vehicle required to take an OBD test, the inspector shall record the OBD results rather than HC, CO, and NO_x.
3. A certificate of waiver may be issued by a fleet vehicle emissions inspector unless the fleet owner or lessee is an auto dealer licensed to sell used motor vehicles under Title 28 of the Arizona Revised Statutes. The certificate of waiver may be issued according to the following procedure if the requirements of R18-2-1008(A), R18-2-1009, and R18-2-1010 ~~have been~~ are met:
- a. A certificate of waiver shall be completed and signed by the vehicle emissions inspector performing the inspection after completion of a fleet inspection waiver report. The report shall be forwarded to the Department within ~~3~~ three business days from the date of issuance of the certificate of waiver. A fleet inspection waiver report shall be provided by the Department with the purchase of each certificate of waiver. The report shall contain a description of the vehicle, test results, and repairs performed.
 - b. The expiration date of the certificate of waiver shall be ~~2~~ two years from the date that the waiver is issued for ~~vehicles~~ a vehicle required to take the transient loaded ~~emission~~ emissions test, and ~~one~~ one year for all other vehicles.
 - c. All information required on the certificate of waiver shall be legible.
 - d. The vehicle emissions inspector issuing the certificate of waiver shall initial all corrections.
 - e. Only the vehicle emissions inspector performing the inspection may sign or initial a certificate of waiver.
 - f. Unless inspection data is electronically transmitted under A.R.S. § 49-542(Q), the original completed certificate shall be presented to ~~the Arizona Department of Transportation Motor Vehicle Division~~ MVD for processing of either the vehicle's application for title and registration or the Arizona registration card. ~~The Arizona Department of Transportation Motor Vehicle Division~~ MVD may accept the signed certificate of waiver as evidence that the vehicle is a fleet inspected vehicle and ~~has met~~ meets the inspection requirements of this Article if the certificate is complete and the expiration date has not passed.
 - g. The ~~2nd~~ second copy of each completed certificate of waiver shall accompany the completed fleet inspection waiver report.
 - h. The ~~3rd~~ third copy of each completed certificate of waiver, along with a copy of the fleet inspection waiver report, shall be retained by the fleet station owner for ~~2~~ two years from the date of inspection.
 - i. The fee for a certificate of waiver shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated ~~costs~~ cost to the state of administering and enforcing the provisions of this Article as they apply to issuance of ~~certificates~~ a certificate of ~~waivers~~ waiver. Payment for certificates shall be included with an application for certificates. Checks shall be made payable to the Department of Environmental Quality.
 - j. Only the Department shall sell or otherwise transfer ~~certificates~~ a certificate of waiver. This subsection does not apply to the submission of a certificate of waiver to MVD for the purpose of vehicle registration.

- k. The fleet station owner shall be responsible for the security and accountability of ~~all the owner's fleet's~~ fleet's certificates.
 - l. If ~~any certificates are~~ a certificate is discovered lost or stolen, the fleet station owner shall notify the Department in writing within 24 hours and indicate the number of certificates lost or stolen and ~~their each~~ serial numbers number. The Department may revoke a fleet station permit for refusal or failure to report a lost or stolen certificate within 24 hours of discovery.
 - m. In the event of loss, destruction, or mutilation of an original completed certificate of waiver, a Director's certificate may be obtained from the Department by hand delivery of the following:
 - i. The ~~2nd second~~ or ~~3rd third~~ copy of the lost, destroyed, or mutilated certificate of waiver;
 - ii. The original of the "Fleet Vehicle Inspection Report/Monthly Summary;"
 - iii. A cover letter from the fleet agent explaining the situation that caused the loss, destruction, or mutilation of the original certificate of waiver; and
 - iv. Payment of a fee to cover the cost of issuance of the Director's certificate. The fee for a Director's certificate shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated ~~costs cost~~ to the state of administering and enforcing the provisions of this Article as they apply to issuance of a Director's ~~certificates~~ certificate. Checks shall be made payable to the Department of Environmental Quality.
 - n. In the event an original certificate of waiver is voided by a fleet station, the original of the voided certificate shall be matched to the corresponding ~~3rd third~~ copy of the certificate and retained by the fleet for ~~2two~~ years from the date of inspection.
4. Upon request, a state inspector shall be allowed access to and shall be permitted to photocopy, on or off the premises, any original "Fleet Vehicle Inspection Report/Monthly Summary," the ~~2nd second~~ copy of ~~certificates~~ a certificate of inspection, and any other related documents.
- G.** The fleet shall comply with the following general operating requirements:
- 1. The fleet station permit and the licenses of all inspectors employed at the station shall be prominently displayed at the fleet's inspection facility.
 - 2. A fleet station shall only certify ~~vehicles~~ a vehicle owned by or leased to the holder of the fleet station permit.
 - 3. The inspection equipment shall be operated, calibrated, and maintained as follows:
 - a. All test equipment and instrumentation shall be maintained in accurate working condition as required by the manufacturer. ~~Instruments~~ An instrument requiring periodic calibration shall be calibrated according to instructions and recommendations of the instrument or equipment manufacturer. An NDIR ~~emission emissions~~ analyzers analyzer shall be registered and calibrated according to R18-2-1027. Calibration records for each instrument, except an NDIR ~~emission emissions~~ analyzers analyzer, shall be maintained by the fleet station. The calibration records shall be signed and dated by the technician performing each calibration.
 - b. The instrument calibration records shall be available for review by the Department.
 - c. Working gases used by the fleet station shall be subject to analysis and comparison to the Department's standard gases at any time.
 - d. Fleet station equipment shall be subject to both scheduled and unscheduled checks for accuracy and condition by the Department.
 - 4. A fleet emissions inspection station that is unable to test at least 25 vehicles according to R18-2-1006 and subsection (A) shall surrender its permit.
 - 5. A motor vehicle dealer with a fleet station permit shall comply with A.R.S. § 49-542.03.
 - 6. If a fleet station fails to meet any requirement of ~~subsections~~ subsection (B), (C), or (D), it shall immediately cease operating as a fleet station until the requirement is met. If the fleet is cited for failure to have the necessary equipment under subsection (B), it shall not resume operation as a fleet emissions inspection station until compliance is verified by the Department.
 - 7. A fleet station shall notify the Department in writing within 7 seven days of the end or start of employment of any vehicle emissions inspector. The written notification shall include the name and license number of the vehicle emissions inspector, a statement declaring the employment ~~action taken~~ change, and the effective date of the employment change. A fleet station that does not employ a vehicle emissions inspector shall immediately cease operating as a fleet station and notify the Department immediately by telephone and within 7 seven days in writing. All unused vehicle certificates of inspection shall be returned to the Department for a refund within 7 seven days after operations cease ~~for a refund~~.
 - 8. A fleet station that does not employ a fleet agent, as described in subsection (D)(4), shall immediately cease operating as a fleet station and shall notify the Department immediately by telephone and within 7 seven days in writing. The written notification shall include the name and license number of the fleet agent, a statement declaring the employment ~~action taken~~ change, and the effective date of the employment change. The fleet station may resume fleet station operation after the permit applicant or other designated employee ~~has taken~~ takes and ~~passed~~ passes the examination

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required in subsection (D)(4), if the responsibility of the day-to-day operation of the fleet station and a fleet agent designation form has been filed with the ~~department~~ Department.

- H.** A fleet's activities shall be governed by the following compliance and enforcement rules:
1. Subsections (B) through (G) apply at all times after the issuance of a fleet station permit. In addition, subsections (B), (C), and (D) apply before a permit can be issued or removed from suspension.
 2. The Director may suspend or revoke a fleet station permit according to A.R.S. §§ 49-546(F) and A.R.S. Title 41, Chapter 6, if the permittee, or any person employed by the permittee:
 - a. Violates any provision of Title 49, Chapter 3, Article 5 of the Arizona Revised Statutes or any provision of this Article;
 - b. Misrepresents a material fact in obtaining a permit;
 - c. Fails to make, keep, and submit to the Department records for ~~vehicles~~ a vehicle tested as a permittee; or
 - d. Does not provide a state inspector access to the information required by this Article.
 3. If a fleet station permit is surrendered, suspended or revoked, all unused vehicle certificates of inspection shall be returned to the Department for a refund.
 4. ~~Fleet vehicles are~~ A fleet vehicle is subject to inspection by ~~a state inspectors~~ inspector.
 5. Surrender of a permit under subsection (A)(8) or (G)(4) shall not prevent the Department from carrying out an investigative or disciplinary ~~proceedings~~ proceeding against the permit holder for ~~violations prior to~~ a violation before surrender.

R18-2-1020. Licensing of 3rd Party Agents; Issuing Alternative Fuel Certificates

- A. No change
- B. No change
- C. Issuing Alternative Fuel Certificates. The Department or its agent shall issue an Alternative Fuel Certificate according to A.R.S. § 28-2416 if the vehicle is currently powered by an alternative fuel as defined in A.R.S. § 1-215(4).

R18-2-1025. Inspection of Contractor's Equipment and Personnel

- A. No change
- B. Equipment used to perform a transient loaded ~~emission~~ emissions test, shall be audited at least twice a year for all of the following:
 1. Constant volume sampler critical flow and calibration;
 2. Optimization of the flame ionization detector fuel to air ratio using methane;
 3. Proper dynamometer coast down, roll distance, and inertia weight;
 4. Ability to detect background pollutant concentrations;
 5. Evaporative pressure test ~~systems~~ system for accuracy, response time, and other criteria consistent with "IM240 and Evap Technical Guidance;" and
 6. Functional gas cap analysis equipment.
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change

R18-2-1027. Registration and Inspection of ~~Emission~~ Emissions Analyzers and Opacity Meters

- A. No change
- B. No change
- C. A registered analyzer shall meet the requirements of R18-2-1006(F)(7)(a). Calibration shall be verified by a state inspector before the analyzer is registered. The analyzer shall read the value of the calibration gases within the following tolerances:
 1. Plus 0.50% CO to minus 0.25% CO in the range from 0 to 2% CO;
 2. Plus 1.00% CO to minus 0.50% CO in the range from 2% to 10% CO;
 3. Plus 60 PPM HC to minus 30 PPM HC in the range from 0 to 500 PPM HC when read as N-HEXANE; and
 4. Plus 200 PPM HC to minus 100 PPM HC in the range from 500 to 2,000 PPM HC when read as N-HEXANE.
- D. No change
- E. No change
- F. No change

Table 2. ~~EMISSION~~ EMISSIONS STANDARDS - ANNUAL TESTS - MAXIMUM ALLOWABLE

Motorcycles

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Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	N/A	N/A
4-Stroke	All	All	500	5.00	1,800	5.50	N/A	N/A

Reconstructed Vehicles

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
4-Stroke	1967-1980	All	700	5.25	1,200	7.50	1,200	5.60
4-Stroke	1980 & Newer	All	700	5.25	1,200	7.50	700	5.25

Light-Duty Vehicles

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	4 or less	120	1.00	250	2.20	250	1.65
4-Stroke	1975-1978	more than 4	120	1.00	250	2.00	250	1.50
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 & newer	All	100	0.50	220	1.20	220	1.20

Light-Duty Truck 1 (0-6000 lbs GVWR)

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20

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4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	4 or less	120	1.00	250	2.20	250	1.65
4-Stroke	1975-1978	more than 4	120	1.00	250	2.00	250	1.50
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 & newer	All	100	0.50	220	1.20	220	1.20

Light-Duty Truck 2 (6001 - 8500 lbs GVWR)

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	All	300	3.00	350	4.00	350	3.00
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 & newer	All	100	0.50	220	1.20	220	1.20

Heavy-Duty Truck (8501 lbs or greater GVWR)

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	All	300	3.00	350	4.00	350	3.00
4-Stroke	1979 & newer	All	300	3.00	300	4.00	300	3.00

Table 3. ~~EMISSION~~ EMISSIONS STANDARDS - TRANSIENT LOADED ~~EMISSION~~ EMISSIONS TESTS

(No change to the table)

11. A summary of the principal comments and the agency responses to them:

No comments from stakeholders were received. The changes noted above between the proposed and final rules were made with the cooperation of Governor's Regulatory Review Council staff to make the rules more clear, concise, and understandable.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their locations in the rules:

<u>New incorporation by reference</u>	<u>Locations</u>
“Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program”	
EPA420-R-01-015, EPA, June 2001	R18-2-1006(E)(3)(b)
	R18-2-1006(F)(3)(b)
“Society of Automotive Engineers Recommended Practice J1979,” September 1997	R18-2-1019(B)(4)(a)

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL

ARTICLE 10. MOTOR VEHICLES; INSPECTION AND MAINTENANCE

Section

- R18-2-1001. Definitions
- R18-2-1003. Vehicles to be Inspected by the Mandatory Vehicular Emissions Inspection Program
- R18-2-1005. Time of Inspection
- R18-2-1006. Emissions Test Procedures
- R18-2-1007. Evidence of Meeting State Inspection Requirements
- R18-2-1009. Tampering Repair Requirements
- R18-2-1010. Low Emissions Tune-up, Emissions, and Evaporative System Repair
- R18-2-1011. Vehicle Inspection Report
- R18-2-1012. Inspection Procedures and Fee
- R18-2-1014. ~~Vehicle Repair Grants~~ Repealed
- R18-2-1015. ~~On-road Testing; High Emissions Identifications~~ Repealed
- R18-2-1016. Licensing of Inspectors
- R18-2-1017. Inspection of ~~Governmental~~ Government Vehicles
- R18-2-1018. Certificate of Inspection
- R18-2-1019. Fleet Station Procedures and Permits
- R18-2-1020. Licensing of 3rd Party Agents; Issuing Alternative Fuel Certificates
- R18-2-1025. Inspection of Contractor’s Equipment and Personnel
- R18-2-1027. Registration and Inspection of ~~Emission~~ Emissions Analyzers and Opacity Meters
- Table 2. ~~Emission~~ Emissions Standards - Annual Tests
- Table 3. ~~Emission~~ Emissions Standards - ~~Biennial~~ Transient Loaded Emissions Tests
- Table 6. ~~Emission Standards-Remote Sensing Identifications~~ Repealed

ARTICLE 10. MOTOR VEHICLES; INSPECTION AND MAINTENANCE

R18-2-1001. Definitions

In this Article, unless the context otherwise requires:

1. Abbreviations and symbols are as follows:
 - a. “A/F” means air/fuel,
 - b. ~~“CID” means cubic inches displacement.~~
 - e.b. “CO” means carbon monoxide.
 - ~~e.c.~~ “CO₂” means carbon dioxide.
 - e.d. “EGR” means exhaust gas recirculation.
 - f.e. “GVWR” means gross vehicle weight rating.
 - ~~g.f.~~ “HC” means hydrocarbon.
 - ~~h.g.~~ “HP” means horsepower.
 - i.h. “LNG” means liquefied natural gas.

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- ~~j-i.~~ "LPG" means liquid petroleum gas.
- ~~k.~~ ~~"LVW" means loaded vehicle weight.~~
- ~~j.~~ "MIL" means Malfunction Indicator Lamp.
- ~~l-k.~~ "MPH" means miles per hour.
- ~~m-l.~~ "MVD" means the Motor Vehicle Division of the Arizona Department of Transportation.
- ~~n-m.~~ "NDIR" means nondispersive infrared.
- ~~o-n.~~ "NO_x" means the sum of nitrogen oxide and nitrogen dioxide.
- ~~p-o.~~ "%" means percent.
- ~~q-p.~~ "OEM" means original equipment manufacturer.
- ~~q.~~ "OBD" means On-Board Diagnostics.
- ~~r.~~ ~~"PROM" means programmable read only memory.~~
- ~~s-r.~~ "PCV" means positive crankcase ventilation.
- ~~t-s.~~ "PPM" means parts per million by volume.
- ~~u-t.~~ "RPM" means revolutions per minute.
- ~~v-u.~~ "VIN" means vehicle identification number.
- ~~w.~~ ~~"VIR" means vehicle inspection report.~~
2. "Annual test" means any vehicle emissions test that is not a biennial test.
3. "Apportioned vehicle" means a vehicle that is subject to the proportional registration provisions of A.R.S. § 28-2233.
4. "Area A" has the ~~same~~ meaning as in A.R.S. § 49-541.
5. "Area A vehicle" means a motor vehicle subject to ~~emission~~ emissions inspection and that is:
- Registered or to be registered within area A;
 - Owned by or leased to a person having a valid fleet permit and customarily kept in area A;
 - A government vehicle customarily kept in area A;
 - Used to commute to the driver's principal place of employment located in area A; or
 - Parked, will be parked, or is the subject of a parking permit application at an institution located in area A and subject to the requirements of A.R.S. §§ 15-1444(C) or 15-1627(G).
6. "Area B" has the ~~same~~ meaning as in A.R.S. § 49-541.
7. "Area B vehicle" means a motor vehicle subject to ~~emission~~ emissions inspection and that is:
- Registered or to be registered within area B;
 - Owned by or leased to a person having a valid fleet permit and customarily kept in area B;
 - A government vehicle customarily kept in area B;
 - Used to commute to the driver's principal place of employment located in area B; or
 - Parked, will be parked, or is the subject of a parking permit application at an institution located in area B and subject to the requirements of A.R.S. §§ 15-1444(C) or 15-1627(G).
8. "Biennial test" means the transient loaded ~~emission~~ emissions test and evaporative system tests required under R18-2-1006(E)(2), or the OBD test for area A vehicles under R18-1006(E)(3).
9. "Calibration gas" means a gas with assigned concentrations of CO, hexane, or ~~CO~~ CO₂ that is used by a state inspector to check the accuracy of emissions analyzers.
10. "Certificate of compliance" means a serially numbered document issued by a state station at the time of a vehicle inspection indicating that the vehicle has met the emissions standards.
11. "Certificate of exemption" means a serially numbered ~~certificate document~~ issued by the Director exempting a vehicle from inspection that is not available within the state for an inspection during the 90 days before the emissions compliance expiration date.
12. "Certificate of inspection" means a serially numbered document issued by the Director indicating that a vehicle has been inspected under A.R.S. § 49-546 and has passed inspection.
13. "Certificate of waiver" means a serially numbered document issued by the Department or a fleet inspector other than an auto dealer licensed to sell used motor vehicles under A.R.S. Title 28 of the Arizona Revised Statutes, indicating that the requirement of passing reinspection has been waived for a vehicle under A.R.S. § 49-542.
14. "Conditioning mode" means either a fast idle condition or a loaded condition as defined in this Section.
15. "Constant 4-wheel drive vehicle" means any 4-wheel drive vehicle ~~with 4 wheels and~~ that cannot be converted to 2-wheel drive except by disconnecting one of the vehicle's drive shafts.
16. "Constant volume sampler" means a system that dilutes engine exhaust to be sampled with ambient air so that the total combined flow rate of exhaust and dilution air mix is nearly constant for all engine operating conditions.
17. "Contractor" means a person, business, firm, partnership, or corporation with whom the Director has a contract that provides for the operation of one or more official emissions inspection stations.
18. "Curb idle test" means an exhaust emissions test conducted with the engine of the vehicle running at the manufacturer's idle speed ± 100 RPM but without pressure exerted on the accelerator.
19. "Curb weight" means a vehicle's unloaded weight without fuel and oil plus 300 pounds.

20. "Dealer" means a person or organization licensed by the Arizona Department of Transportation as a new motor vehicle dealer, used motor vehicle dealer, or motorcycle dealer.
21. "Department" means the Department of Environmental Quality.
22. "Director" means the Director of the Department of Environmental Quality.
23. "Director's certificate" means a serially numbered document issued by the Director in special certain circumstances ~~that the Director deems inappropriate~~ for the vehicle to show evidence of meeting the minimum standards for registration or reregistration under R18-2-1019 or R18-2-1022.
24. "Electrically-powered vehicle" means a vehicle that ~~both~~ uses electricity as the means of propulsion and does not require the combustion of fossil fuel within the confines of the vehicle ~~in order~~ to generate electricity.
25. "Emissions compliance expiration date" means:
 - a. Each registration expiration date for ~~vehicles~~ a vehicle subject to an annual tests test; and
 - b. The registration expiration date in the 2nd second year after the initial biennial test required under this Article or R18-2-1005(B) for ~~vehicles~~ a vehicle subject to a biennial tests test.
26. "Emissions inspection station permit" means a certificate issued by the Director authorizing the holder to perform vehicle emissions inspections under this Article.
27. "Exhaust emissions" means products of combustion emitted into the atmosphere from any opening in the exhaust system downstream of the exhaust ports of a motor vehicle engine.
28. "Exhaust pipe" means the pipe that attaches to the muffler and exits the vehicle.
29. "Fast idle condition" means to operate a vehicle by running the engine at 2,500 RPM, \pm 300 RPM, for up to 30 seconds, with the transmission in neutral, to prepare the vehicle for a subsequent curb idle test.
30. "Fast pass or fast fail algorithm" means a procedure in a vehicle ~~emission~~ emissions testing system that logically determines whether a vehicle will pass or fail the biennial transient loaded emissions test under R18-2-1006(E)(2) before the test is over.
31. "Fleet emissions inspection station" or "fleet station" means any vehicle emissions inspection facility operated under a permit issued under A.R.S. § 49-546.
32. "Fuel" means any material that is burned within the confines of a vehicle to propel the vehicle.
33. "Four-stroke vehicle" means a vehicle equipped with an engine that requires 2 two revolutions of the crankshaft for each piston power stroke.
34. "Golf cart" means a motor vehicle that has not less than 3 three wheels in contact with the ground, has an unladen weight less than 1,300 pounds, is designed to be and is operated at not more than 15 MPH, and is designed to carry golf equipment and persons.
35. "Government vehicle" means a registered motor vehicle exempt from the payment of a registration fee, or a federally owned or leased vehicle.
36. "Gross vehicle weight rating" (GVWR) means the maximum vehicle weight that ~~the~~ a vehicle is designed for as established by the manufacturer.
37. "Inspection" means the mandatory vehicle emissions inspection including the tampering inspection.
38. "Inspection sticker" means a self-adhesive, serially numbered rectangular sticker indicating a government vehicle has met Arizona emissions inspection requirements.
39. "Loaded condition" means to condition a vehicle by running the vehicle on a chassis dynamometer at a specified speed and load for no more than 30 seconds to prepare the vehicle for a subsequent curb idle test.
40. "Loaded cruise test" means an exhaust emissions test conducted on a chassis dynamometer under R18-2-1006(E)(1)(a) and (F)(2)(a).
41. "Mass ~~emission~~ emissions measurement" means measurement of a vehicle's exhaust in mass units such as grams.
42. "Model year" means the date of manufacture of the original vehicle within the annual production period of the vehicle as designated by the manufacturer or, if a reconstructed vehicle, the ~~1st~~ first year of titling.
43. "MOL percent" means the percent, by volume, that a particular gas occupies in a mixture of gases at a uniform temperature.
44. "Motorcycle" means a motor vehicle, other than a tractor, having a seat or saddle for use of the rider and designed to travel on not more than 3three wheels in contact with the ground.
45. "Motorhome" means a vehicle built on a truck or bus chassis and equipped as a self-contained traveling home.
46. "New aftermarket catalytic converter" or "new aftermarket converter" means a catalytic converter, except for an OEM, that meets the standards under 40 CFR 86.
47. "Official emissions inspection station" means an inspection facility, other than a fleet emissions inspection station, whether placed in a permanent structure or in a mobile unit for conveyance to various locations within the state, for the purpose of conducting inspections under A.R.S. § 49-542.
48. "On-board diagnostics test" means a method of emissions testing using the on-board computer systems of a 1996 or newer vehicle, to diagnose and report on the status of the engine's emissions systems by connecting a scan tool to the vehicle's data link connector.
- 48-49. "Opacity" means the degree of absorption of transmitted light.

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- ~~49-50.~~ "Operational air pump" means an air injection system (~~AIS~~) to supply additional ~~oxygen~~ (air) into the exhaust system to promote further oxidation of HC and CO gases and to assist in catalytic reaction.
- ~~50-51.~~ "Person" means the federal government, state, or any federal or state agency or institution, any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.
- ~~51-52.~~ "Reconditioned OEM catalytic converter" or "reconditioned OEM converter" means a used OEM reconditioned equivalent or an OEM converter that has had the pellets replaced with new or used OEM equivalent pellets and that also meets the standards under 40 CFR 86.
- ~~52-53.~~ "Recognized repair facility" means a business with an Arizona transaction privilege (~~sales~~) tax license whose primary purpose is vehicle repair, and ~~having who has~~ at least ~~four~~ one employee with a nationally recognized certification for emissions-related diagnosis and repair.
- ~~53-54.~~ "Reconstructed vehicle" means:
- a. A reconstructed special as identified by the code letters "SP" on the section of the vehicle's Arizona registration card or Arizona certificate of title reserved for identification of the vehicle's style; or
 - b. A vehicle in which the vehicle style is not shown on the Arizona registration card or certificate of title, and the original manufacturer of the complete vehicle cannot be identified from the body.
- ~~54-55.~~ "Standard gases" means gases maintained as a primary standard for determining the composition of working gases, calibration gases, or the accuracy of ~~an emissions analyzers~~ analyzer.
- ~~55-56.~~ "State inspector" means an employee of the Department designated to perform quality assurance or waiver functions under this Article.
- ~~56-57.~~ "State station" means an official emissions inspection station operated by a contractor.
- ~~57-58.~~ "Tampering" means removing, defeating, or altering an emissions control device that was installed on a vehicle at the time the vehicle was manufactured. For the purposes of this Article, defeating includes failure to repair any malfunctioning emission control system or device.
- ~~58-59.~~ "Two-stroke vehicle" means a vehicle equipped with an engine that requires ~~+~~ one revolution of the crankshaft for each power stroke.
- ~~59-60.~~ "Unloaded fast idle test" means an exhaust emissions test conducted with the engine of the vehicle running at 2,500 RPM.
- ~~60-61.~~ "Vehicle" means any automobile, truck, truck tractor, motor bus, or self-propelled or motor-driven vehicle registered or to be registered in this state and used upon the public highways of this state for the purpose of transporting persons or property, except implements of husbandry, roadrollers, or road machinery temporarily operated upon the highway.
- ~~61-62.~~ "Vehicle emissions inspector" means an individual who is licensed by the Director to perform vehicle emissions inspections under this Article.
- ~~62-63.~~ "Working gases" means gases maintained to perform periodic calibration of an emissions analyzer.

R18-2-1003. Vehicles to be Inspected by the Mandatory Vehicle Emissions Inspection Program

- A.** The following vehicles shall be inspected according to this Article at a state station or a fleet station unless exempted by subsection (B):
1. A vehicle to be registered or reregistered within area A or area B for highway use. For the purposes of this Article, registration or reregistration within area A or area B shall be determined by the vehicle owner's permanent and actual residence. The permanent address in the MVD database shall be presumed to be the owner's permanent and actual residence. A post office box address listed on a title or registration document under A.R.S. § 28-2051(C) is not evidence of the owner's permanent and actual residence;
 2. Each vehicle delivered to a retail purchaser ~~purchaser~~ by a dealer licensed to sell used motor vehicles for highway use under A.R.S. Title 28 and whose place of business is located in area A or area B;
 3. Each vehicle registered outside area A and area B but used to commute to the driver's principal place of employment located within area A or area B;
 4. Each vehicle owned by a person who is subject to A.R.S. §§ 15-1444(C) or 15-1627(G); and
 5. An area A or area B vehicle located out-of-state for more than 90 days before vehicle registration expiration shall be emissions tested at an official emissions inspection testing center in the area where it is located. If no official emission emissions testing program is available in the area for that vehicle, the vehicle shall meet the testing requirements under this Article within 15 calendar days of returning to Arizona.
- B.** The following vehicles are exempt from the inspection requirements of this Article:
1. A vehicle manufactured in or before the 1966 model year;
 2. A vehicle leased to a person residing outside area A and area B by a leasing company whose place of business is in area A or area B, except as provided in subsection (A)(3);
 3. A vehicle sold between motor vehicle dealers;
 4. An electrically-powered vehicle;
 5. An apportioned vehicle;

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6. A golf cart;
 7. A vehicle with an engine displacement of less than 90 cubic centimeters;
 8. A vehicle registered at the time of change of name of ownership except when:
 - a. The change in registration is accompanied by the required fees fee for the year following expiration of the prior registration, or
 - b. The change results from the sale by a dealership whose place of business is located in area A or area B;
 9. A vehicle for which a current certificate of exemption or Director's certificate ~~has been~~ is issued;
 10. ~~A diesel-powered vehicle in area A applying for registration or reregistration 33 months or less after the date of initial registration as a new vehicle; and~~
 11. ~~10. Vehicles~~ A vehicle of a model year the same as, or newer than, the current calendar year and ~~vehicles~~ a vehicle of the prior ~~4~~ four model years, except:
 - a. ~~Reconstructed vehicles~~ A reconstructed vehicle;
 - b. ~~Vehicles requiring emissions testing under R18-2-1015; and~~
 - b. An alternative fuel vehicle, as defined in A.R.S. § 43-1086, and
 - c. ~~Vehicles~~ A vehicle failing an emissions inspection the owner chooses to have under A.R.S. § 49-543.
 11. A vehicle designed to operate exclusively on hydrogen, as defined in A.R.S. § 1-215.
- C. Government vehicles operated in area A or area B and not exempted by this Article shall be emissions inspected according to R18-2-1017.

R18-2-1005. Time of Inspection

- A. ~~All area B vehicles, area~~ Area A vehicles subject to an annual test, all area B vehicles, and vehicles sold or offered for sale by dealers required to be inspected under R18-2-1003, shall be inspected at the following times:
1. For ~~vehicles~~ a vehicle not covered by a fleet station permit, within 90 days before each registration expiration date-;
 2. For ~~vehicles~~ a vehicle sold by a dealer licensed to sell used motor vehicles under A.R.S. Title 28, whose place of business is located in area A or area B, before delivery of the vehicle to the retail purchaser-;
 3. For ~~a consignment~~ vehicles vehicle offered for sale by a dealer licensed to sell used motor vehicles under A.R.S. Title 28 whose place of business is located in area A or area B, before delivery of the vehicle to the retail purchaser. ~~Such~~ The consignment vehicles vehicle shall be inspected at a state station according to R18-2-1006-;
 4. For government vehicles:
 - a. For ~~vehicles~~ a vehicle not exempt under R18-2-1003(B)(10) ~~or (11)~~, within 12 months after acquisition by the operating entity and then annually ~~thereafter~~, on or before the anniversary date of the previous inspection; ~~and~~
 - b. For ~~vehicles~~ a vehicle temporarily exempt under R18-2-1003(B)(10) ~~or (11)~~, within 90 days after the vehicle becomes subject to testing, and then annually ~~thereafter~~, on or before the anniversary date of the previous inspection-; and
 - c. A vehicle is subject to testing on the anniversary of its date of acquisition;
 5. For ~~vehicles~~ a vehicle owned by or leased to a person having a valid fleet station permit, at least once within each 12-month period following any original registration or reregistration-;
 6. For ~~vehicles~~ a vehicle to be registered in area A or area B under conditions not specified in ~~subsections~~ subsection (1) through (5), within 90 days before registration-;
 7. For ~~vehicles~~ a vehicle registered outside area A and area B and used to commute to the driver's principal place of work located in area A or area B, upon vehicle registration or reregistration-;
 8. For ~~vehicles~~ a vehicle owned by ~~persons~~ a person subject to A.R.S. §§ 15-1444(C) or 15-1627(G), within 30 calendar days following the date of initial registration at the institution located in area A or area B and annually thereafter-; and
 9. For ~~vehicles~~ a vehicle issued a certificate of exemption under R18-2-1023, within 15 calendar days after returning to Arizona, unless an official emissions inspection document from the out-of-state emissions inspection station ~~was~~ is submitted with the request for exemption.
- B. ~~Area~~ An area A ~~vehicles~~ vehicle subject to ~~the~~ a biennial test shall be inspected at the following times:
1. For ~~vehicles~~ a vehicle not covered by a fleet station permit, within 90 days before the vehicle's emissions compliance expiration date.
 2. For ~~a government~~ vehicles vehicle;
 - a. For ~~vehicles~~ a vehicle not exempt under R18-2-1003(B)(10) ~~or (11)~~, within 12 months after acquisition by the operating entity, and biennially thereafter, on or before the anniversary date of the previous inspection; ~~and~~
 - b. For ~~vehicles~~ a vehicle temporarily exempt under R18-2-1003(B)(10) ~~or (11)~~, within 90 days after the vehicle becomes subject to testing, and biennially thereafter, on or before the anniversary date of the previous inspection-; and
 - c. The vehicle becomes subject to testing on the anniversary of its date of acquisition;
 3. For ~~vehicles~~ a vehicle owned by or leased to a person having a valid fleet station permit, at least once within each successive 24-month period following original registration-;
 4. For ~~vehicles~~ a vehicle registered outside area A but used to commute to the driver's principal place of work located in area A, upon vehicle registration and biennially thereafter-;

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5. For ~~vehicles~~ a vehicle owned by ~~persons~~ a person subject to A.R.S. §§ 15-1444(C) or 15-1627(G), within 30 days following the date of initial registration at the institution located in area A and biennially thereafter;
 6. For ~~vehicles~~ a vehicle to be registered as area A vehicles under conditions not specified in subsections (1) through (5), upon initial registration and within 90 days before the vehicle's emissions compliance expiration date thereafter;
and;
 7. For ~~vehicles~~ a vehicle issued a certificate of exemption under R18-2-1023, within 15 calendar days after returning to Arizona, unless an official emissions inspection document indicating compliance with the emissions requirements from the out-of-state emissions inspection station is submitted with the request for exemption.
- ~~C.~~ Vehicles registered in the portion of area A within Pinal County are exempt from the requirements of this Article until January 1, 2001.
- ~~D.C.~~ Unless exempted by R18-2-1003(B), a used vehicle not registered as an area A or area B vehicle shall be inspected according to this Article before registration as an area A or area B vehicle unless exempted by R18-2-1003(B).
- ~~E.D.~~ An area B vehicle being registered in area A is subject to the appropriate annual or biennial test from area A before registration even if the emissions compliance period for area B has not yet expired.
- ~~F.E.~~ New vehicles A new vehicle that ~~are temporarily~~ is exempt from ~~emission~~ emissions testing under R18-2-1003(B)(4)(10), and subject to either an annual or biennial test, shall be tested before registration in the calendar year that exceeds the vehicle's model year by 5 five years.
- ~~G.F.~~ Nothing in this Section shall be construed to waive a late registration fee because of failure to meet inspection requirements by the registration deadline, except that a motor ~~vehicles failing~~ vehicle that fails the initial or subsequent test shall not be subject to a penalty fee for late registration renewal if:
1. The initial test is accomplished before the emissions compliance expiration date, and
 2. The registration renewal is received by ~~the Arizona Department of Transportation Motor Vehicle Division~~ MVD within 30 days of the initial test.
- ~~H.G.~~ An owner of a vehicle subject to subsection (A)(1), (A)(6), (B)(1), or (B)(6) may be submitted for a voluntary submit the vehicle for emissions inspection more than 90 days before the emissions compliance expiration date ~~on payment of the inspection fee. A voluntary~~ but the inspection is not compliance with does not satisfy the registration or reregistration testing requirement under R18-2-1003.

R18-2-1006. Emissions Test Procedures

- A. Each vehicle inspected at a state station shall be visually inspected before the emissions test for the following unsafe or ~~unstable~~ untestable conditions:
1. A fuel leak that causes wetness or pooling of fuel;
 2. A continuous engine or transmission oil leak onto the floor;
 3. A continuous engine coolant leak onto the floor such that the engine ~~has overheated~~ is overheating or may overheat within a short time;
 4. ~~The~~ A vehicle ~~has with~~ with a tire on a driving wheel with less than 2/32-inch tread, with metal protuberances, unmatched tire size, with obviously low tire pressure as determined by visual inspection, or any other condition that precludes a loaded test for reasons of personnel, equipment, or vehicle safety;
 5. An exhaust pipe that does not exit the rear or side of the vehicle to allow for safe exhaust probe insertion;
 - ~~6.~~ An exhaust pipe on a diesel-powered vehicle that does not allow for safe exhaust probe insertion and attachment of opacity meter sensor units;
 - ~~6-7.~~ Improperly operating brakes;
 - ~~7-8.~~ Any vehicle modification; or mechanical condition that prevents dynamometer operation; and
 - ~~8-9.~~ Any other condition deemed unsafe or untestable by the inspector, including loud internal engine noise or an obvious exhaust leak.
- B. A vehicle emissions inspection shall not be performed by an official emissions inspection station on any vehicle towing a heavily loaded trailer, carrying a heavy load, loaded with explosives, or loaded with any hazardous material not used as fuel for the vehicle.
- C. Any vehicle unsafe or otherwise untestable as determined by the visual inspection shall be rejected without an emissions test. ~~Vehicle owners or drivers shall be notified~~ The inspector shall notify the vehicle owner or operator of all unsafe conditions found on rejected vehicles. ~~A fee shall not be charged~~ The state station shall not charge a fee if the vehicle is rejected ~~at a state station~~. The contractor shall not conduct an emissions test ~~shall not be conducted~~ on a vehicle rejected for a safety reason or any other untestable condition until the cause for rejection is repaired.
- D. When conducting the emissions test ~~procedure~~ required by this Section, both the vehicle emissions inspector shall meet all of the following requirements ~~shall be met~~:
1. ~~All vehicles~~ The vehicle shall be tested in the condition presented, unless rejected under subsection (A), (B), or (C). The vehicle's engine shall be operating at normal temperature and not be overheating as indicated by a gauge, warning light, or boiling radiator. All of the vehicle's accessories shall be turned off during testing.
 2. ~~Vehicles~~ A vehicle designed to operate with more than ± one fuel shall be tested on the fuel in use when the vehicle is presented for inspection; ~~except alternative fuel vehicles, as defined in A.R.S. § 43-1086. The inspector shall test the~~

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alternative fuel vehicle on each fuel for which it is intended to operate, using the appropriate emissions test procedure and standards for that vehicle. The alternative fuel vehicle shall:

- a. Be operated a minimum of 30 seconds before testing, after switching fuels;
- b. Be rejected if it is not able to operate on both fuels; and
- c. Be rejected if the vehicle operator cannot switch fuels.

3. A vehicle operated exclusively on propane or natural gas, as defined in A.R.S. § 1-215, shall be exempt from the gas cap and evaporative pressure testing described in subsection (E)(5)(b)(ii), (E)(6)(a), and (F)(6)(a).

E. In area A, the inspection test procedures for ~~all vehicles~~ a vehicle other than a diesel-powered ~~vehicles vehicle and vehicles~~ vehicle held for resale by a fleet-licensed motor vehicle ~~dealers dealer~~ shall ~~conform to~~ consist of the following:

1. ~~Vehicles~~ A vehicle manufactured with a model year of 1967 through 1980, ~~all a~~ nonexempt ~~vehicles vehicle~~ vehicle with a GVWR greater than 8,500 pounds, and ~~all a~~ reconstructed ~~vehicles vehicle~~ vehicle, except a ~~motoreycles~~ motorcycle and a constant 4-wheel drive ~~vehicles vehicle~~ vehicle, ~~are is~~ required to annually take and pass a loaded cruise test and a curb idle test, as follows:

a. Loaded cruise test. The vehicle's drive wheels shall be placed on a dynamometer and the vehicle shall be operated according to Table 1 of this Article, in drive for automatic transmission or ~~2nd second~~ or higher gear for manual transmission. Overdrive shall not be used for testing. All vehicles shall be driven by the inspector during testing. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 90 seconds, whichever occurs first. After exhaust emissions ~~have been~~ are recorded, engine speed shall be returned to idle for a curb idle test.

b. Curb idle test. The test shall be performed with the vehicle in neutral for 1981 and newer vehicles. For 1980 and older vehicles, the test shall be performed in neutral, except that if the vehicle has an automatic transmission, drive shall be used. Engine RPM shall be within ± 100 RPM of the manufacturer's specified idle RPM. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 90 seconds, whichever occurs first. A CO₂ plus CO reading of 6% or greater shall be registered to establish test validity. A CO₂ plus CO reading of less than 6% shall be proof of exhaust sample dilution and the vehicle shall be rejected from further emissions inspection until repaired, ~~except when tested at a fleet emissions inspection station.~~

c. Exhaust sampling for a vehicle required to take an annual emissions test under subsection (E)(1) shall comply with subsection (F)(7).

2. ~~Vehicles~~ A vehicle with a 1981 or newer model year and a GVWR of 8,500 pounds or less, except ~~motoreycles a~~ motorcycle, a reconstructed ~~vehicles vehicle~~ vehicle, a 1996 or newer OBD-equipped vehicle or a ~~and, until January 1, 2002~~ constant 4-wheel drive ~~vehicles vehicle~~ vehicle, ~~are is~~ required to biennially take and pass a transient loaded emissions test and an evaporative system ~~integrity pressure~~ test as follows:

a. The transient loaded ~~emission~~ emissions test shall consist of 147 seconds of mass ~~emission~~ emissions measurement using a constant volume sampler while the vehicle is driven by an inspector through a computer-monitored driving cycle on a dynamometer with inertial weight settings appropriate for the weight of the vehicle. The driving cycle shall include the acceleration, deceleration, and idle operating modes described in Table 4. The 147 second sequence may be ended earlier using a fast pass or fast fail ~~algorithms~~ algorithm. A retest algorithm shall be used to determine if a test failure is due to insufficient vehicle preconditioning. As determined by the retest algorithm, up to ~~2~~ two additional tests may be performed on a failing vehicle. Drive shall be used for automatic transmissions and ~~1st first~~ gear shall be used to begin for manual transmissions. Exhaust emissions concentrations in grams per mile for HC, CO, NO_x and CO₂ shall be recorded continuously beginning with the ~~1st first~~ second. The inspector shall reject ~~from testing~~ vehicles a vehicle with an audible or visible exhaust ~~leaks~~ leak from emissions testing.

b. The evaporative system ~~integrity pressure~~ test shall consist of the following steps in sequence:

- i. Connect the test equipment to either the fuel tank vent hose at the canister or the fuel tank filler neck. The gas cap shall be checked to ensure that it is properly tightened, and shall be tightened if necessary determine that cap leakage does not exceed 60 cubic centimeters of air per minute at a pressure of 30 inches of water gauge;
- ii. Pressurize the system to 14 ± 0.5 inches of water without exceeding 26 inches of water system pressure;
- iii. Close off the pressure source, seal the evaporative system, and monitor pressure decay for no more than two minutes.

c. For a vehicle requiring a transient loaded emissions test under subsection (a), all testing and test equipment shall conform to "IM240 & Evap Technical Guidance," EPA420-R-98-010, EPA, August 1998, incorporated by reference, and no future editions or amendments, except that the transient driving cycle in Table 4 of this Article shall be used. A copy of the incorporated material is on file with the Department and the Secretary of State, and may be obtained at EPA's National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105-2498.

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3. A vehicle with a 1996 or newer model year and a GVWR of 8500 pounds or less, except a motorcycle or a reconstructed vehicle, is required to biennially take and pass an OBD test and a functional gas cap test as follows:
 - a. The OBD test shall consist of:
 - i. A visual inspection of the MIL function; and
 - ii. An electronic examination of the OBD computer by connecting a scan tool to the data link connector and interrogating the OBD system to determine vehicle readiness status, MIL status, and presence of diagnostic trouble codes.
 - b. The OBD test and test equipment shall conform to "Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program," EPA420-R-01-015, EPA, June 2001, incorporated by reference, and no future editions or amendments. A copy of this incorporated material is on file with the Department and the Secretary of State, and may be obtained at the EPA's National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI, 48105-2498; and
 - c. The functional gas cap test shall comply with subsection (E)(6)(a).
3. ~~For vehicles required to take a biennial emissions test, all testing and test equipment shall conform to "IM240 & Evap Technical Guidance", EPA420-R-98-010, EPA, August 1998, except that the transient driving cycle in Table 4 of this Article shall be used, incorporated by reference and on file with the Department and the Secretary of State. This incorporation by reference contains no future editions or amendments. A copy of this referenced material may be obtained at EPA's National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105-2498. Exhaust sampling for vehicles required to take an annual emissions test shall comply with subsection (F)(6).~~
4. ~~All motorcycles and A motorcycle, or a constant 4-wheel drive vehicles vehicle except one requiring an OBD emissions test under subsection (E)(3), shall take and pass only a curb idle test according to subsection (F)(1). An all-terrain vehicle (ATV), as defined in A.R.S. § 28-101, shall be tested as a motorcycle.~~
5. ~~The emissions pass-fail determination for all vehicles a vehicle tested under subsection (E) shall be made as follows:~~
 - a. ~~Vehicles A vehicle~~ tested under subsection (E)(1), that ~~does~~ does not exceed the loaded cruise mode or curb idle mode HC and CO emissions standards listed in Table 2 for the vehicle, complies with the emissions standards in Table 2. The loaded cruise test standards in Table 2 apply to a fleet ~~vehicles vehicle~~ tested with the 2,500 RPM unloaded fast idle test under R18-2-1019(E).
 - b. ~~Vehicles A vehicle~~ tested under subsection (E)(2) shall meet the standards in Table 3 and pass the evaporative system ~~integrity pressure~~ test as follows:
 - i. Table 3 Standards. A vehicle shall meet either the composite standard for the whole test or the phase 2 standard for seconds 65 to 146. The Department may implement a ~~testing algorithms algorithm~~ testing algorithm for fast pass, fast fail, or both, provided that the ~~algorithms are algorithm~~ algorithm is reliable in accurately predicting the final outcome of the entire cycle. ~~Vehicles A vehicle~~ not meeting either the composite or phase 2 standard shall fail the emissions test.
 - ii. Evaporative System Integrity Pressure Test. A vehicle fails the emissions test if the evaporative system cannot maintain a system pressure above ~~eight~~ eight inches of water for at least ~~two~~ two minutes after being pressurized to 14 ± 0.5 inches of water. Additionally, ~~vehicles fail a vehicle fails~~ the evaporative test if the canister is missing or damaged, if ~~hoses a hose~~ a hose or electrical ~~connections are connection is~~ connection is missing, routed incorrectly, or disconnected, according to the vehicle emissions control information label, or if the gas cap is missing.
 - c. ~~Vehicles A vehicle~~ that ~~operate operates~~ on ~~compressed~~ natural gas comply complies with HC emissions standards if the HC emissions value ~~multiplied by 0.19~~ does not exceed the applicable standard in subsection (E)(5)(a) or (b), if:
 - i. Multiplied by 0.19, when using an analyzer with a flame ionization detector, or
 - ii. Multiplied by 0.61, when using an NDIR analyzer.
 - d. ~~Motorcycles and A motorcycle or a constant 4-wheel drive vehicles vehicle, except one requiring an OBD emissions test under subsection (E)(3), that does not exceed the curb idle mode HC and CO emissions standards listed in Table 2 on either the 1st first curb idle test or the 2nd second curb idle test comply with the emissions standards in Table 2 passes the emissions test.~~
 - e. A vehicle tested under subsection (E)(3) shall:
 - i. Fail if the data link connector is missing, tampered, or otherwise inoperable during any OBD test;
 - ii. Fail if the MIL does not illuminate at all when the ignition key is turned to the key on, engine off position, or does not illuminate briefly during engine start during any OBD test;
 - iii. Fail if the MIL illuminates continuously or flashes after the engine has been started during any OBD test;
 - iv. Fail if a diagnostic trouble code is present and the MIL status, as indicated by the scan tool, is commanded on during any OBD test.
 - v. Be rejected from an initial OBD test and required to take and pass a transient loaded test under subsection (E)(2) if the number of unset readiness indicators, excluding continuous indicators, is three or more for a model year 1996-2000 vehicle, or two or more for a model year 2001 and newer vehicle.
 - vi. Be rejected from an OBD retest if the number of unset readiness indicators, excluding continuous indicators,

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- exceeds the number allowed in subsection (v).
- vii. Fail the functional gas cap test if the gas cap does not comply with subsection (E)(6)(a).
- e-f. A vehicle exceeding that exceeds the applicable emissions standards for the tests described in subsection subsections (E)(1) and (E)(2)(a), or fails the OBD test described in subsection (E)(3), fail fails the emissions test and shall not be reinspected until a low-emissions tune-up is performed as described in R18-2-1010. A vehicle that fails the evaporative system pressure test described in subsection (E)(2)(b) shall not be reinspected until repaired as required in R18-2-1010(D)(1) and (2). A vehicle that fails the functional gas cap test described in subsection (E)(6)(a) shall not be reinspected until repaired as required in R18-2-1009(B).
6. A ~~non~~diesel vehicle required to take an annual ~~emission~~ emissions test in area A shall, at the time of the test, undergo a tampering inspection based on the original configuration of the vehicle as manufactured. The applicable ~~emission~~ emissions system requirements shall be verified by the "VEHICLE EMISSION CONTROL INFORMATION" label ~~under the hood. Vehicles~~ A vehicle that fail fails any portion of the tampering inspection shall be repaired according to R18-2-1009 before reinspection ~~or shall provide~~ unless the owner provides the written statement required in R18-2-1008(B). "Original configuration" for a ~~foreign_~~ foreign- ~~manufactured vehicles~~ manufactured vehicle means the design and construction of a vehicle produced by the manufacturer for original entry and sale in the United States. The tampering inspection shall consist of the following:
- a. ~~All non~~diesel vehicles Any vehicle ~~emission~~ emissions tested, except ~~those one~~ those one with a ~~non-pressurized~~ non-pressurized vented fuel ~~systems~~ system, shall have a functional test of the gas cap to determine that cap leakage does not exceed 60 cubic centimeters of air per minute at a pressure of 30 inches of water gauge. ~~Non~~diesel vehicles A vehicle with a ~~non-pressurized~~ non-pressurized, vented ~~fuel systems~~ fuel system shall be checked for the presence of a properly fitting ~~gas~~ fuel cap.
 - b. For a 1975 and newer model year ~~vehicles~~ vehicle:
 - i. A visual inspection to determine the presence ~~of properly installed~~ and proper installation of each required catalytic ~~converters~~ converter, if applicable;
 - ii. An examination to determine the presence of an operational air pump, if applicable; and
 - iii. A visual inspection to determine the presence of an operational positive crankcase ventilation system and evaporative control system, if applicable.
- F. In area B, the inspection test procedures for ~~all vehicles~~ a vehicle other than a ~~diesel-powered vehicles~~ diesel-powered vehicle shall consist of the following:
1. ~~Area B vehicles~~ An area B vehicle with a model year of 1967 through 1980 shall take and pass only a curb idle test. The curb idle test shall be performed with the vehicle in drive for ~~vehicles with~~ vehicles with automatic transmissions or in neutral for ~~vehicles with~~ vehicles with manual transmissions. Engine RPM shall be within ± 100 RPM of the manufacturer's specified idle RPM. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 30 seconds, whichever occurs first. A CO₂ plus CO reading of 6% or greater shall be registered to establish test validity. A CO₂ plus CO reading less than 6% shall be proof of exhaust sample dilution and the vehicle shall be rejected from further emissions inspection until repaired, except when tested at a fleet emissions inspection station. If the vehicle fails the curb idle test, and if permitted by the vehicle operator, the vehicle shall be conditioned according to ~~one~~ one of the following conditioning procedures:
 - a. ~~For the fast idle~~ Fast-idle conditioning procedure, ~~the~~ The vehicle shall be conditioned by increasing engine speed to 2,500, ± 300 RPM, for up to 30 seconds with the transmission in neutral. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 30 seconds, whichever occurs first. The conditioning procedure standards in Table 2 are for diagnostic and advisory information only. After exhaust emissions are recorded, the engine speed shall be returned to curb idle for a ~~2nd~~ second idle test. The ~~fast-idle~~ fast-idle conditioning procedure may be used on a vehicle at a ~~state stations~~ state station instead of the loaded conditioning procedure if any of the following occurs:
 - i. The vehicle has a tire on a driving wheel with less than 2/32-inch tread, with metal protuberances, with visibly low tire pressure as determined by visual inspection, or any other condition that precludes loaded conditioning for reasons of personnel, equipment, or vehicle safety;
 - ii. The vehicle is driven by a person who, because of physical incapacity, is unable to yield the driver's seat to the vehicle emissions inspector;
 - iii. The driver refuses to yield the driver's seat to the vehicle emissions inspector; or
 - iv. The vehicle cannot be tested according to Table 1 because of the vehicle's inability to attain the speeds specified.
 - b. ~~For the loaded~~ Loaded conditioning procedure, ~~for all vehicles~~ For a vehicle other than ~~motoreycles~~ a motorcycle ~~and~~ and or a constant 4-wheel drive ~~vehicles~~ vehicle, the vehicle's drive wheels shall be placed on a dynamometer and the vehicle shall be operated according to Table 1, in drive for automatic transmission, or ~~2nd~~ second or higher gear for manual transmission. All front wheel drive vehicles shall be driven by the inspector. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 30 seconds, whichever occurs first. The conditioning procedure standards in Table 2 are for diagnostic and advisory informa-

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- tion only. After exhaust emissions are recorded, engine speed shall be returned to curb idle for a ~~2nd~~ second idle test.
- c. Following ~~± one~~ of the conditioning procedures in subsection (a) or (b), the vehicle shall be retested according to the curb idle test procedure in subsection (1).
2. ~~Area~~ An area B vehicles vehicle with a 1981 or newer model year, except ~~motorcycles and a motorcycle,~~ a constant 4-wheel drive ~~vehicles, and vehicle,~~ or a 1996 and newer vehicle equipped with OBD, shall take and pass a loaded cruise test and curb idle test, as follows:
- a. Loaded Cruise Test. The vehicle's drive wheels shall be placed on a dynamometer and the vehicle shall be operated according to Table 1, in drive for automatic transmission or ~~2nd~~ second or higher gear for manual transmission. Overdrive shall not be used. All front wheel drive vehicles shall be driven by the inspector. ~~Exhaust emissions, HC and CO exhaust emissions~~ concentrations; shall be recorded after readings have stabilized, or at the end of 90 seconds, whichever occurs first. After exhaust emissions ~~have been~~ are recorded, engine speed shall be returned to idle for a curb idle test.
- b. ~~The~~ Curb Idle Test. The test shall be performed with the vehicle in neutral. Engine RPM shall be within ± 100 RPM of the manufacturer's specified idle RPM. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 90 seconds, whichever occurs first. A CO₂ plus CO reading of 6% or greater shall be registered to establish test validity, except when tested at a fleet inspection station. A CO₂ plus CO reading less than 6% shall be proof of exhaust sample dilution and the vehicle shall be rejected from further emissions inspection until repaired.
3. A vehicle with a model year of 1996 or newer and a GVWR of 8500 pounds or less, except a motorcycle or a reconstructed vehicle, is required to annually take and pass an OBD test and a functional gas cap test as follows:
- a. The OBD test shall consist of:
- i. A visual inspection of the MIL function; and
- ii. An electronic examination of the OBD computer by connecting a scan tool to the data link connector and interrogating the OBD system to determine vehicle readiness status, MIL status, and presence of diagnostic trouble codes;
- b. The OBD test and test equipment shall conform to "Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program," EPA420-R-01-015, EPA, June 2001, incorporated by reference, and no future editions or amendments. A copy of this incorporated material is on file with the Department and the Secretary of State and may be obtained at the EPA's National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI, 48105-2498; and
- c. The functional gas cap test shall comply with subsection (F)(6)(a).
- ~~3.4.~~ All motorcycles and A motorcycle or a constant 4-wheel drive vehicles vehicle, except one requiring an OBD emissions test under subsection (F)(3), shall take and pass only a curb idle test according to subsection (1). An all-terrain vehicle (ATV), as defined in A.R.S. § 28-101, shall be tested as a motorcycle. If the vehicle fails the curb idle test, and if permitted by the vehicle operator, the vehicle shall be conditioned according to the fast idle conditioning procedure required in subsection (1)(a). Following conditioning, the vehicle shall be retested according to the curb idle test procedure in subsection (1).
- ~~4.5.~~ The emissions pass-fail determination shall be made as follows:
- a. ~~Vehicles~~ A vehicle with a model year of 1967 through 1980, except ~~motorcycles and a motorcycle or a constant 4-wheel drive vehicles vehicle,~~ that ~~do~~ does not exceed the curb idle mode HC and CO emissions standards in Table 2 on either the ~~1st~~ first or ~~2nd~~ second curb idle test, comply complies with the minimum ~~emission~~ emissions standards contained in Table 2.
- b. ~~Vehicles~~ A vehicle with a 1981 or newer model year, except ~~motorcycles and a motorcycle or a constant 4-wheel drive vehicles vehicle,~~ that ~~do~~ does not exceed the loaded cruise mode or curb idle mode HC and CO emissions standards listed in Table 2, comply complies with the minimum emissions standards in Table 2. The loaded cruise test standards specified in Table 2 shall apply to fleet vehicles tested with the 2,500 RPM unloaded fast idle test.
- c. ~~Vehicles~~ A vehicle that ~~operate~~ operates on ~~compressed~~ natural gas comply complies with HC emissions standards if the HC emissions value, as determined by an NDIR analyzer, multiplied by ~~0.19~~ 0.61 does not exceed the applicable standard in subsection (F)(~~4~~)(5)(a) or (b).
- d. ~~Motorcycles and~~ A motorcycle or a constant 4-wheel drive vehicles vehicle, except one requiring an OBD emissions test under subsection (F)(3), that ~~do~~ does not exceed the curb idle mode HC and CO emissions standards in Table 2 on either the ~~1st~~ first or ~~2nd~~ second curb idle test comply complies with the minimum emissions standards in Table 2.
- e. ~~Any~~ A vehicle exceeding that exceeds the appropriate applicable emissions standards, or fails the OBD test described in subsection (F)(3), fails the emissions test and shall have a low emissions tune-up as described in R18-2-1010 before reinspection. A vehicle that fails the functional gas cap test described in subsection (F)(3)(c) shall not be reinspected until repaired as required in R18-2-1009(B).

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- f. A vehicle tested under subsection (F)(3) shall:
 - i. Fail if the data link connector is missing, tampered, or otherwise inoperable during any OBD test;
 - ii. Fail if the MIL does not illuminate at all when the ignition key is turned to the key on, engine off position, or does not illuminate briefly during engine start during any OBD test;
 - iii. Fail if the MIL illuminates continuously or flashes after the engine has been started during any OBD test;
 - iv. Fail if a diagnostic trouble code is present and the MIL status, as indicated by the scan tool, is commanded on during any OBD test;
 - v. Be rejected from an initial OBD test and required to take and pass a loaded cruise test and curb idle test under subsection (F)(2) if the number of unset readiness indicators, excluding continuous indicators, is three or more for a model year 1996-2000 vehicle, or two or more for a model year 2001 and newer vehicle;
 - vi. Be rejected from an OBD retest if the number of unset readiness indicators, excluding continuous indicators, exceeds the number allowed in subsection (v); and
 - vii. Fail the functional gas cap test if the gas cap does not comply with subsection (F)(6)(a).

~~5-6.~~ A non-diesel vehicle required to take an emissions test in area B, except a vehicle required to take an OBD test as described in subsection (F)(3), shall at the time of the test, undergo a tampering inspection based on the original configuration of the vehicle as manufactured, as follows: The applicable ~~emission~~ emissions system requirements shall be verified by the "VEHICLE EMISSION CONTROL INFORMATION" label ~~under the hood.~~ A vehicle that ~~fail~~ fails any portion of the tampering inspection shall be repaired according to R18-2-1009 before reinspection or shall provide unless the owner provides the written statement required in R18-2-1008(B). "Original configuration" for a foreign manufactured ~~vehicles~~ vehicle means the design and construction of a vehicle produced by the manufacturer for original entry and sale in the United States. The tampering inspection shall consist of the following:

- a. ~~Vehicles that have pressure holding gas caps~~ Any vehicle emissions tested, except one with a vented fuel system, shall have a functional test of the gas cap to determine that cap leakage does not exceed 60 cubic centimeters of air per minute at a pressure of 30 inches of water gauge. ~~Vehicles~~ A vehicle with a non-sealing gas caps cap shall be checked for the presence of a properly fitting gas cap.
- b. For a 1975 and or newer model year ~~vehicles~~ vehicle:
 - i. A visual inspection to determine the presence of ~~properly installed~~ and proper installation of each required catalytic ~~converters~~ converter, if applicable; and
 - ii. An examination to determine the presence of an operational air pump, if applicable.

~~6-7.~~ Exhaust sampling in area B shall comply with the following:

- a. All CO and HC ~~emission~~ emissions analyzers shall have water traps incorporated in the sampling lines. Sampling probes shall be capable of taking undiluted exhaust samples from a vehicle exhaust system.
- b. All ~~vehicles~~ A vehicle, other than a diesel-powered ~~vehicles~~ vehicle, shall be inspected with a NDIR ~~analyzers~~ analyzer capable of determining concentrations of CO and HC within the ranges and tolerances specified in Table 5.
- c. ~~Vehicles~~ A vehicle with multiple exhaust pipes shall be inspected by collecting and averaging samples by ~~one~~ of the following methods:
 - i. Collect separate samples from each exhaust pipe and use the average concentration to determine the test result;
 - ii. Use manifold exhaust probes to simultaneously sample approximately equal volumes from each pipe; or
 - iii. Use manifold exhaust pipe adapters to collect approximately equal volume samples from each pipe.

G. The following apply to all testing under ~~subsections~~ subsection (E) or (F):

- 1. A rotary piston engine shall be inspected as a 4-stroke engine with ~~4~~ four cylinders or less;
- 2. A turbine engine shall be inspected as a 4-stroke engine ~~having with~~ more than ~~4~~ four cylinders; and
- 3. A vehicle in which a diesel engine has been replaced with a gas engine shall be inspected as a gas-powered vehicle of the same vehicle model year. The vehicle shall not pass the inspection unless each catalytic converter, air pump, gas cap, and other emissions control device applicable to the vehicle model year and the same or more recent year engine configuration is properly installed and in operating condition.

H. In area A, the inspection test procedure for a diesel-powered vehicle is as follows:

- 1. A diesel-powered vehicle with a GVWR greater than 8,500 pounds shall be tested with a procedure that conforms to Society of Automotive Engineers standard J1667, February 1996, incorporated by reference and on file with the Department and the Secretary of State. This incorporation by reference contains no future editions or amendments. A copy of this referenced material may be obtained at: Society of Automotive Engineers, 400 Commonwealth Dr., Warrendale, PA 15096-0001. The procedure shall utilize the corrections for ambient test conditions in Appendix B of J1667 for all tests. The test results shall be reported as the percentage of smoke opacity. Emissions pass-fail determinations are as follows:
 - a. ~~Vehicles~~ A vehicle powered by a 1991 or later model year diesel engine ~~fail~~ fails if the J1667 final test result is greater than 40%, unless the engine family is exempted from the 40% standard under subsection (e);

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- b. ~~Vehicles~~ A vehicle powered by a pre-1991 model year diesel engine ~~fail~~ fails if the J1667 final test result is greater than 55%, unless the engine family is exempted from the 55% standard under subsection (e);
 - c. The engine model year is determined by the emission control label. If the emission control label is missing, illegible, or incorrect, the test standard shall be 40%, unless a correct, legible, emission control label replacement is attached to the vehicle within 30 days of the inspection;
 - d. A vehicle that exceeds the opacity standard in subsection (a) or (b) fails the ~~emission~~ emissions test. Before reinspection, the vehicle shall have a low emissions tune-up as described in R18-2-1010(G);
 - e. The Director shall exempt any engine family from the standards in subsections (a) or (b) if the engine manufacturer demonstrates either of the following:
 - i. The engine family exhibits smoke opacity greater than the standard when in good operating condition and adjusted to the manufacturer's specifications. The Director shall identify a technologically appropriate less stringent standard based on a review of data obtained from engines in good operating condition and adjusted to manufacturer's specifications; or
 - ii. The engine family is exempted from an equivalent standard based on J1667 by the executive officer of the California Air Resources Board (CARB). The Director shall allow the engine family to comply with any technologically appropriate less stringent standard identified by the executive officer of CARB; and
 - f. A demonstration under subsection (e)(i) shall be based on data from at least ~~3~~three vehicles. Data from official inspections under subsection (H)(1) showing that vehicles in the engine family meet the standard may be used to rebut the demonstration. The Director shall implement any new standard resulting from each exemption as soon as practicable for all subsequent tests and provide notice at all affected test stations and fleets.
2. A diesel-powered vehicle with a GVWR greater than 4,000 pounds and less than or equal to 8,500 pounds shall be tested by a loaded dynamometer test by applying a single load of 30 HP, \pm 2 HP, while operated at 50 MPH. A diesel-powered vehicle with a GVWR of 4,000 pounds or less shall be tested by a loaded dynamometer test by applying a single load of between 6.4 - 8.4 HP while operated at 30 MPH. For all diesel-powered vehicles with a GVWR less than or equal to 8,500 pounds:
- a. The emissions pass-fail determination shall be made as follows:
 - i. The opacity reading for a period of ~~ten~~ consecutive seconds with the engine under applicable loading shall be compared to the opacity standard in R18-2-1030(B). ~~Vehicles~~ A vehicle that ~~does not exceed the applicable opacity standard~~ complies with the minimum ~~emission~~ emissions standards.
 - ii. A vehicle that exceeds the ~~appropriate~~ applicable opacity standard fails the ~~emission~~ emissions test. Before reinspection, the vehicle shall have a low emissions tune-up as described in R18-2-1010.
 - b. Exhaust sampling shall comply with the following:
 - i. For a diesel-powered vehicle equipped with multiple pipes, separate measurements shall be made on each exhaust pipe. The reading taken from the exhaust pipe that has the highest opacity reading shall be used for comparison with the ~~appropriate~~ applicable emission ~~emissions~~ standard.
 - ii. ~~Vehicles~~ A vehicle shall be inspected with a ~~full-flow, direct reading, continuous reading light extinction opacity meter using a collimated light source and photo-electric cell, accurate to a value within \pm 5% of filter value, either a full-flow or sampling-type opacity meter. The opacity meter shall be a direct reading, continuous reading light extinction-type using a collimated light source and photo-electric cell, accurate to a value within \pm 5% of filter value.~~
- I. In area B, the inspection test procedure for a diesel-powered vehicle is as follows:
- 1. A diesel-powered vehicle with a GVWR greater than 26,000 pounds or having tandem axles shall be tested according to ~~± one~~ of the following methods:
 - a. The vehicle shall be tested on a chassis dynamometer beginning with no power absorption by selecting a gear ratio that produces a maximum vehicle speed of 30-35 MPH at governed or maximum rated RPM. If the vehicle has a manual transmission or an automatic transmission with individual gear selection, the engine shall be operated at governed or maximum rated engine RPM, at normal operating temperature under a power absorption load applied to the dynamometer until the loading reduces the engine RPM to 80% of the governed speed at wide-open throttle position. If the vehicle has an automatic transmission and automatic gear kickdown, the engine shall be loaded to a speed just above the kickdown speed or 80% of the governed speed, whichever is greater. If the chassis dynamometer does not have enough horsepower absorption capability to lug the engine down to these speeds, the vehicle's brakes may be used to assist the dynamometer.
 - b. If a chassis dynamometer is not available, the vehicle shall be tested by being lugged by its own brakes by selecting a gear ratio that produces a maximum speed of 10-15 MPH at governed engine RPM or maximum rated RPM and then loading the engine by applying the brakes until the engine RPM is lugged down to 80% of the governed or maximum rated RPM at wide-open throttle position. If the vehicle does not have a tachometer, the vehicle may be loaded to 80% of governed or maximum rated speed.

2. A diesel-powered vehicle without tandem axles and having a GVWR greater than 10,500 pounds and less than or equal to 26,000 pounds shall be tested according to ~~to one~~ of the following methods:
 - a. The vehicle shall be tested on a chassis dynamometer beginning with no power absorption by selecting a gear ratio that produces a maximum vehicle speed of 30-35 MPH at governed or maximum rated RPM. If the vehicle has a manual transmission or an automatic transmission with individual gear selection, the engine shall be operated at governed or maximum rated engine RPM, at normal operating temperature under a power absorption load applied to the dynamometer until such loading reduces the engine RPM to 80% of the governed speed at wide-open throttle position. If the vehicle has an automatic transmission and automatic gear kickdown, the engine shall be loaded to a speed just above the kickdown speed or 80% of governed speed, whichever is greater. If the chassis dynamometer does not have enough horsepower absorption capability to lug the engine down to these speeds, the vehicle's brakes may be used to assist the dynamometer;
 - b. The vehicle shall be tested by applying a single load of 30 HP, \pm 2 HP, while operated at 50 MPH; or
 - c. The vehicle shall be tested by being lugged by its own brakes by selecting a gear ratio that produces a maximum speed of 10-15 MPH at governed engine RPM or maximum rated RPM and then loading the engine by applying the brakes until the engine RPM is lugged down to 80% of the governed or maximum rated RPM at wide-open throttle position. If the vehicle does not have a tachometer, the vehicle may be loaded to 80% of governed or maximum rated speed.
 3. A diesel-powered vehicle with a GVWR of greater than 4,000 pounds and less than or equal to 10,500 pounds shall be tested by a loaded dynamometer test by applying a single load of 30 HP, \pm 2 HP, while operated at 50 MPH.
 4. A diesel-powered vehicle with a GVWR of 4,000 pounds or less shall be tested by a loaded dynamometer test by applying a single load of between 6.4 - 8.4 HP while operated at 30 MPH.
 5. The emissions pass-fail determination shall be performed:
 - a. The opacity reading during a period of ~~10~~ten consecutive seconds with the engine under applicable loading specified in subsections (1) through (4) shall be compared to the opacity standard specified in R18-2-1030(B). ~~Vehicles~~ A vehicle that ~~do~~ does not exceed the opacity ~~standards~~ standard in R18-2-1030(B) ~~comply~~ complies with the minimum ~~emission~~ emissions standards.
 - b. A vehicle that exceeds the standard in R18-2-1030(B) fails the ~~emission~~ emissions test. Before reinspection, the vehicle shall have a low emissions tune-up as described in R18-2-1010.
 6. Exhaust sampling shall comply with the following:
 - a. For a diesel-powered vehicle equipped with multiple exhaust pipes, separate measurements shall be made on each exhaust pipe. The reading taken from the exhaust pipe that has the highest opacity reading shall be used for comparison with the standard in R18-2-1030(B).
 - b. ~~Vehicles~~ A vehicle shall be inspected with either a full-flow or sampling-type opacity meter. The opacity meter shall be a direct reading, continuous reading light extinction-type using a collimated light source and photo-electric cell, accurate to a value within \pm 5% of filter value.
- ~~J. All diesel-powered Diesel-powered area A vehicles that are equipped with catalytic converters or PCV systems shall undergo a tampering inspection for those devices under subsection (E)(6).~~
- ~~K. Diesel-powered area B vehicles that are equipped with catalytic converters shall undergo a tampering inspection for those devices under subsection (F)(5).~~

R18-2-1007. Evidence of Meeting State Inspection Requirements

- A. No change
- B. No change
- C. No change
- D. ~~Complete and unaltered certificates~~ A complete certificate of inspection dated within 12 months of registration for an annually tested ~~vehicles~~ vehicle and 24 months for a biennially tested ~~vehicles~~ vehicle shall be accepted by the MVD or its agent as evidence that a vehicle is in compliance with the requirements of this Article unless the MVD or its agent has reason to believe it is false. A certificate corrected according to R18-2-1019(F)(1)(a) shall be accepted by the MVD or its agent.
- E. No change
- F. No change

R18-2-1009. Tampering Repair Requirements

- A. No change
- B. If a vehicle fails the functional gas cap pressure test described in R18-2-1006(E)(6)(a) or ~~(F)(5)(6)~~(6)(a), the gas cap shall be replaced with one that meets those specifications. If a vehicle designed with a vented system fails a visual inspection for the presence of a gas cap, a properly fitting gas cap shall be installed on the vehicle.
- C. No change
- D. No change
- E. No change

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R18-2-1010. Low Emissions Tune-up, Emissions and Evaporative System Repair

- A. A low emissions tune-up on a nondiesel-powered ~~vehicles~~ vehicle consists of the following procedures:
1. Emissions Failure Diagnosis. For a computer-controlled ~~vehicles~~ vehicle, the on-board-diagnostics shall be accessed and any stored trouble codes recorded. For a model year 1996 or newer vehicle equipped with an OBD system, a compatible scan tool shall be used to access and record diagnostic trouble codes. The following instruments or equipment are required to complete a low emissions tune-up:
 - a. ~~tachometer,~~ Tachometer;
 - b. ~~timing~~ Timing light, ~~or an;~~
 - c. ~~engine~~ Engine analyzer or oscilloscope, and
 - d. ~~if specified by the manufacturer, a~~ A HC/CO NDIR analyzer to make final A/F adjustments, if specified by the manufacturer.
 2. ~~Final adjustment shall be made on the vehicle engine only after the engine is at normal operating temperature.~~ Adjustment. All adjustments shall be made according to the manufacturer's specifications and procedures. Final adjustment shall be made on the vehicle engine only after the engine is at normal operating temperature.
 - ~~2-3.~~ Inspection of Air Cleaner, Choke, and Air Intake System. A dirty or plugged air cleaner, stuck choke, or restricted air intake system shall be replaced or repaired as required.
 - ~~3-4.~~ Dwell and Basic Timing Check. Dwell and basic engine timing shall be checked and adjusted, if necessary, according to manufacturer's specifications.
 - ~~4-5.~~ Inspection of PCV Valve. The PCV valve shall be checked to ensure that it is the type recommended by the manufacturer and is correctly operating. Free flow through the PCV system passages and hoses shall be verified. Repair or replace as required.
 - ~~5-6.~~ Inspection of Vacuum Hoses. The vacuum hoses shall be inspected for leaks, obstruction, and proper routing and connection. Repair or replace as required.
 - ~~6-7.~~ Perform a visual inspection for leaking fuel lines or system components. Repair or replace as required.
 - ~~7-8.~~ Idle Speed and A/F Mixture Check. The idle speed and A/F mixture shall be checked and adjusted according to manufacturer's specifications and procedures. If the vehicle is equipped with a fuel injection system or an alternate fuel (LPG or LNG), the manufacturer's recommended adjustment procedure shall be followed.
- B. A vehicle that fails reinspection does not qualify for a waiver unless a low emissions tune-up and diagnosis is performed on the vehicle.
- C. If the maximum required repair cost in subsection (E) or (F) is not exceeded after a low emissions tune-up described in subsection (A), then the following procedures apply:
1. CO failure.
 - a. If a vehicle fails ~~the~~ CO only, the vehicle shall be checked for:
 - i. ~~proper~~ Proper canister purge system operation,
 - ii. ~~high~~ High float setting,
 - iii. ~~leaky~~ Leaky power valve, and
 - iv. ~~faulty~~ Faulty or worn needles, seats, jets or improper jet size.
 - b. If applicable, the following shall also be checked:
 - i. ~~computer~~ Computer,
 - ii. ~~engine~~ Engine and computer sensors,
 - iii. ~~engine~~ Engine solenoids,
 - iv. ~~engine~~ Engine thermostats,
 - v. ~~engine~~ Engine switches,
 - vi. ~~coolant~~ Coolant switches,
 - vii. ~~throttle~~ Throttle body or port fuel injection system,
 - viii. ~~fuel~~ Fuel injectors,
 - ix. ~~fuel lines~~ Fuel line (routing and integrity),
 - x. ~~air~~ Air in fuel system (for example, including line, and pump),
 - xi. ~~fuel~~ Fuel return system,
 - xii. ~~injection~~ Injection pump,
 - xiii. ~~fuel~~ Fuel injection timing,
 - xiv. ~~routing~~ Routing of vacuum hoses, and
 - xv. ~~electrical~~ Electrical connections.
 - c. The items in subsections (a) and (b) shall be ~~Repair or replace~~ repaired or replaced as required.
 2. HC, or HC and CO failure.
 - a. If a vehicle fails HC, or HC and CO, the vehicle shall be checked for:
 - i. ~~faulty~~ Faulty spark plugs and faulty, open, crossed, or disconnected plug wires;
 - ii. ~~distributor~~ Distributor module;
 - iii. ~~vacuum~~ Vacuum hose routing and electrical connections;

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age of section 207(b) of the Clean Air Act presents a written denial of warranty coverage from the manufacturer or authorized dealer, warranty coverage is not considered available under this subsection.

R18-2-1011. Vehicle Inspection Report

- A. A vehicle inspected at a state station shall be provided a ~~serially~~ uniquely numbered vehicle inspection report of a design approved by the Director that contains, at a minimum, the following information ~~at a minimum~~:
1. License plate number;
 2. Vehicle identification number;
 3. Model year of vehicle;
 4. Make of vehicle;
 5. Style of vehicle;
 6. Type of fuel;
 7. Odometer reading to the nearest 1000 miles, truncated;
 8. Emissions standards for idle and loaded cruise modes, if applicable;
 9. Emissions measurements during idle and loaded cruise modes, if applicable;
 10. Opacity measurements and standards, if applicable;
 11. ~~Emission~~ emissions standards and measurements for the transient loaded test, and the evaporative system ~~integrity~~ pressure test, if applicable;
 12. Results of OBD test including all diagnostic trouble codes that commanded the illumination of the malfunction indicator lamp;
 - ~~13.~~ 13. Tampering inspection results;
 - ~~14.~~ 14. Repair requirements;
 - ~~15.~~ 15. Final test results;
 - ~~16.~~ 16. Repairs performed;
 - ~~17.~~ 17. Cost of emissions-related repairs;
 - ~~18.~~ 18. Cost of tampering-related repairs;
 - ~~19.~~ 19. Name, address, and telephone number of the business or person making repairs;
 - ~~20.~~ 20. Signature and certification number of person certifying repairs;
 - ~~21.~~ 21. Date of inspection;
 - ~~22.~~ 22. Test results of the previous inspection if the inspection is a reinspection;
 - ~~23.~~ 23. Inspection station, lane locators; and
 - ~~24.~~ 24. Test number and time of test.
- B. No change
C. No change
D. No change

R18-2-1012. Inspection Procedures and Fee

- A. A vehicle that is inspected by a state station must be accompanied by a document such as a registration renewal notice, registration, certificate of title, or bill of sale that identifies the vehicle by make, model year, identification number, and license plate if applicable.
- B. ~~If the registration renewal notice is used as the accompanying document, it shall be stamped by the test lane inspector. If the vehicle inspection report from the previous test is used, it shall be retained by the test lane inspector.~~
- C. The fees for emissions inspections at a state station shall be specified in the contract between the contractor and the state of Arizona according to A.R.S. § 49-543, and shall include the full ~~costs~~ cost of the vehicle emissions inspection program including administration, implementation, and enforcement. Each fee is payable directly to the contractor at the time and place of inspection in cash or by check approved by the contractor. ~~Fees~~ The amount collected by the contractor to defray the ~~costs~~ cost of the inspection shall be retained by the contractor. The ~~fee~~ amount collected to defray the ~~costs~~ cost of the administration, implementation, and enforcement of the vehicle emissions inspection program shall be remitted to the Department. Amounts collected shall be recorded and reported to the Department monthly. The contractor shall submit to the state of Arizona on a monthly basis, by the 10th day of each month, a report ~~setting forth~~ showing the number of inspections performed and the amount of fees collected.
- D. ~~Subsequent inspections~~ Each subsequent inspection, if needed, shall be treated by the state and the contractor in the same manner as an initial inspection and reinspection, providing for a free reinspection according to R18-2-1013, if needed, following a paid inspection. The fee for each paid reinspection shall be the full fee as provided for in the contract with the contractor.
- E. ~~State~~ A state station emissions ~~inspectors~~ inspector shall not recommend repairs or repair facilities.

R18-2-1014. Vehicle Repair Grants Repealed

- ~~A. The Department shall pay one half of approved emissions-related repairs up to the maximum amount in subsection (E) if:~~
- ~~1. The vehicle owner is a food stamp recipient as described in subsection (B); or~~
 - ~~2. The vehicle received a waiver after January 1, 1997 and has not previously been provided a grant under this Section.~~

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- ~~B.~~ Vehicle repair grant eligibility for a food stamp recipient shall be determined as follows:
 - 1. The recipient is the owner of an area A vehicle that fails the annual, biennial, or remote sensing triggered emission test. Ownership shall be based on current title or registration information.
 - 2. Confirmation that the owner of the vehicle is a food stamp recipient shall be made by the Department or its authorized representative based on documentation provided by the Department of Economic Security (DES) identifying the vehicle owner as a current food stamp recipient.
- ~~C.~~ Repair grant eligibility for a vehicle that has received a waiver after January 1, 1997 shall be determined by the following:
 - 1. The vehicle is an area A vehicle that fails the annual, biennial, or remote sensing triggered emission test.
 - 2. The vehicle has not previously been repaired through a grant under this Section.
 - 3. The application for assistance is made by the vehicle owner, based on current title or registration information.
- ~~D.~~ To be eligible for a grant under this Section, an owner of a vehicle shall have:
 - 1. A recognized repair facility perform a low emissions tune up and diagnosis according to R18-2-1010(A), and provide an estimate of additional repairs needed, if any, to bring the vehicle into compliance. The diagnosis and cost estimate shall be on a repair invoice that describes the facility by name, address, and telephone number.
 - 2. Additional repairs necessary after the low emission tune up and diagnosis confirmed and approved by a Department waiver facility before being performed.
 - 3. The recognized repair facility certify that the vehicle owner paid, or agreed to pay on terms acceptable to the facility, one half of the approved repairs incurred after the initial failure and necessary for the correction of the emission failure. Money paid for the low emission tune up and diagnosis under R18-2-1010(A) shall be included. Money paid for correcting equipment tampering shall not be included.
 - 4. Approved repairs performed by the same recognized repair facility that performed the low emission tune up and diagnosis.
 - 5. Repairs verified at a Department waiver facility during reinspection within 7 days of completion of the repair.
- ~~E.~~ The maximum grant amounts are:
 - 1. One hundred dollars for a 1967 through 1974 model year vehicle.
 - 2. One hundred fifty dollars for a 1975 through 1979 model year vehicle.
 - 3. Two hundred twenty five dollars for a 1980 and newer model year vehicle.

R18-2-1015. On-road Testing, High Emissions Identifications Repealed

- ~~A.~~ The Director shall operate an on-road testing program in area A as a supplement to annual, biennial, and motor vehicle dealer emissions testing. The program shall consist of mobile remote sensing units to identify high emitting vehicles under A.R.S. § 49-542.01. The Director may operate the program through 1 or more contractors.
- ~~B.~~ For the purposes of this Section, identification of a vehicle exceeding emission standards shall consist of the following:
 - 1. The vehicle is registered in area A on the date of the identification based upon the permanent address of the vehicle owner in the MVD database, and
 - 2. The vehicle is identified exceeding an HC or CO emission standard in Table 6 and does not have a waiver allowing the vehicle to exceed a standard for that pollutant. Each exceedance shall be linked photographically to a license plate and shall be linked to a particular vehicle by the VIN of the vehicle registered with the license plate as shown in the MVD database on the date of the identification.
- ~~C.~~ Notice sent by the Department to the vehicle's registered owner requiring an emissions test after an identification shall state whether the test may also be used for registration or reregistration for that vehicle under A.R.S. § 49-542(C). The notice shall indicate the time period within which the test must take place to be used for registration requirements.
- ~~D.~~ An emission test required after a remote sensing identification shall be performed at a state station or waiver station under R18-2-1006 and shall require payment of the applicable test fee. One reinspection shall be provided free of charge as specified in R18-2-1012(D). A vehicle identified under this Section that fails the required emission test shall be repaired and pass reinspection or receive a waiver from any emission standards not complied with within 30 days of the initial test to meet the requirements of A.R.S. § 49-542(B).

R18-2-1016. Licensing of Inspectors

- A. No change
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
- H. A vehicle emissions inspector shall notify the Department of any change in employment status, due to retirement, resignation or termination, within 7 seven days of such the change. The notification shall include the name and license number of the emissions inspector, a statement declaring the employment change, and the effective date of the employment change.
- I. No change

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R18-2-1017. Inspection of Government Vehicles

- A. No change
- B. All ~~A~~ government ~~vehicles~~ vehicle except a federally owned ~~vehicles~~ vehicle that ~~are~~ is excluded from the definition of motor ~~vehicles~~ vehicle under 40 CFR 85.1703, shall be inspected according to this Article and shall have a Government Vehicle Certificate of Inspection affixed to the vehicle if in compliance with state inspection requirements.
 - 1. The vehicle emissions inspector performing the inspection shall punch out the appropriate year and month on the Government Vehicle Certificate of Inspection to designate date of the vehicle's next annual or biennial inspection. The vehicle ~~emission~~ emissions inspector, at the time of inspection, shall record the serial number of the Government Vehicle Certificate of Inspection on the vehicle inspection report. If the vehicle ~~emission~~ emissions inspection is performed at a fleet station, the ~~emission~~ emissions inspector, at the time of inspection, shall record the serial number in the block labeled "Certificate of Inspection No." on the "Fleet Vehicle Inspection Report/Monthly Summary" (~~Form~~ IPS 4008). Each Government Vehicle Certificate of Inspection shall be used in serial number order. Presence of a current Government Vehicle Certificate of Inspection indicates a government vehicle has met the state of Arizona ~~emission~~ emissions inspection requirements.
 - 2. ~~Government vehicles~~ A government vehicle, with the exception of ~~motoreycles and a motorcycle or an~~ undercover law enforcement vehicles vehicle, shall have the Government Vehicle Certificate of Inspection affixed to the lower left side of the rear window as determined from a position facing the window, from outside the vehicle. If a vehicle does not have a rear window, the Government Vehicle Certificate of Inspection shall be affixed to the lower left corner of the windshield as determined from the driver's position.
 - 3. ~~Government motorcycles~~ A government motorcycle shall have the Government Vehicle Certificate of Inspection affixed to the lower left-hand corner of the windshield as determined from the driver's position. If the Government Vehicle Certificate of Inspection cannot be affixed to the lower left-hand corner of the windshield, the Government Vehicle Certificate of Inspection may be affixed to a visible position on the front or left side of the left front fork of the motorcycle. The fork shall be determined from the driver's position.
- C. No change
- D. No change
- E. No change
- F. No change

R18-2-1018. Certificate of Inspection

- A. No change
- B. No change
- C. No change
- D. No change
- E. Only a person who meets the requirements of R18-2-1019(D)~~(4)~~(4) is authorized to purchase certificates of inspection, certificates of waiver, or Government Vehicle Certificates of Inspection.

R18-2-1019. Fleet Station Procedures and Permits

- A. The following requirements apply to issuance of fleet station permits:
 - 1. An owner or lessee of a fleet of 25 or more nonexempt vehicles whose place of business is located in ~~areas~~ area A or B may apply to the Director for a permit to establish a fleet station. A dealer's business inventory of vehicles held for resale, counted cumulatively over the previous 12 months at the time of application review by the Department shall be used to determine compliance with this subsection. A newly established dealer shall certify that it will comply with the 25 nonexempt vehicles requirement.
 - 2. ~~Application forms~~ An application form for a fleet station ~~permits~~ permit shall be obtained from the Department. All completed applications shall be submitted to the Department. ~~Applications~~ An application shall be considered "administratively complete" when:
 - a. The Department ~~has received~~ receives a completed application form and fleet agent designation form;
 - b. The applicant or designated employee successfully completes the fleet agent examination; and
 - c. The Department ~~has conducted~~ conducts a site inspection.
 - 3. Before an application for a fleet station permit may be approved, a state inspector shall inspect ~~an inspection of~~ the premises to determine compliance with subsections (B) and (C) ~~shall be made by a state inspector.~~
 - 4. A fleet station permit shall not expire.
 - 5. A fleet station permit shall only be applicable to the fleet's inspection facility located at the address shown on the fleet station permit. If a fleet owner or lessee requests a permit for inspection facilities at more than ~~one~~ one address, the fleet owner or lessee shall apply for a permit for each facility.
 - 6. ~~Fleet~~ A fleet station ~~permits~~ permit issued by the Director ~~are~~ is non-transferable.
 - 7. ~~When a permit~~ If the name or address of the permitted fleet facility changes and the name or address change does not involve a change of ownership, the permit shall be returned to the Department for cancellation and a new permit application shall be submitted. The Director shall cancel the returned permit and issue a new permit.

8. In the event of loss, destruction, or mutilation of the permit, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of loss, destruction, or mutilation. ~~Any fleet that loses a fleet station permit issued by the Director, and, after obtaining~~ If a fleet owner or lessee obtains a duplicate permit and then; finds the original, ~~the fleet owner or lessee shall immediately surrender the original permit to the Department.~~
- B. A fleet station permit applicant or fleet station permit holder, or its employees, shall own or lease the following equipment ~~for testing and repair of a fleet vehicle,~~ and maintain ~~it~~ the equipment in good working condition:
1. ~~If the permit is for the inspection of nondiesel-powered vehicles:~~
 - a. ~~Ignition timing light with timing advance tester;~~
 - b. ~~Ignition-operated tachometer;~~
 - e. ~~Dwell meter;~~
 - d. ~~Socket tool for replacing spark plugs;~~
 - e. ~~Spark plug gap setting tool;~~
 - f. ~~Tools for replacing or adjusting carburetors or fuel injection systems, distributors, fuel pumps, and ignition coils;~~
 - g. ~~At least 1 NDIR CO and HC emissions analyzer that complies with the requirements of R18-2-1006 to conduct the emissions inspections. Only the equipment necessary to test the types of vehicles in the fleet inventory is required at the fleet stations;~~
 - h. ~~Digital Volt/Ohm Meter;~~
 - i. ~~Scan Tool capable of communications with OBD data stream of the fleet vehicles; and~~
 - j. ~~Pressure test equipment for the gas cap integrity test.~~
 2. ~~If the permit is for the inspection of diesel-powered vehicles:~~
 - a. ~~Tools for removing fuel pumps and injectors;~~
 - b. ~~Fuel pressure gauge;~~
 - e. ~~Opacity meter. The meter shall meet J1667 specifications for vehicles with a GVWR greater than 8,500 lbs. in area A;~~
 - d. ~~Tools required by the vehicle manufacturer for field setting of fuel injectors, inlet and exhaust valve clearance, governors, and throttle controls; and~~
 - e. ~~A dynamometer for testing light duty diesel vehicles.~~
 3. ~~If the permit is for a non-dealer fleet in area A, in addition to the requirements in subsections (1) and (2):~~
 - a. ~~Equipment to perform a steady-state loaded emission test as required in R18-2-1006(E)(1)(a);~~
 - b. ~~Equipment to perform a transient loaded emission test as required in R18-2-1006(E)(2)(b);~~
 - e. ~~Equipment to perform the evaporative system integrity as required in R18-2-1006(E)(2)(c); and~~
 - d. ~~Equipment to perform the maintenance and quality control requirements of R18-2-1006(E)(2) and "IM240 and Evap Technical Guidance".~~
1. If the permit is for the inspection of a vehicle required to take an idle only, or an idle plus 2500 RPM unloaded test:
 - a. An NDIR CO and HC emissions analyzer that complies with the requirements of R18-2-1006(F)(7) to conduct the emissions inspection;
 - b. Pressure test equipment for the functional gas cap test that complies with the requirements of R18-2-1006(E)(6)(a); and
 - c. An ignition-operated tachometer.
 2. If the permit is for the inspection of a vehicle required to take a steady-state loaded test:
 - a. An NDIR CO and HC emissions analyzer that complies with the requirements of R18-2-1006(F)(7) to conduct the emissions inspection;
 - b. Pressure test equipment for the functional gas cap test that complies with the requirements of R18-2-1006(E)(6)(a);
 - c. A dynamometer to operate the vehicle under load; and
 - d. An ignition-operated tachometer.
 3. If the permit is for the inspection of a vehicle required to take a transient loaded test:
 - a. Equipment to perform a transient loaded emissions test as required in R18-2-1006(E)(2);
 - b. Equipment to perform the evaporative system pressure test as required in R18-2-1006(E)(2)(b);
 - c. Equipment to perform the maintenance and quality control requirements of R18-2-1006(E)(2) and "IM240 and Evap Technical Guidance;" and
 - d. Pressure test equipment for the functional gas cap test that complies with the requirements of R18-2-1006(E)(6)(a).
 4. If the permit is for the inspection of a vehicle required to take an OBD test:
 - a. A scan tool used to perform the OBD test that complies with the Society of Automotive Engineers Recommended Practice J1979, September 1997, incorporated by reference and no future editions or amendments. A copy of this referenced material is on file with the Department and the Secretary of State and may be obtained at Society of Automotive Engineers, 400 Commonwealth Dr., Warrendale, PA 15096-0001; and

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- b. Pressure test equipment for the functional gas cap test that complies with the requirements of R18-2-1006(E)(6)(a).
5. If the permit is for the inspection of a vehicle required to take a diesel test:
- a. Opacity meter: A meter used in area A shall comply with the requirements of R18-2-1006(H) for the applicable test procedure. A meter used in area B shall comply with the requirements of R18-2-1006(I)(6)(b); and
- b. A dynamometer for testing any light-duty diesel vehicle in area A or for testing any diesel vehicle in area B.
- C. A fleet's inspection facility shall comply with the following requirements:
1. The facility shall include space devoted principally to maintaining or repairing the fleet's motor vehicles. The space shall be large enough to conduct maintenance or repair of at least ~~four~~ one fleet motor vehicle.
 2. The facility shall be exclusively rented, leased, or owned by the permit applicant or permit holder.
- D. A fleet owner or lessee shall employ the following personnel:
1. If the facility is for the repair of nondiesel-powered vehicles, at least ~~four~~ one person to perform tune-ups of engines and replacement or repair of fuel system and ignition components.
 2. If the facility is for the repair of diesel-powered vehicles, at least ~~four~~ one person to perform tune-ups and replacement or repair of diesel fuel systems in the vehicle fleet.
 3. A licensed vehicle emissions inspector who will perform the necessary inspections. This inspector may be the same person required by subsection (1) or (2).
 4. A fleet agent, who shall be in charge of the day-to-day operation of the fleet and who demonstrates proficiency by passing a Department-administered examination annually, with a score equal to or greater than 80%, on the statutes and rules governing the operation and administration of a fleet emissions inspection station. The fleet owner or lessee shall designate the fleet agent on a form obtained from the Department.
- E. Unless inspected at a state station, ~~vehicles a vehicle~~ owned by or leased to a holder of a fleet emissions inspection station permit shall be inspected according to R18-2-1006(~~E~~)(D) through (I), except as follows:
1. ~~Dealer A dealer~~ fleet ~~vehicles vehicle~~ in area A held for resale and ~~an~~ an area B fleet ~~vehicles vehicle~~, with a model year of 1981 or newer, and other than diesel-powered, shall be required to take and pass both the curb idle test specified in R18-2-1006(F)(~~1~~)(2)(b) and a 2,500 RPM unloaded fast idle test as follows:
 - a. The vehicle's engine shall be operated at 2,500, \pm 300 RPM, for no more than 30 seconds with the transmission in neutral.
 - b. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized or at the end of 30 seconds, whichever occurs first, and compared to the loaded cruise standards in Table 2. The curb idle test standards in Table 2 shall apply for the idle test to fleet vehicles tested under the 2,500 RPM unloaded fast idle test.
 2. ~~Dealer A dealer~~ fleet ~~vehicles vehicle~~ in area A ~~and area B~~ held for resale, and an area B vehicle, with a model year of 1980 or older and other than diesel-powered, shall be required to take and pass a curb idle test as specified in R18-2-1006(F)(1). The ~~loaded cruise~~ curb idle test standards in Table 2 shall apply.
 3. ~~Dealer A dealer~~ fleet ~~vehicles vehicle~~ in area A held for resale with a model year of 1975 or newer and other than diesel-powered, shall be required to take and pass a tampering inspection as specified in R18-2-1006(E)(6).
 4. ~~Dealer A dealer~~ fleet ~~vehicles vehicle~~ in area B held for resale with a model year of 1975 or newer and other than diesel-powered, shall be required to take and pass a tampering inspection as specified in R18-2-1006(F)(~~5~~)(6).
 5. ~~Consignment vehicles~~ A consignment vehicle shall be tested at a state inspection station ~~in accordance with~~ according to R18-2-1005(A)(3).
- F. The vehicle emissions inspector shall complete and process the forms for vehicle inspection as follows, except a government entity ~~fleets~~ fleet shall issue and process each government vehicle ~~certificates~~ certificate of inspection under R18-2-1017:
1. ~~Certificates~~ A certificate of inspection shall be processed as follows:
 - a. A certificate of inspection shall be completed and signed by the vehicle emissions inspector performing the inspection at the time the vehicle passes inspection. Only the The vehicle emissions inspector ~~performing who performed~~ the inspection may sign a certificate of inspection and the inspector shall initial all corrections correct a certificate by drawing a single line through the mistake, writing the correct information directly above the mistake, and initialing and dating the correction. ~~Certificates~~ Each certificate shall be issued in numerical order;
 - b. For ~~all inspections~~ an inspection that ~~do~~ does not include a biennial test, the expiration date shall be ~~four~~ one year from the date the vehicle passes the mandatory vehicle emissions inspection. For ~~vehicles a vehicle~~ required to pass a biennial test, the expiration date shall be ~~two~~ two years after the pass date;
 - c. All copies of a certificate of inspection shall be legible;
 - d. Unless inspection data is electronically transmitted under A.R.S. § 49-542(Q), the original completed certificate shall be presented to ~~the Arizona Department of Transportation Motor Vehicle Division~~ MVD for processing of the vehicle's application for title and registration or the Arizona registration card. ~~The Arizona Department of Transportation Motor Vehicle Division~~ MVD may accept a signed certificate of inspection as evidence that the vehicle is a fleet-inspected vehicle and meets the inspection requirements of this Article;

- e. The vehicle emissions inspector shall forward the ~~2nd~~ second copy of each completed certificate of inspection, along with the ~~2nd~~ second copy of the "Fleet Vehicle Inspection Report/Monthly Summary," to the Department monthly, not later than 2 two weeks after the last day of the month in which the inspection is conducted;
 - f. The ~~3rd~~ third copy of each completed certificate of inspection, along with the original "Fleet Vehicle Inspection Report/Monthly Summary," shall be retained for 2 two years from the date of inspection;
 - g. Vehicle emissions certificates shall be purchased from the Department in lots of 25. Excess certificates may be returned to the Department for refund or may be used in subsequent years;
 - h. The fee for a certificate of inspection shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated costs to the state of administering and enforcing the provisions of this ~~article~~ Article as they apply to issuance of ~~certificates~~ a certificate of inspections inspection. Payment for certificates shall be included with an application for certificates. Checks shall be made payable to the Department of Environmental Quality.
 - i. Only the Department shall sell or otherwise transfer ~~certificates~~ a certificate of inspection. This subsection does not apply to the submission of a certificate of inspection to MVD for the purpose of vehicle registration;
 - j. The fleet station owner shall be responsible for the security and accountability of ~~all the owner's fleet's~~ certificates and fleet vehicle emissions inspection records. Certificates and fleet vehicle emissions inspection records shall be maintained at the fleet station and shall be made available for review by a state inspector during normal business hours of the fleet station;
 - k. If any ~~certificates are~~ certificate is discovered lost or stolen, the fleet station owner shall notify the Department in writing within 24 hours, indicating the number of certificates lost or stolen and ~~the each serial numbers~~ number. The Department may revoke a fleet station permit for refusal or failure to report a lost or stolen certificates certifi- cate within 24 hours;
 - l. In the event of loss, destruction, or mutilation of an original completed certificate of inspection, a Director's certificate may be obtained from the Department by hand-delivery of the following:
 - i. The ~~2nd~~ second or ~~3rd~~ third copy of the lost, destroyed, or mutilated certificate of inspection;
 - ii. The original of the "Fleet Vehicle Inspection Report/Monthly Summary;"
 - iii. A cover letter from the fleet agent explaining the situation that caused the loss, destruction, or mutilation of the original certificate of inspection; and
 - iv. Payment of a fee to cover the cost of issuance of the Director's certificate. The fee for a Director's certificate shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated ~~costs~~ cost to the state of administering and enforcing the provisions of this Article as they apply to issuance of a Director's certificates certificate. Checks shall be made payable to the Department of Environmental Quality; and
 - m. If an original certificate of inspection is voided by a fleet station, the original of the voided certificate shall be matched to the corresponding ~~3rd~~ third copy of the certificate and retained at the fleet station for 2two years from the date of inspection.
2. The fleet agent or vehicle emissions inspector shall obtain the "Fleet Vehicle Inspection Report/Monthly Summary" form from the Department. The vehicle emissions inspector performing the inspection shall record the following information on the form at the time of inspection:
- a. The VIN of the vehicle passing inspection;
 - b. The vehicle's license number, if applicable;
 - c. The HC content of the undiluted exhaust recorded at idle, if applicable;
 - d. The CO content of the undiluted exhaust recorded at idle, if applicable;
 - e. The HC content of the undiluted exhaust recorded at 2,500 rpm, if applicable;
 - f. The CO content of the undiluted exhaust recorded at 2,500 rpm, if applicable;
 - g. ~~If applicable, results~~ Results of a tampering check, if applicable;
 - h. The vehicle model year;
 - i. The vehicle make;
 - j. The GVWR for a vehicle certified under federal truck standards;
 - ~~j-k.~~ The date of inspection;
 - ~~k-l.~~ The license number of the vehicle emissions inspector conducting the inspection;
 - ~~l-m.~~ The signature of the inspector making the entry;
 - ~~m-n.~~ The serial number of the certificate of inspection, recorded in numerical order;
 - ~~n-o.~~ For ~~vehicles~~ a vehicle required to take the transient loaded ~~emission~~ emissions test, the inspector shall record the total HC, CO, CO₂ and NO_x measured in grams/mile, and the evaporative system ~~integrity~~ pressure test result rather than the items in (e) through (g), if applicable;
 - ~~o-p.~~ The registration number of the registered analyzer or opacity meter used to perform the inspection-;
 - ~~p-q.~~ For light duty a light-duty diesel ~~vehicles~~ vehicle, the inspector shall record opacity rather than undiluted HC and CO;

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- ~~q-r.~~ For ~~heavy-duty a heavy-duty diesel vehicles vehicle~~, instead of undiluted HC and CO:
- i. The time of the inspection;
 - ii. The ambient temperature;
 - iii. The corrected barometric pressure;
 - iv. The relative humidity at the time of inspection;
 - v. The engine year and cubic inch or liter displacement;
 - vi. The GVWR;
 - vii. The diameter of the exhaust stack; and
 - viii. The corrected opacity reading.
- s. For a vehicle required to take an OBD test, the inspector shall record the OBD results rather than HC, CO, and NO_x.
3. A certificate of waiver may be issued by a fleet vehicle emissions inspector unless the fleet owner or lessee is an auto dealer licensed to sell used motor vehicles under Title 28 of the Arizona Revised Statutes. The certificate of waiver may be issued according to the following procedure if the requirements of R18-2-1008(A), R18-2-1009, and R18-2-1010 ~~have been~~ are met:
- a. A certificate of waiver shall be completed and signed by the vehicle emissions inspector performing the inspection after completion of a fleet inspection waiver report. The report shall be forwarded to the Department within ~~3~~ three business days from the date of issuance of the certificate of waiver. A fleet inspection waiver report shall be provided by the Department with the purchase of each certificate of waiver. The report shall contain a description of the vehicle, test results, and repairs performed.
 - b. The expiration date of the certificate of waiver shall be ~~2~~ two years from the date that the waiver is issued for ~~vehicles a vehicle~~ required to take the transient loaded ~~emission emissions~~ test, and ~~1~~ one year for all other vehicles.
 - c. All information required on the certificate of waiver shall be legible.
 - d. The vehicle emissions inspector issuing the certificate of waiver shall initial all corrections.
 - e. Only the vehicle emissions inspector performing the inspection may sign or initial a certificate of waiver.
 - f. Unless inspection data is electronically transmitted under A.R.S. § 49-542(Q), the original completed certificate shall be presented to ~~the Arizona Department of Transportation Motor Vehicle Division~~ MVD for processing of either the vehicle's application for title and registration or the Arizona registration card. ~~The Arizona Department of Transportation Motor Vehicle Division~~ MVD may accept the signed certificate of waiver as evidence that the vehicle is a fleet inspected vehicle and ~~has met~~ meets the inspection requirements of this Article if the certificate is complete and the expiration date has not passed.
 - g. The ~~2nd~~ second copy of each completed certificate of waiver shall accompany the completed fleet inspection waiver report.
 - h. The ~~3rd~~ third copy of each completed certificate of waiver, along with a copy of the fleet inspection waiver report, shall be retained by the fleet station owner for ~~2~~ two years from the date of inspection.
 - i. The fee for a certificate of waiver shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated ~~costs~~ cost to the state of administering and enforcing the provisions of this Article as they apply to issuance of ~~certificates a certificate of waivers waiver~~. Payment for certificates shall be included with an application for certificates. Checks shall be made payable to the Department of Environmental Quality.
 - j. Only the Department shall sell or otherwise transfer ~~certificates a certificate~~ of waiver. This subsection does not apply to the submission of a certificate of waiver to MVD for the purpose of vehicle registration.
 - k. The fleet station owner shall be responsible for the security and accountability of ~~all the owner's fleet's~~ certificates.
 - l. ~~If any certificates are~~ a certificate is discovered lost or stolen, the fleet station owner shall notify the Department in writing within 24 hours and indicate the number of certificates lost or stolen and ~~their each~~ serial numbers number. The Department may revoke a fleet station permit for refusal or failure to report ~~a lost or stolen certificate~~ certificates certificate within 24 hours of discovery.
 - m. In the event of loss, destruction, or mutilation of an original completed certificate of waiver, a Director's certificate may be obtained from the Department by hand delivery of the following:
 - i. The ~~2nd~~ second or ~~3rd~~ third copy of the lost, destroyed, or mutilated certificate of waiver;
 - ii. The original of the "Fleet Vehicle Inspection Report/Monthly Summary;"
 - iii. A cover letter from the fleet agent explaining the situation that caused the loss, destruction, or mutilation of the original certificate of waiver; and
 - iv. Payment of a fee to cover the cost of issuance of the Director's certificate. The fee for a Director's certificate shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated ~~costs~~ cost to the state of administering and enforcing the provisions of this Article as they apply to issuance of ~~a Director's certificates certificate~~. Checks shall be made payable to the Department of Environmental Quality.

- n. In the event an original certificate of waiver is voided by a fleet station, the original of the voided certificate shall be matched to the corresponding ~~3rd~~ third copy of the certificate and retained by the fleet for ~~2~~ two years from the date of inspection.
 4. Upon request, a state inspector shall be allowed access to and shall be permitted to photocopy, on or off the premises, any original "Fleet Vehicle Inspection Report/Monthly Summary," the ~~2nd~~ second copy of ~~certificates~~ a certificate of inspection, and any other related documents.
- G.** The fleet shall comply with the following general operating requirements:
1. The fleet station permit and the licenses of all inspectors employed at the station shall be prominently displayed at the fleet's inspection facility.
 2. A fleet station shall only certify ~~vehicles~~ a vehicle owned by or leased to the holder of the fleet station permit.
 3. The inspection equipment shall be operated, calibrated, and maintained as follows:
 - a. All test equipment and instrumentation shall be maintained in accurate working condition as required by the manufacturer. ~~Instruments~~ An instrument requiring periodic calibration shall be calibrated according to instructions and recommendations of the instrument or equipment manufacturer. An NDIR ~~emission~~ emissions ~~analyzers~~ analyzer shall be registered and calibrated according to R18-2-1027. Calibration records for each instrument, except an NDIR ~~emission~~ emissions ~~analyzers~~ analyzer, shall be maintained by the fleet station. The calibration records shall be signed and dated by the technician performing each calibration.
 - b. The instrument calibration records shall be available for review by the Department.
 - c. Working gases used by the fleet station shall be subject to analysis and comparison to the Department's standard gases at any time.
 - d. Fleet station equipment shall be subject to both scheduled and unscheduled checks for accuracy and condition by the Department.
 4. A fleet emissions inspection station that is unable to test at least 25 vehicles according to R18-2-1006 and subsection (A) shall surrender its permit.
 5. A motor vehicle dealer with a fleet station permit shall comply with A.R.S. § 49-542.03.
 6. If a fleet station fails to meet any requirement of ~~subsections~~ subsection (B), (C), or (D), it shall immediately cease operating as a fleet station until the requirement is met. If the fleet is cited for failure to have the necessary equipment under subsection (B), it shall not resume operation as a fleet emissions inspection station until compliance is verified by the Department.
 7. A fleet station shall notify the Department in writing within 7 seven days of the end or start of employment of any vehicle emissions inspector. The written notification shall include the name and license number of the vehicle emissions inspector, a statement declaring the employment change, and the effective date of the employment change. A fleet station that does not employ a vehicle emissions inspector shall immediately cease operating as a fleet station and notify the Department immediately by telephone and within 7seven days in writing. All unused vehicle certificates of inspection shall be returned to the Department for a refund within 7 seven days after operations cease ~~for a refund~~.
 8. A fleet station that does not employ a fleet agent, as described in subsection (D)(4), shall immediately cease operating as a fleet station and shall notify the Department immediately by telephone and within 7 seven days in writing ~~unless the permit applicant or other designated employee has taken and passed the examination required in subsection (D)(4) and assumes responsibility for the day-to-day operation of the fleet station.~~ The fleet owner shall notify the Department within 7 days of the designation of a new fleet agent. The written notification shall include the name and license number of the fleet agent, a statement declaring the employment change, and the effective date of the employment change. The fleet station may resume fleet station operation after the permit applicant or other designated employee takes and passes the examination required in subsection (D)(4), if the responsibility of the day-to-day operation of the fleet station and a fleet agent designation form has been filed with the Department.
- H.** A fleet's activities shall be governed by the following compliance and enforcement rules:
1. Subsections (B) through (G) apply at all times after the issuance of a fleet station permit. In addition, subsections (B), (C), and (D) apply before a permit can be issued or removed from suspension.
 2. The Director may suspend or revoke a fleet station permit according to A.R.S. §§ 49-546(F) and A.R.S. Title 41, Chapter 6, if the permittee, or any person employed by the permittee:
 - a. Violates any provision of Title 49, Chapter 3, Article 5 of the Arizona Revised Statutes or any provision of this Article;
 - b. Misrepresents a material fact in obtaining a permit;
 - c. Fails to make, keep, and submit to the Department records for ~~vehicles~~ a vehicle tested as a permittee; or
 - d. Does not provide a state inspector access to the information required by this Article.
 3. If a fleet station permit is surrendered, suspended or revoked, all unused vehicle certificates of inspection shall be returned to the Department for a refund.
 4. ~~Fleet vehicles are~~ A fleet vehicle is subject to inspection by ~~a state inspectors~~ inspector.

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5. Surrender of a permit under subsection (A)(8) or (G)(4) shall not prevent the Department from carrying out an investigative or disciplinary ~~proceedings~~ proceeding against the permit holder for ~~violations prior to a violation before~~ surrender.

R18-2-1020. Licensing of 3rd Party Agents; Issuing Alternative Fuel Certificates

- A. No change
- B. No change
- C. Issuing Alternative Fuel Certificates. The Department or its agent shall issue an Alternative Fuel Certificate according to A.R.S. § 28-5805 2416 if the vehicle is currently powered by an alternative fuel as defined in A.R.S. § 1-215(4).

R18-2-1025. Inspection of Contractor's Equipment and Personnel

- A. No change
- B. Equipment used to perform a transient loaded ~~emission~~ emissions test, shall be audited at least twice a year for all of the following:
 - 1. Constant volume sampler critical flow and calibration;
 - 2. Optimization of the flame ionization detector fuel to air ratio using methane;
 - 3. Proper dynamometer coast down, roll distance, and inertia weight;
 - 4. Ability to detect background pollutant concentrations;
 - 5. Evaporative ~~integrity analysis~~ pressure test systems system for accuracy, response time, and other criteria consistent with "IM240 and Evap Technical Guidance;" and
 - 6. Functional gas cap analysis equipment.
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change

R18-2-1027. Registration and Inspection of ~~Emission~~ Emissions Analyzers and Opacity Meters

- A. No change
- B. No change
- C. A registered analyzer shall meet the requirements of R18-2-1006(F)~~(6)~~(7)(a). Calibration shall be verified by a state inspector before the analyzer is registered. The analyzer shall read the value of the calibration gases within the following tolerances:
 - 1. Plus 0.50% CO to minus 0.25% CO in the range from 0 to 2% CO;
 - 2. Plus 1.00% CO to minus 0.50% CO in the range from 2% to 10% CO;
 - 3. Plus 60 PPM HC to minus 30 PPM HC in the range from 0 to 500 PPM HC when read as N-HEXANE; and
 - 4. Plus 200 PPM HC to minus 100 PPM HC in the range from 500 to 2,000 PPM HC when read as N-HEXANE.
- D. No change
- E. No change
- F. No change

**TABLE 2.
EMISSION EMISSIONS STANDARDS-ANNUAL TESTS
MAXIMUM ALLOWABLE**

Vehicle Engine Type	Vehicle Model Year	Gross Vehicle Weight Rating (Pounds)	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise- Mode Test	
				HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
4-stroke Motoreycles	All	All	All	500	5.00	1,800	5.50		
4-stroke	1981 and newer	8500 or less	All	100	0.50	220	1.20	220	1.20
4-stroke	1980	8500 or less	All	100	.50	220	1.20	220	1.20
4-stroke	1979	8500 or less	4-cylinders- or-less	120	1.00	220	2.20	220	1.65

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Vehicle Engine Type	Vehicle Model Year	Gross Vehicle Weight Rating (Pounds)	Number of Cylinders	Conditioning Mode		Curb Idle Mode-Test		Loaded Cruise- Mode-Test	
				HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
4-stroke	1979	8500 or less	More than 4 cylinders	120	1.00	220	2.00	220	1.50
4-stroke	1981 and newer	Greater than 8500	All	300	3.00	300	4.00	300	3.00
4-stroke	1979 and 1980	Greater than 8500	All	300	3.00	300	4.00	300	3.00
4-stroke	1975-1978	6000 or less	4 cylinders or less	120	1.00	250	2.20	250	1.65
4-stroke	1975-1978	6000 or less	More than 4 cylinders	120	1.00	250	2.00	250	1.50
4-stroke	1975-1978	Greater than 6000	All	300	3.00	350	4.00	350	3.00
4-stroke	1972-1974	All	4 cylinders or less	380	3.50	400	5.50	400	4.20
4-stroke	1972-1974	All	More than 4 cylinders	300	3.00	400	5.00	400	3.75
4-stroke	1967-1971	All	4 cylinders or less	450	3.75	500	5.50	500	4.20
4-stroke	1967-1971	All	More than 4 cylinders	380	3.00	450	5.00	450	3.75
4-stroke	Reconstructed 1981 and newer	All	All	700	5.25	1,200	7.50	700	5.25
4-stroke	Reconstructed All 1980 and older	All	All	700	5.25	1,200	7.50	1,200	5.60
2-stroke	1981 and newer	All	All	18,000	5.00	18,000	5.00	18,000	5.00
2-stroke	1980 and older	All	All	18,000	5.00	18,000	5.00	18,000	5.00

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Motorcycles

<u>Vehicle Engine Type</u>	<u>Vehicle Model Year</u>	<u>Number of Cylinders</u>	<u>Conditioning Mode</u>		<u>Curb Idle Mode Test</u>		<u>Loaded Cruise Mode Test</u>	
			<u>HC PPM</u>	<u>CO %</u>	<u>HC PPM</u>	<u>CO %</u>	<u>HC PPM</u>	<u>CO %</u>
<u>2-Stroke</u>	<u>All</u>	<u>All</u>	<u>18.000</u>	<u>5.00</u>	<u>18.000</u>	<u>5.00</u>	<u>N/A</u>	<u>N/A</u>
<u>4-Stroke</u>	<u>All</u>	<u>All</u>	<u>500</u>	<u>5.00</u>	<u>1.800</u>	<u>5.50</u>	<u>N/A</u>	<u>N/A</u>

Reconstructed Vehicles

<u>Vehicle Engine Type</u>	<u>Vehicle Model Year</u>	<u>Number of Cylinders</u>	<u>Conditioning Mode</u>		<u>Curb Idle Mode Test</u>		<u>Loaded Cruise Mode Test</u>	
			<u>HC PPM</u>	<u>CO %</u>	<u>HC PPM</u>	<u>CO %</u>	<u>HC PPM</u>	<u>CO %</u>
<u>4-Stroke</u>	<u>1967-1980</u>	<u>All</u>	<u>700</u>	<u>5.25</u>	<u>1.200</u>	<u>7.50</u>	<u>1.200</u>	<u>5.60</u>
<u>4-Stroke</u>	<u>1980 & Newer</u>	<u>All</u>	<u>700</u>	<u>5.25</u>	<u>1.200</u>	<u>7.50</u>	<u>700</u>	<u>5.25</u>

Light-Duty Vehicles

<u>Vehicle Engine Type</u>	<u>Vehicle Model Year</u>	<u>Number of Cylinders</u>	<u>Conditioning Mode</u>		<u>Curb Idle Mode Test</u>		<u>Loaded Cruise Mode Test</u>	
			<u>HC PPM</u>	<u>CO %</u>	<u>HC PPM</u>	<u>CO %</u>	<u>HC PPM</u>	<u>CO %</u>
<u>2-Stroke</u>	<u>All</u>	<u>All</u>	<u>18.000</u>	<u>5.00</u>	<u>18.000</u>	<u>5.00</u>	<u>18.000</u>	<u>5.00</u>
<u>4-Stroke</u>	<u>1967-1971</u>	<u>4 or less</u>	<u>450</u>	<u>3.75</u>	<u>500</u>	<u>5.50</u>	<u>500</u>	<u>4.20</u>
<u>4-Stroke</u>	<u>1967-1971</u>	<u>more than 4</u>	<u>380</u>	<u>3.00</u>	<u>450</u>	<u>5.00</u>	<u>450</u>	<u>3.75</u>
<u>4-Stroke</u>	<u>1972-1974</u>	<u>4 or less</u>	<u>380</u>	<u>3.50</u>	<u>400</u>	<u>5.50</u>	<u>400</u>	<u>4.20</u>
<u>4-Stroke</u>	<u>1972-1974</u>	<u>more than 4</u>	<u>300</u>	<u>3.00</u>	<u>400</u>	<u>5.00</u>	<u>400</u>	<u>3.75</u>
<u>4-Stroke</u>	<u>1975-1978</u>	<u>4 or less</u>	<u>120</u>	<u>1.00</u>	<u>250</u>	<u>2.20</u>	<u>250</u>	<u>1.65</u>
<u>4-Stroke</u>	<u>1975-1978</u>	<u>more than 4</u>	<u>120</u>	<u>1.00</u>	<u>250</u>	<u>2.00</u>	<u>250</u>	<u>1.50</u>
<u>4-Stroke</u>	<u>1979</u>	<u>4 or less</u>	<u>120</u>	<u>1.00</u>	<u>220</u>	<u>2.20</u>	<u>220</u>	<u>1.65</u>
<u>4-Stroke</u>	<u>1979</u>	<u>more than 4</u>	<u>120</u>	<u>1.00</u>	<u>220</u>	<u>2.00</u>	<u>220</u>	<u>1.50</u>
<u>4-Stroke</u>	<u>1980 & newer</u>	<u>All</u>	<u>100</u>	<u>0.50</u>	<u>220</u>	<u>1.20</u>	<u>220</u>	<u>1.20</u>

Light-Duty Truck 1 (0-6000 lbs GVWR)

<u>Vehicle Engine Type</u>	<u>Vehicle Model Year</u>	<u>Number of Cylinders</u>	<u>Conditioning Mode</u>		<u>Curb Idle Mode Test</u>		<u>Loaded Cruise Mode Test</u>	
			<u>HC PPM</u>	<u>CO %</u>	<u>HC PPM</u>	<u>CO %</u>	<u>HC PPM</u>	<u>CO %</u>
<u>2-Stroke</u>	<u>All</u>	<u>All</u>	<u>18.000</u>	<u>5.00</u>	<u>18.000</u>	<u>5.00</u>	<u>18.000</u>	<u>5.00</u>
<u>4-Stroke</u>	<u>1967-1971</u>	<u>4 or less</u>	<u>450</u>	<u>3.75</u>	<u>500</u>	<u>5.50</u>	<u>500</u>	<u>4.20</u>
<u>4-Stroke</u>	<u>1967-1971</u>	<u>more than 4</u>	<u>380</u>	<u>3.00</u>	<u>450</u>	<u>5.00</u>	<u>450</u>	<u>3.75</u>
<u>4-Stroke</u>	<u>1972-1974</u>	<u>4 or less</u>	<u>380</u>	<u>3.50</u>	<u>400</u>	<u>5.50</u>	<u>400</u>	<u>4.20</u>

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4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	4 or less	120	1.00	250	2.20	250	1.65
4-Stroke	1975-1978	more than 4	120	1.00	250	2.00	250	1.50
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 & newer	All	100	0.50	220	1.20	220	1.20

Light-Duty Truck 2 (6001 - 8500 lbs GVWR)

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	All	300	3.00	350	4.00	350	3.00
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 & newer	All	100	0.50	220	1.20	220	1.20

Heavy-Duty Truck (8501 lbs or greater GVWR)

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	All	300	3.00	350	4.00	350	3.00
4-Stroke	1979 & newer	All	300	3.00	300	4.00	300	3.00

TABLE 3: EMISSION EMISSIONS STANDARDS - BIENNIAL TRANSIENT LOADED EMISSIONS TESTS

(No change to the table)

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TABLE 6. EMISSION STANDARDS — REMOTE SENSING IDENTIFICATIONS REPEALED

Vehicle Engine Type	Vehicle Model Year	Gross Vehicle Weight Rating (Pounds)	Number of Cylinders	Remote Sensing Standard CO %	Remote Sensing Standard HC ppm
N/A	1991-1999	8500 or less	N/A	3.5	450
N/A	1983-1990	8500 or less	N/A	3.9	500
N/A	1981-1982	8500 or less	N/A	5.2	500
N/A	1991-1999	6000 or less	N/A	5.2	525
N/A	1988-1990	6000 or less	N/A	6	575
N/A	1984-1987	6000 or less	N/A	6	575
N/A	1981-1983	6000 or less	N/A	6.8	875
N/A	1991-1999	6000-8500	N/A	5.2	525
N/A	1988-1990	6000-8500	N/A	6	575
N/A	1984-1987	6000-8500	N/A	6	575
N/A	1981-1983	6000-8500	N/A	6.8	875
4-Stroke	1980+Newer	8500 or less	All	3.6	500
4-Stroke	1979+Newer	Greater than 8500	All	5.5	575
4-Stroke	1979	8500 or less	4 cylinders or less	4.1	500
4-Stroke	1979	8500 or less	More than 4 cylinders	3.9	500
4-Stroke	1975-1978	6000 or less	4 cylinders or less	4.1	550
4-Stroke	1975-1978	6000 or less	More than 4 cylinders	3.9	550
4-Stroke	1975-1978	Greater than 6000	All	5.5	600
4-Stroke	1972-1974	All	4 cylinders or less	6.7	650
4-Stroke	1972-1974	All	More than 4 cylinders	6.2	650
4-Stroke	1967-1971	All	4 cylinders or less	6.7	725
4-Stroke	1967-1971	All	More than 4 cylinders	6.2	675
4-Stroke	1981 and Newer, Reconstructed	All	All	7.8	875
4-Stroke	1980 and Older, Reconstructed	All	All	8.1	1225

NOTICE OF FINAL RULEMAKING

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 4. BANKING DEPARTMENT

PREAMBLE

1. Sections Affected

R20-4-102
R20-4-106
R20-4-107
Table A of Article 1
R20-4-1805

Rulemaking Action

Amend
Amend
Amend
Amend
Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general), and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 6-123(2) and 41-1073
Implementing statutes: A.R.S. §§ 6-123(2), 6-944, 6-1253, and 41-1073

3. The effective date of the rules:

December 10, 2001

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 6 A.A.R. 4451, November 24, 2000

Notice of Rulemaking Docket Opening: 7 A.A.R. 1563, April 13, 2001

Notice of Proposed Rulemaking: 7 A.A.R. 3802, August 31, 2001

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: John P. Hudock
Address: Banking Department
2910 N. 44th Street, Suite 310
Phoenix, AZ 85018
Telephone: (602) 255-4421, ext. 167
Fax: (602) 381-1225
E-mail: jhudock@azbanking.com

6. An explanation of the rule, including the agency's reason for initiating the rule:

The rules in Article 1 have general applicability to all of Title 20, Chapter 4 of the *Arizona Administrative Code*. The rules in Article 18 concern Mortgage Bankers. This proceeding makes changes in both Articles, for several reasons.

Housekeeping changes are made in Article 1 that will improve the precision of the definition of the term "active management" and "branch office" and remove the numbers associated with each definitional subsection of R20-4-102.

Another non-substantive revision is the rewriting of R20-4-106, in fulfillment of a promise made to the Council in the last five-year rule review report that analyzed that rule.

The final revision of Article 1 is the addition of a time-frame for licensing Deferred Presentment Companies.

Finally, the amendment to R20-4-1805 corrects a drafting error that conflicts with the corresponding statute.

Details

Active Management

First, this rulemaking will revise the definition of "active management" found in R20-4-102 to clarify that the definition applies to all the term's uses in statutory law administered by the Department, including those outside of A.R.S. Title 6, Chapter 9.

Records

Second, this rulemaking will amend R20-4-102 to add a definition of the term "Record."

Electronic Records

Third, this proceeding will amend R20-4-102 to add a definition of the term "Electronic Record."

Definitions no longer numbered

Fourth, this rulemaking will amend R20-4-102 to remove the numbering of the definitions in this Section, which are arranged alphabetically for ease of reference.

New licensing time-frame

Fifth, this proceeding will amend R20-4-107 to add a licensing time-frame for deferred presentment companies, a newly created category of license.

R20-4-106 on Bankruptcy

Sixth, this rulemaking will make stylistic and editorial revisions to R20-4-106, the only Section in Article 1 not yet revised since acceptance of that Article's most recent five-year rule review.

Notice of changed address

Finally, this rulemaking will amend R20-4-1805 to reconcile it with statute. The present version of this Section requires the licensee to give the Superintendent notice of a change of business address within 5 days after the address changes. The statute, A.R.S. § 6-944(D), specifies that the licensee shall notify the Superintendent before the change.

7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:

The Department did not rely on any study as an evaluator or justification for the rule.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

A. The Banking Department

Changes in income and expenses to this agency are negligible. The Department does not expect to experience any adverse economic impact. It will bear the administrative and human resources cost of this rulemaking. The amendment of these rules will not result in any significant cost savings for the Department. It will continue to bear the costs of enforcing the same requirements on its licensees. The increased clarity of the amended rules will make them marginally easier to understand and enforce.

B. Other Public Agencies

The state will incur normal review and publishing costs incident to rulemaking.

C. Private Persons and Businesses Directly Affected

Costs of services will not increase by any measurable degree. Nor should these revisions increase any licensee's cost of doing business in compliance with these rules.

D. Consumers

No measurable effect on consumers is expected.

E. Private and Public Employment

The Department expects no measurable effect on private and public employment.

F. State Revenues

This rulemaking will not change state revenues.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The Council's staff has recommended editorial and stylistic changes to the originally proposed text of the Rule. The changes improved the precision and clarity of the text and have been implemented.

11. A summary of the principal comments and the agency response to them:

The public was invited to comment in the Notice of Proposed Rulemaking. That invitation contained an agency contact name, address, telephone number, and fax number. The Department has had several very helpful informal discussions with stakeholders about preliminary drafts of this rulemaking. However, no written comments were received and no arguments against adoption of the rules as they appear in this Final Rulemaking have been raised.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

There is no material incorporated by reference in these final rules.

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 4. BANKING DEPARTMENT

ARTICLE 1. GENERAL

Section

R20-4-102. Definitions

R20-4-106. Bankruptcy

R20-4-107. Licensing Time-frames

Table A. Licensing Time-frames

ARTICLE 18. MORTGAGE BANKERS

Section

R20-4-1805. Notification of Change of Address

ARTICLE 1. GENERAL

R20-4-102. Definitions

In this Chapter, unless otherwise specified:

1. "Active management" means directing a licensee's activities by a responsible individual, who:
 - a. Is knowledgeable about the licensee's Arizona activities;
 - b. Supervises compliance with:
 - i. ~~The laws enforced by the Banking Department A.R.S. Title 6, Chapter 9~~ as ~~they it relate~~ relates to the licensee; and
 - ii. Other applicable laws and rules; and
 - c. Has sufficient authority to ensure compliance.
2. "Affiliate" has the meaning stated at A.R.S. § 6-901.
3. "Attorney General" means the Attorney General or an assistant Attorney General of the state of Arizona.
4. "Branch office" means any location within or outside Arizona, including a personal residence, but not including a licensee's principal place of business in Arizona, where the licensee holds out to the public that the licensee acts as a licensee mortgage broker, mortgage banker, or commercial mortgage banker.
5. "Business of a savings and loan association or savings bank" means receiving money on deposit subject to payment by check or any other form of order or request or on presentation of a certificate of deposit or other evidence of debt.
6. "Compensation" means, in applying that term's definition in A.R.S. §§ 6-901, 6-941, and 6-971, anything received in advance, after repayment, or at any time during a loan's life. This subsection expressly excludes the following items from those definitions of compensation ~~Compensation~~:
 - a. Charges or fees customarily received after a loan's closing including prepayment penalties, termination fees, reinvestment fees, late fees, default interest, transfer fees, impound account interest and fees, extension fees, and modification fees. However, extension fees and modification fees are compensation if the lender advances additional funds or increases the credit limit on an open-end mortgage as part of the extension or modification;
 - b. Out-of-pocket expenses paid to independent 3rd parties including appraisal fees, credit report fees, legal fees, document preparation fees, title insurance premiums, recording, filing, and statutory fees, collection fees, servicing fees, escrow fees, and trustee's fees;
 - c. Insurance commissions;
 - d. Contingent or additional interest, including interest based on net operating income; or
 - e. Equity participation.
7. "Commercial finance transaction," as that term is used in this Section's definitions of the terms "Engaged in the business of making mortgage loans" and "Engaged in the business of making mortgage loans or mortgage banking loans" ~~R20-4-102(13)~~, means a loan made primarily for other than personal, family, or household purposes.
8. "Control of a licensee," as used in A.R.S. §§ 6-903(O), 6-944(A), or 6-978, does not include acquiring additional fractional equity interests in a licensee by any person who already has the power to vote 51% or more of the licensee's outstanding voting equity interests.
9. "Correspondent contract," as that term is used in A.R.S. §§ 6-941, 6-943, 6-971, or 6-973, means an agreement between a lender and a funding source under which the funding source may fund, or is required to fund, loans originated by the lender.
10. "Cushion," as that term is used in R20-4-1811 or R20-4-1908, means funds that a servicer or lender may require a borrower to pay into an escrow or impound account before the borrower's periodic payments are available in the account to cover unanticipated disbursements.
11. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate," as those phrases that phrase are is used in A.R.S. §§ 6-901, 6-941, or 6-971, mean means:
 - a. Providing consulting or advisory services in connection with a mortgage loan transaction, a mortgage banking loan transaction, or a commercial mortgage loan transaction;
 - i. To an investor, concerning the location or identity of potential borrowers, regardless of whether the person providing consulting or advisory services ~~licensee~~ directly contacts any potential borrowers; or
 - ii. To a borrower, concerning the location or identity of potential investors or lenders; or
 - b. Providing assistance in preparing an application for a mortgage loan transaction, a mortgage banking loan transaction, or a commercial mortgage banking loan transaction, regardless of whether the person providing assistance ~~licensee~~ directly contacts any potential investor or lender; and
 - c. Processing a loan; but
 - d. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate" do does not include:
 - i. Providing clerical, mechanical, or word processing services to prepare papers or documents associated with a mortgage loan transaction, a mortgage banking loan transaction, or a commercial mortgage banking loan transaction;

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- ii. Purchasing, selling, negotiating to purchase or sell, or offering to purchase or sell a mortgage loan, a mortgage banking loan, or a commercial mortgage banking loan already funded;
 - iii. Making, negotiating, or offering to make additional advances on an existing open-ended mortgage loan, mortgage banking loan, or commercial mortgage loan including revolving credit lines;
 - iv. Modifying, renewing, or replacing a mortgage loan, a mortgage banking loan, or a commercial mortgage loan already funded, if the parties to and security for the loan are the same as the original loan immediately before the modification, renewal, or replacement, and if no additional funds are advanced and no increase is made in the credit limit on an open-ended loan. Replacing a loan means making a new loan simultaneously with terminating an existing loan.
- “Electronic record” has the meaning stated at A.R.S. § 44-7002(7).
12. “Employee” means a natural person who has an employment relationship with a licensee that is acknowledged by both the person and the licensee, and:
- a. The person is entitled to payment, or is paid, by the licensee;
 - b. The licensee withholds and remits, or is liable for withholding and remitting, payroll deductions for all applicable federal and state payroll taxes;
 - c. The licensee has the right to hire and fire the employee and the employee’s assistants;
 - d. The licensee directs the methods and procedures for performing the employee’s job;
 - e. The licensee supervises the employee’s business conduct and the employee’s compliance with applicable laws and rules; and
 - f. The rights and duties under subsections (a) through (e) belong to the licensee regardless of whether another person also shares those rights and duties.
13. “Engaged in the business of making mortgage loans,” as that phrase is used in A.R.S. § 6-902, and “engaged Engaged in the business of making mortgage loans or mortgage banking loans,” means as that phrase is used in A.R.S. §§ 6-902 or 6-942, mean the direct or indirect making of a total of more than five 5 mortgage banking loans or mortgage loans, or both in a calendar year. Each loan counts only once as of its closing date. A person is not “engaged in the business of making mortgage loans or mortgage banking loans” if the person makes loans solely in commercial finance transactions in which no more than 35% of the aggregate value of all security taken by the investor on the closing date is a lien, or liens, on real property.
14. “Generally accepted accounting principles” has the meaning used by the Financial Accounting Standards Board or the American Institute of Certified Public Accountants.
15. “Holds Hold out to the public,” as used in this Section’s definition of “branch office” subsection (4), means advertising or otherwise informing the public that mortgage banking loans, commercial mortgage loans, or mortgage loans are made or negotiated at a location. “Holds Hold out to the public” includes listing a location on business cards, stationery, brochures, rate lists, or other promotional items. “Holds Hold out to the public” does not include a clearly identified home or mobile telephone number on a business card or stationery.
16. “Loan,” as that term is used in A.R.S. §§ 6-126(C)(6) and 6-126(C)(8) 6-126(C)(7), means all loans negotiated or closed, without regard to the location of the real property collateral or type of loan.
17. “Loan Processing” means obtaining a loan application’s supporting documents for use in underwriting.
18. “Person” means a natural person or any legal or commercial entity including a corporation, business trust, estate, trust, partnership, limited partnership, joint venture, association, limited liability company, limited liability partnership, or limited liability limited partnership.
19. “Property insurance,” as that term is used in A.R.S. §§ 6-909 and 6-947, does not include flood insurance as that term is used in the Flood Disaster Protection Act of 1973, as modified by the National Flood Insurance Reform Act of 1994. 42 U.S.C. 4001, et seq.
20. “Reasonable investigation of the background,” as that term is used in A.R.S. §§ 6-903, 6-943, or 6-976 means a licensee, at a minimum:
- a. Collects and reviews all the documents authorized by the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a;
 - b. Obtains a completed Employment Eligibility Verification (Form I-9);
 - c. Obtains a completed and signed employment application;
 - d. Obtains a signed statement attesting to all of an applicant’s felony convictions, including detailed information regarding each conviction;
 - e. Consults with the applicant’s most recent or next most recent employer, if any;
 - f. Inquires regarding the applicant’s qualifications and competence for the position;
 - g. If for a loan officer, loan originator, loan processor, branch manager, supervisor, or similar position, obtains a current credit report from a credit reporting agency; and
 - h. Investigates further if any information received in the above inquiries raises questions as to the applicant’s honesty, truthfulness, integrity, or competence. An inquiry is sufficient after two 2 attempts to contact a person, including at least one 1 written inquiry.

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“Record” has the meaning stated at A.R.S. § 44-7002(13).

- 21- “Registered to do business in this state” means:
- a- If an Arizona corporation, it is incorporated under A.R.S. Title 10, Chapter 2, Article 1;
 - b- If a foreign corporation, it either transfers its domicile under A.R.S. Title 10, Chapter 2, Article 2, or obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 15, Article 1;
 - e- If a business trust, it obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 18, Article 4;
 - d- If an estate, it acts through a personal representative duly appointed by this state’s Superior Court, under the provisions of A.R.S. Title 14, Chapter 3 or 4;
 - e- If a trust, it delivers to the Superintendent an executed copy of the trust instrument creating the trust together with:
 - i- All the current amendments, or
 - ii- A true copy of the trust instrument certified accurate and complete by a trustee of the trust before a notary public;
 - f- If a general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is organized under A.R.S. Title 29;
 - g- If a foreign general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is registered with the Arizona Secretary of State’s office under A.R.S. Title 29;
 - h- If a joint venture, association, or any entity not specified in this subsection, it is organized and conducts its business in compliance with Arizona law; or
 - i- The entity is exempt from registration.
- 22- “Resident of this state” means a natural person domiciled in Arizona.
- 23- “Responsible individual” or “responsible person” as those terms are used in A.R.S. §§ 6-903, 6-943, 6-973, and 6-976, means a resident of this state who:
- a- Lives in Arizona during the entire period of designation as the responsible individual on a license;
 - b- Is in active management of a licensee’s affairs;
 - e- Meets the qualifications listed in A.R.S. §§ 6-903, 6-943, or 6-973; and
 - d- Is an officer, director, member, partner, employee, or trustee of a licensed entity.

R20-4-106. Bankruptcy

Upon the filing of a voluntary petition in bankruptcy or the filing against it of an involuntary petition in bankruptcy, any enterprise or consumer lender shall immediately notify the Superintendent of such action. The enterprise or consumer lender shall promptly provide the Superintendent with a copy of any petition for bankruptcy relief, schedule of assets and liabilities, statement of financial affairs, list of creditors, or plan of reorganization, filed in connection with such bankruptcy.

An enterprise licensee or consumer lender licensee shall immediately deliver written notice to the Superintendent if it files a voluntary bankruptcy petition, or if its creditors name the licensee a debtor in an involuntary bankruptcy petition. On the date of each of the following documents’ filing with the bankruptcy court, the licensee shall deliver to the Superintendent a copy of the:

1. Petition for relief.
2. Schedule of assets and liabilities.
3. Statement of financial affairs.
4. List of creditors, and
5. Plan of reorganization.

R20-4-107. Licensing Time-frames

- A. As used in this Section, “application Application” means a document specified or described in this Title, or in any statute enforced by the Department, requesting any permit, certificate, approval, registration, charter, or similar permission described in Table A, together with all supporting documentation required by statute or rule.
- B. The time-frames set forth in Table A apply solely to applications Applications received by the Department after the effective date of this Section. Each overall time-frame consists of an administrative completeness review time-frame, and a substantive review time-frame. The administrative completeness review time-frame begins to run upon receipt of an application Application by the Department.
1. Within the administrative completeness review time-frame set forth in Table A, the Department shall notify the applicant in writing whether the application Application is complete. If the application Application is incomplete, the notice shall specify the missing information or component.
 2. An applicant Applicant whose application is incomplete shall supply the missing information within 60 days after the date of the notice. If an applicant shows good cause in writing before the expiration of the 60 day time limit, the Superintendent shall extend the period for administrative completion of an application Application. The administrative completeness review time-frame stops running on the postmark date of the Department’s written notice of an

incomplete application, and resumes when the Department receives a complete ~~application~~ Application. If the applicant fails to submit a complete ~~application~~ Application within the specified time limit, the Department shall reject the ~~application~~ Application and close the file. An ~~applicant~~ Applicant may reapply.

3. The substantive review time-frame begins to run on the postmark date of the Department's written notice that the application is administratively complete.
 4. Within the overall time-frame set forth in Table A the Department shall send the applicant written notice of its decision to approve, conditionally approve, or deny a license, unless the time-frame is extended by mutual agreement under A.R.S. § 41-1075. If the Department denies an ~~application~~ Application, it shall provide written justification for the denial and a written explanation of the applicant's right to a hearing or appeal in the form required by A.R.S. § 41-1076.
 5. The Department shall calculate time limits prescribed in this Section under ~~R2-19-107~~ R20-4-1207(A).
- C. The time-frames in this Section apply solely to actions taken by the Department. Nothing in this Section relieves a licensee or applicant of a duty to fulfill any other legal or regulatory requirement that is a condition of its power and authority to engage in business.

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Table A. Licensing Time-frames

No.	License Type	Legal Authority	Administrative Completeness Review (Days)	Substantive Review (Days)	Overall Time-Frame (Days)
1	<i>Bank</i>	A.R.S. § 6-203, et seq.			
	Initial Application	R20-4-211	45	45	90
2	<i>Bank Trust Dept.</i>	A.R.S. § 6-381			
	Initial Application	A.R.S. § 6-203, A.R.S. § 6-204(C)	45	45	90
3	<i>Savings & Loan</i>	A.R.S. § 6-401, et seq.			
	Initial Application	A.R.S. § 6-408, R20-4-327	75	75	150
4	<i>Credit Union</i>	A.R.S. § 6-501, et seq.			
	Initial Application	A.R.S. § 6-506(A)	60	60	120
5	<i>Trust Company</i>	A.R.S. § 6-851, et seq.			
	Initial Application	A.R.S. § 6-854(A)	75	75	150
6	<i>Consumer Lender</i>	A.R.S. § 6-601, et seq.			
	Initial Application	A.R.S. § 6-603(C)	60	60	120
7	<i>Debt Management</i>	A.R.S. § 6-701, et seq.			
	Initial Application	A.R.S. § 6-704(A), R20-4-602(A), R20-4-620(A)	30	30	60
8	<i>Escrow Agent</i>	A.R.S. § 6-801, et seq.			
	Initial Application	A.R.S. § 6-814	60	60	120
9	<i>Mortgage Broker</i>	A.R.S. § 6-901, et seq.			
	Initial Application	A.R.S. § 6-903(C)	60	60	120
10	<i>Mortgage Banker</i>	A.R.S. § 6-941, et seq.			
	Initial Application	A.R.S. § 6-943(D)	60	60	120
11	<i>Commercial Mortgage Banker</i>	A.R.S. § 6-971, et seq.			
	Initial Application	A.R.S. § 6-974(A)	60	60	120
12	<i>Acquisition of Control of Financial Institution</i>	R20-4-1602, R20-4-1702			
	Initial Application	A.R.S. 6-1104	30	30	60
13	<i>Money Transmitter</i>	A.R.S. § 6-1201, et seq.			
	Initial Application	A.R.S. § 6-1204(A)	60	60	120
14	<i>Advance Fee Loan Broker</i>	A.R.S. § 6-1301, et seq.			
	Initial Application	A.R.S. § 6-1303(A)	30	30	60

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15	<i>Premium Finance Co.</i>	A.R.S. § 6-1401, et seq.			
	Initial Application	A.R.S. § 6-1402(C)	60	60	120
16	<i>Collection Agency</i>	A.R.S. § 32-1001, et seq.			
	Initial Application	A.R.S. § 32-1021, R20-4-1502; R20-4-1530(A)	30	15	45
17	<i>Motor Vehicle Dealer</i>	A.R.S. § 44-281, et seq.			
	Dealer Application	A.R.S. § 44-282(B)	30	15	45
18	<i>Sales Finance Co.</i>	A.R.S. § 44-281, et seq.			
	Sales Finance Application	A.R.S. § 44-282(B)	30	15	45
19	<i>Deferred Presentment Company</i>	<u>A.R.S. § 6-1259</u>			
	<u>Initial Application</u>	<u>A.R.S. § 6-1253</u>	<u>60</u>	<u>60</u>	<u>120</u>

ARTICLE 18. MORTGAGE BANKERS

R20-4-1805. Notification of Change of Address

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the Superintendent ~~at least within~~ five business days ~~before~~ ~~after~~ the address change. With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.