

## 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. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

### NOTICE OF FINAL RULEMAKING

#### TITLE 7. EDUCATION

#### CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES

##### PREAMBLE

- 1. Sections Affected:** **Rulemaking Action:**  
R7-1-709 New Section
- 2. The specific authority for the rulemaking, including both the authorizing statute and the statutes the rules are implementing:**  
Authorizing Statute: A.R.S. § 15-1425(1) and (6)  
Implementing Statute: A.R.S. § 15-1425(1) and (6)
- 3. The effective date of the rules.**  
January 14, 2000
- 4. A list of all previous notices appearing in the Register addressing the final rule:**  
Notice of Docket Opening, 5 A.A.R. 708, March 5, 1999  
Notice of Proposed Rulemaking, 5 A.A.R. 734, March 12, 1999
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Thomas J. Saad
Address:	3225 N. Central Ave., Suite 1220 Phoenix, AZ 85012
Telephone:	(602) 255-4037
Fax:	(602) 279-3464
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**  
The rule defines the guidelines for community colleges to offer instruction to high school students. It establishes admission standards, course approval, and grading standards. It requires that faculty members have a valid community college teaching certificate. Requires an annual report of courses offered in conjunction with high schools. The rule will make it possible for high school students to attend college courses and to ensure that the courses are of comparable quality compared to traditional college level courses. The rule is required to provide the opportunity for qualified high school students to attend college simultaneously, which will save time and money.
- 7. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed 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:**  
The rule change will not diminish any grant of authority.
- 9. The summary of the economic, small business and consumer impact:**  
The amendment will not have any adverse economic impact on small business or consumers.
- 10. A description of the changes between the proposed rules, including supplemental notices, and final rules:**  
None.
- 11. A summary of principal comments and the agency response to them:**  
No comments were received.

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

**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 location in the rules:**

None

**14. Was the rule previously adopted as an emergency rule?**

No

**15. The full text of the rule follows:**

**TITLE 7. EDUCATION**

**CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA**

**ARTICLE 7. INSTRUCTION, FACULTY, AND STAFF**

Section

R7-1-709. Community College Classes Offered in Conjunction with High Schools

**ARTICLE 7: INSTRUCTION, FACULTY, AND STAFF**

**R7-1-709. Community College Classes Offered in Conjunction with High Schools**

With the approval of the District Governing Board, courses may be offered by community colleges in conjunction with high schools for the purpose of offering community college instruction to high school students under the following conditions:

1. Students shall have been admitted to the community college under the provisions of R7-1-301 Student Admissions and shall satisfy the prerequisites for the course as published in the college catalog.
2. Courses may be offered at the high school campus provided the courses have been evaluated and approved through the official college curriculum approval process.
3. Courses shall use college-approved textbooks, syllabuses, course outlines, and grading standards, all of which are applicable to the courses when taught at the community college campus.
4. Each faculty member shall have a valid community college teaching certificate in the field being taught and shall have been selected and evaluated by the college using the same procedure and criteria that are used at the community college campus.
5. Each college district shall annually, by September 1, provide a report to the State Board of community college courses offered in conjunction with high schools during the previous academic year. This report shall list the locations at which the courses were offered, the discipline areas of the courses, and the aggregate student enrollment.

**NOTICE OF FINAL RULEMAKING**

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;  
SECURITIES REGULATION**

**CHAPTER 4. CORPORATION COMMISSION  
SECURITIES**

**PREAMBLE**

- 1. Section Affected** **Rulemaking Action**  
R14-4-143 New Section
- 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. §§ 44-1821(A), 44-1941(C), and 44-1945(B)  
Implementing statute: A.R.S. §§ 44-1801 and 44-1842  
Constitutional authority: Arizona Constitution, Article XV §§ 4, 6, and 13
- 3. The effective date of the rule (if different from the date the rule is filed with the Office):**  
January 14, 2000
- 4. A list of all previous notices appearing in the Register addressing the final rule:**  
Notice of Rulemaking Docket Opening, 5 A.A.R. 622, February 26, 1999

*Arizona Administrative Register*

**Notices of Final Rulemaking**

Notice of Proposed Rulemaking, 5 A.A.R. 1202, April 30, 1999

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

Name: Cheryl T. Farson, General Counsel  
Address: Arizona Corporation Commission, Securities Division  
1300 W. Washington, 3rd Floor  
Phoenix, AZ 85007-2996  
Phone: (602) 542-4242  
Fax Number: (602) 594-7470

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

A.A.C. R14-4-143 allows dealers and salesmen to use the Internet for general distribution of information regarding products and services without first complying with registration requirements under the Securities Act of Arizona.

The Internet facilitates the ability of dealers and salesmen to advertise and otherwise disseminate information to the general public that is beneficial to potential investors. However, the distribution of information on the Internet by dealers or salesmen may, for purposes of the Securities Act of Arizona, be construed as transacting business in securities, which activity would require the dealers or salesmen to register. The Commission does not find that registration of dealers and salesmen solely based upon that activity is necessary to protect the public interest. Therefore, R14-4-143 provides guidelines under which dealers and salesmen may distribute information on the Internet without necessitating compliance with registration requirements.

R14-4-143 is based on the Interpretive Order Concerning Broker-Dealers, Investment Advisers, Broker-Dealer Agents and Investment Adviser Representatives Using the Internet for General Dissemination of Information on Products and Services adopted by the North American Securities Administrators Association, Inc., on April 23, 1997.

**7. A reference to any studies 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:**

Not applicable

**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:**

A.A.C. R14-4-143 will allow dealers or salesmen to distribute information regarding products or services on the Internet without registration if distributed according to the provisions of the rule. This rule does not preclude or prohibit the application of antifraud provisions to such activities. The Commission anticipates that the benefit to potential investors of access to such information will exceed any diminishment of the authority of the Commission that may be caused by the inapplicability of the registration requirements to dealers or salesmen distributing such information on the Internet.

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

Pursuant to A.R.S. § 41-1055(D)(3), the Commission is exempt from providing an economic, small business, and consumer impact statement.

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

The final rule is the same as the proposed rule.

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

The Commission did not receive written comments to the rule.

**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 location in the rule:**

None.

**14. Whether the rule was previously adopted as an emergency rule and, if so, whether the text was changed between adoption as an emergency rule and the adoption of the final rule.**

Not applicable.

**15. The full text of the rule follows:**

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;  
SECURITIES REGULATION**

**CHAPTER 4. CORPORATION COMMISSION  
SECURITIES**

**ARTICLE 1. IN GENERAL RELATING TO THE ARIZONA SECURITIES ACT**

Section

R14-4-143. General Dissemination of Information on the Internet

**ARTICLE 1. IN GENERAL RELATING TO THE ARIZONA SECURITIES ACT**

**R14-4-143. General Dissemination of Information on the Internet**

**A. Dealers and salesmen who use the Internet to distribute information on products and services directed generally to anyone having access to the Internet shall not be deemed to be selling, purchasing, or offering to sell or buy any securities in Arizona for purposes of Article 4 of the Securities Act of Arizona based solely on that activity if the following conditions are observed:**

- 1. The Internet communication includes a clear and prominent statement that the dealer or salesman may only sell, purchase, or offer to sell or buy any securities in Arizona if first compliant with or exempt from registration requirements.**
- 2. The dealer or salesman complies with the statement contained in the Internet communication under subsection (A)(1).**
- 3. The Internet communication is subject to a mechanism, policy, or procedure reasonably designed to ensure that, prior to any sale, purchase, or offer to sell or buy in connection with prospective customers or clients in Arizona, the dealer or salesman is first compliant with or exempt from registration requirements.**
- 4. The Internet communication does not involve either effecting or attempting to effect transactions in securities, the rendering of investment advice for compensation, or individualized solicitation or negotiations for the sale of investment advisory services in Arizona.**
- 5. In the case of a salesman:**
  - a. The affiliation with a dealer is prominently disclosed in the Internet communication.**
  - b. The dealer with whom the salesman is associated first authorizes the Internet communication.**
  - c. The dealer with whom the salesman is associated retains responsibility for reviewing and approving the content of any Internet communication.**
  - d. In distributing information through the Internet, the salesman acts within the scope of the authority granted by the dealer.**

**B. Compliance with this Section relieves the dealer or salesman from registration requirements only. The dealer or salesman is subject to Article 13 of the Securities Act of Arizona and related regulations.**

**NOTICE OF FINAL RULEMAKING**

**TITLE 17. TRANSPORTATION**

**CHAPTER 4. ARIZONA DEPARTMENT OF TRANSPORTATION  
MOTOR VEHICLE DIVISION**

**PREAMBLE**

**1. Sections Affected**

R17-4-709  
R17-4-709.01  
R17-4-709.02  
R17-4-709.03  
R17-4-709.04  
R17-4-709.05  
R17-4-709.06  
Appendix A  
Appendix B  
Appendix C  
R17-4-709.07  
R17-4-709.08

**Rulemaking Action**

New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Appendix  
New Appendix  
New Appendix  
New Section  
New Section

**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. § 28-1462, and Laws 1998, Ch. 302, §42, as amended by Laws 1999, Ch. 303, §§ 8 and 12, effective August 6, 1999

**3. The effective date of the rules:**

January 11, 2000

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

Notice of Rulemaking Docket Opening: 4 A.A.R. 2172, August 7, 1998

Notice of Public Information: 5 A.A.R. 624, February 26, 1999

Notice of Proposed Rulemaking: 5 A.A.R. 1967, June 18, 1999

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

Name: Lynn S. Golder  
Address: Arizona Department of Transportation  
Motor Vehicle Division  
3737 North 7th Street, Suite 160, Mail Drop 507M  
Phoenix, Arizona 85014-5017  
Telephone: (602) 712-7941  
Fax: (602) 241-1624  
E-mail: lgolder@dot.state.az.us

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

An ignition interlock device ("IID") is a device designed to be installed in a vehicle, to measure a driver's breath alcohol concentration, and to prevent starting the vehicle when the driver's breath alcohol concentration is at or above a preset level. The driver must breathe into the device and provide an acceptable breath sample. The device allows the vehicle ignition switch to start the engine only when the breath sample is below the alcohol setpoint.

In 1998, the Legislature established an IID pilot program of not more than 300 people ordered by Arizona courts from December 1, 1998, through November 30, 1999, to have certified ignition interlock devices installed. The Arizona IID pilot program was enacted to test the efficacy of installed and functioning IIDs as a means of DUI abatement.

In 1999, the Legislature replaced the pilot program with an expanded and permanent IID program. Laws 1999, Ch. 303, effective August 6, 1999 (House Bill 2408), was signed by the Governor on May 18, 1999, and filed with the Secretary of State on May 18, 1999. The new law removes the 300-person limit and the November 30, 1999 end to the IID program. The new law also provides:

- a. An Arizona court shall issue an IID order to a person convicted of a 2nd DUI under A.R.S. § 28-1381 within 60 months or convicted of DUI within 60 months of a conviction for extreme DUI under A.R.S. § 28-1382, aggravated DUI under A.R.S. § 28-1383, or an out-of-state DUI;
- b. An Arizona court may issue an IID order to a person convicted of extreme DUI;
- c. An Arizona court shall issue an IID order to a person convicted of a 2nd extreme DUI within 60 months or convicted of extreme DUI within 60 months of an Arizona conviction for DUI or aggravated DUI or an out-of-state DUI conviction;
- d. An Arizona court shall issue an IID order to a person convicted of aggravated DUI under A.R.S. § 28-1383(A)(1) or § 28-1383(A)(2);
- e. An installer of a certified IID shall submit to the Division a \$25,000 bond in a Division-approved form;
- f. For noncompliance with an IID order, the Arizona Department of Transportation, Motor Vehicle Division ("Division") shall suspend the person's driver license after the opportunity for a hearing; and
- g. For a conviction of a violation under A.R.S. § 28-1464(A), (B), (C), (D), (F), or (H), the Arizona court shall extend an IID order as the court deems appropriate.

Certification, reliability, and accuracy of ignition interlock devices to be installed pursuant to court order directly affect the public health, safety, and welfare. Drinking and driving increases the probability of motor vehicle accidents and injury from motor vehicle accidents. A.R.S. § 28-1462, as amended by Laws 1999, Ch. 303, § 8, instructs the Division to adopt rules to certify IIDs and to assure the reliability and accuracy of certified IIDs. The final rules fulfil the statutory instruction and carry out an Arizona IID program designed to prevent DUIs and their risk of injury or death.

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

For the rulemaking, the Division reviewed and relied on the studies named in question #7 of this Preamble. These studies report a significant reduction in repeat DUIs for DUI offenders with IIDs installed in their vehicles, strong evidence that the Arizona IID program will reduce repeat DUIs.

During the rulemaking, the Division also consulted with Wynand Nimmo and James Farrell of the Arizona Department of Health Services (ADHS). The Division addressed all the issues raised by the ADHS representatives.

In February 1999, the Division obtained the Secretary of State's permission to separate the long IID emergency rule into a series of shorter rules for the regular rulemaking. Therefore, the Division made 9 short, clear, concise, and understandable IID rules.

The Division proposed an IID installer bond rule, including the approved installer bond form, in a separate rulemaking action. The Division consecutively numbered the IID installer bond rule to follow the IID certification, reliability and accuracy assurance rules. The Division is submitting a separate package for the final installer bond rule.

**7. A reference to any studies 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 Division reviewed the following studies for this rulemaking:

Beirness, Marques, Voss, and Tippetts, "Evaluation of the Alberta Ignition Interlock Program: Preliminary Results," 1997;

"Michigan Drunk Driving Recidivism Assessment May 1998 Literature Review Report," Michigan Public Health Institute; and

"Preliminary Study of the Breath Alcohol Ignition Interlock Pilot Program," The BAIID Division, Department of Administrative Hearings, State of Illinois, June 30, 1997.

The studies are on file with the Division.

**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 economic, small business, and consumer impact:**

In 1998, the Arizona Legislature enacted an IID program. The Division determined that implementation of the IID program produces economic consequences. However, the reduction of future DUIs and the increase in business opportunities resulting from the IID program outweigh the costs to the Division, other government agencies, IID manufacturers, authorized installers, independent laboratories, insurance and surety companies, and people ordered to install IIDs.

As of October 1999, the Division received 5 IID certification applications from 4 manufacturers and approved 5 devices for certification. As of October 1999, Arizona courts issued 7 IID orders, with 6 IID orders issued by Maricopa County courts and 1 IID order issued by a Holbrook, Arizona court. Currently, a single participant had a certified IID installed. A second participant is eligible to have a certified IID installed upon driving-privilege reinstatement. Beginning with the year 2000, the Division expects Arizona courts to issue approximately 4000 IID orders a year.

The Division identified the following economic effects:

- a. Substantial costs to the Division;
- b. Minimal\* to moderate\*\* costs to the Department of Health Services and Arizona courts;
- c. Moderate costs to the Attorney General, the Secretary of State, and the Governor's Regulatory Review Council;
- d. Substantial\*\*\* up-front costs to IID manufacturers and authorized installers, with the possibility of substantial income from providing certified IIDs in Arizona;
- e. Minimal to moderate costs to independent laboratories to test IIDs and prepare laboratory reports and laboratory certification forms, with moderate income from these activities;
- f. The possibility of substantial income to insurance companies and surety companies from the sale of IID product liability insurance to IID manufacturers and surety bonds to installers, with the possibility of substantial costs in providing indemnification under an IID product liability insurance policy or an installer bond;
- g. Moderate costs to participants in the Arizona IID program, those ordered by an Arizona court to install a certified IID, offset by avoidance of future DUIs and associated costs and penalties;
- h. Substantial costs to the DUI Abatement Council for reviewing and reporting on the IID program;
- i. Substantial funds from court assessments against people convicted of extreme DUI and aggravated DUI deposited in the DUI Abatement Fund, administered by the DUI Abatement Council, and expended in accordance with A.R.S. §§ 28-1303 and 28-1304; and

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

j. Substantial benefit to the general public from any reduction in DUI recidivism resulting from the IID program.

\*Minimal means under \$1000.

\*\*Moderate means between \$1000 and \$10,000.

\*\*\*Substantial means greater than \$10,000.

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

The Division made the changes stated below. Deleted text is indicated by ~~strikeouts~~. New text is underlined.

The Division changed R17-4-709 as follows to make the IID program definitions applicable to the ignition interlock device installer bond rule: In Sections R17-4-709.01 through ~~R17-4-709.08~~ R17-4-709.09, unless the context otherwise requires: . . . .

The Division changed R17-4-709.01(A) to make the language clear and concise, as follows:

~~A participant shall only have an ignition interlock device which has been certified by the Division, in accordance with R17-4-709.01 and R17-4-709.02, installed in a motor vehicle.~~

A participant shall have installed in a motor vehicle only an ignition interlock device certified by the Division under R17-4-709.01 and R17-4-709.02.

For clarity, the Division added introductory text to R17-4-709.01(B): For certification of an ignition interlock device model, a manufacturer shall submit a properly completed application to the Division that provides: . . . .

The Division corrected the lettering, numbering, and text of R17-4-709.01(B)(6) as follows:

6. The following statements, signed by an authorized representative for the manufacturer and acknowledged by a notary public or Division agent:

a. A statement that all information on the application form and attachments to the application is complete, true, and correct;

b. A statement that the manufacturer agrees to indemnify and hold the state of Arizona, the Division, and any department, division, agency, officer, employee or agent of the state of Arizona harmless from all liability for;

~~1. Damage to property and injury to people arising, directly or indirectly, out of any act or omission by the manufacturer or authorized installer appointed by the manufacturer relating to the use of the ignition interlock device; and~~

~~2. All court costs, expenses of litigation, and reasonable attorneys' fees;~~

i. Damage to property and injury to people arising, directly or indirectly, out of any act or omission by the manufacturer or authorized installer appointed by the manufacturer relating to the use of the ignition interlock device; and

ii. All court costs, expenses of litigation, and reasonable attorneys' fees;

~~a. c.~~ A statement that the manufacturer agrees to comply with the breath alcohol level established by the Division for certified ignition interlock devices and printed on the application form; and

~~b. d.~~ A statement that the manufacturer agrees to comply with the requirements of ~~administrative rules~~ R17-4-709 through R17-4-709.08.

The Division corrected the punctuation of R17-4-709.01(C) by replacing the periods at the end of items 1 through 6 with semicolons and replacing the period at the end of item 7 with a semicolon followed by the word and.

For clarity, the Division changed R17-4-709.02(B)(4) as follows:

False or inaccurate information, provided by the manufacturer or independent laboratory, ~~and~~ relating to the performance of the ignition interlock device; or . . . .

For conciseness, the Division deleted the phrase ~~administrative rules~~ and the word ~~shall~~ from R17-4-709.02(C)(2).

For clarity, the Division changed R17-4-709.03(A)(4) as follows:

False or inaccurate information ~~relating to the performance of an ignition interlock device;~~ provided by the manufacturer or independent laboratory, relating to the performance of an ignition interlock device;

For conciseness, the Division deleted the phrase ~~administrative rules~~ from R17-4-709.03(A)(7).

The Division changed R17-4-709.03(B)(1) as follows: Specify the basis of the action: and . . . .

For conciseness, the Division deleted the phrase ~~administrative rules~~ and the word ~~shall~~ from R17-4-709.03(C)(2).

The Division added the word and after the semicolon in R17-4-709.06(B)(1).

The Division changed ~~2d~~ to 2nd in R17-4-709.07(B)(2)(b).

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

Finally, the Division changed ~~THE~~ to the in R17-4-709.07(B)(3).

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

The Division received no oral or written comments prior to the close of the record at 5:00 p.m., July 30, 1999.

**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:**

National Highway Traffic Safety Administration Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), 57 FR 11772 to 11787, April 7, 1992, incorporated at R17-4-709.01(C)(3)(a).

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

Yes.

Notice of Emergency Rulemaking: 4 A.A.R. 4343, December 28, 1998

Notice of Emergency Rulemaking: 5 A.A.R. 2433, July 30, 1999

Major changes to the text of the rules between emergency rulemaking and final rulemaking:

The Division made the emergency rule as a single rule, R17-4-709. For the regular rulemaking, the Division separated the long emergency rule into 9 short and accessible rules, R17-4-709 through R17-4-709.08. The Division appropriately placed the appendixes after R17-4-709.06.

As initially made, the emergency rule contained an ignition interlock installer bond provision at R17-4-709(F)(5). The Division removed the installer bond provision when renewing the emergency rule. The Division then drafted R17-4-709.09 Ignition Interlock Device Installer Bond Requirements as a separate rulemaking action.

**15. The full text of the rules follows:**

**TITLE 17. TRANSPORTATION**

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION  
MOTOR VEHICLE DIVISION**

**ARTICLE 7. MISCELLANEOUS RULES**

Section

R17-4-709. Ignition Interlock Device Program Definitions

R17-4-709.01. Ignition Interlock Device Certification; Application Requirements

R17-4-709.02. Application Completeness; Refusal to Certify an Ignition Interlock Device; Hearing

R17-4-709.03. Cancellation of Certification; Hearing

R17-4-709.04. Modification of a Certified Ignition Interlock Device Model

R17-4-709.05. Referral to Authorized Installers; Manufacturer Oversight of Authorized Installers

R17-4-709.06. Installation Verification; Accuracy Check; Noncompliance Report

Appendix A. Ignition Interlock Installation Verification

Appendix B. Ignition Interlock Accuracy Check

Appendix C. Ignition Interlock Noncompliance Report

R17-4-709.07. Emergency Assistance by Authorized Installers; Continuity of Service to Participants

R17-4-709.08. Records Retention; Submission of Copies and Monthly Reports; Periodic Audits

**ARTICLE 7. MISCELLANEOUS RULES**

**R17-4-709. Ignition Interlock Device Program Definitions.**

In Sections R17-4-709.01 through R17-4-709.09, unless the context otherwise requires:

“Audit” means an examination by Arizona Department of Transportation, Motor Vehicle Division personnel of participant records, and supplies of warning labels and written instructions.

“Authorized installer” means a person or entity appointed by a manufacturer to install and service certified ignition interlock devices provided by the manufacturer.

“Calibration” means the testing, adjustment, or systematic standardization of an ignition interlock device to determine and verify the device’s accuracy.

“Certified ignition interlock device” has the meaning prescribed in A.R.S. § 28-1301(1).

“Data logger sheet” means a printed report generated from an ignition interlock device that contains all activities, data recordings, and actions pertaining to the device.

“Division” means the Arizona Department of Transportation, Motor Vehicle Division.



*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

“Ignition interlock device” has the meaning prescribed in A.R.S. 28-1301(4).

“Independent laboratory” means a testing facility, not owned or operated by a manufacturer, that can test an ignition interlock device in accordance with Sections 1 and 2 of the National Highway Traffic Safety Administration (NHTSA) Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), 57 FR 11772 to 11787, April 7, 1992.

“Manufacturer” means a person or entity that provides ignition interlock devices, requests the Division to certify a model of ignition interlock device, and appoints and oversees authorized installers of the certified ignition interlock device.

“Material modification” means a change to a certified ignition interlock device that affects the functioning of the device.

“NHTSA specifications” means the specifications for breath alcohol ignition interlock devices published at 57 FR 11772 to 11787, April 7, 1992.

“Participant” means a person who is ordered by an Arizona court to equip each motor vehicle operated by the person with a functioning certified ignition interlock device and who becomes an authorized installer’s customer for installation and servicing of the certified ignition interlock device.

“Use” means to install, operate, service, repair, or remove an ignition interlock device.

**R17-4-709.01 Ignition Interlock Device Certification; Application Requirements.**

- A.** A participant shall have installed in a motor vehicle only an ignition interlock device certified by the Division under R17-4-709.01 and R17-4-709.02.
- B.** For certification of an ignition interlock device model, a manufacturer shall submit to the Division a properly completed application form that provides:
1. The manufacturer’s name;
  2. The manufacturer’s business address and telephone number;
  3. The manufacturer’s status as a sole proprietorship, partnership, limited liability company, or corporation;
  4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;
  5. The name and model number of the ignition interlock device and the name under which the ignition interlock device will be marketed; and
  6. The following statements, signed by an authorized representative for the manufacturer and acknowledged by a notary public or Division agent:
    - a. A statement that all information on the application form and attachments to the application form are complete, true, and correct;
    - b. A statement that the manufacturer agrees to indemnify and hold the state of Arizona, the Division, and any department, division, agency, officer, employee, or agent of the state of Arizona harmless from all liability for:
      - i. Damage to property or injury to people arising, directly or indirectly, out of any act or omission by the manufacturer or authorized installer relating to use of the ignition interlock device; and
      - ii. All court costs, expenses of litigation, and reasonable attorneys’ fees;
    - c. A statement that the manufacturer agrees to comply with the alcohol setpoint established by the Division for certified ignition interlock devices and printed on the application form; and
    - d. A statement that the manufacturer agrees to comply with the requirements of R17-4-709 through R17-4-709.08.
- C.** With the application form, the manufacturer shall submit the following additional items:
1. A document that provides a detailed description of the ignition interlock device and a photograph, drawing, or other graphic depiction of the device;
  2. A document that contains complete technical specifications of the accuracy, reliability, security, data collection and recording, and tamper detection of the ignition interlock device;
  3. An independent laboratory’s report that:
    - a. Presents data that demonstrate the ignition interlock device meets or exceeds the test results required by Sections 1 and 2 of the NHTSA specifications published at 57 FR 11772 to 11787, April 7, 1992. The NHTSA specifications are incorporated by reference and are on file with the Division and the Office of the Secretary of State. The NHTSA specifications are also available from the Office of Research & Traffic Records, Room 6240 (NTS-30), NHTSA, 400 7th Street SW., Washington, DC 20590, Telephone: 202.366.5593. This incorporation by reference contains no future editions or amendments;
    - b. Provides the independent laboratory’s name, address, and telephone number; and
    - c. Provides the name and model number of the ignition interlock device tested;
  4. A laboratory certification form, signed by an authorized representative of the independent laboratory that prepared the report required in subsection (C)(3) and acknowledged by a notary public or Division agent, that states:
    - a. The laboratory is not owned or operated by a manufacturer;
    - b. The laboratory tested the ignition interlock device in accordance with Sections 1 and 2 of the NHTSA specifications;
    - c. The ignition interlock device met or exceeded the test results required by Sections 1 and 2 of the NHTSA specifications;

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

- d. The laboratory used properly maintained equipment and trained personnel to test the ignition interlock device; and
- e. The laboratory presented accurate test results;
- 5. A list of all authorized installers of the ignition interlock device, including the name, location, telephone number, contact person, and hours of operation of each authorized installer;
- 6. The complete written instructions provided to authorized installers for use of the ignition interlock device that include the requirement to affix a warning label, conforming to the design printed on the application form by the Division, to each installed certified ignition interlock device;
- 7. The complete written instructions provided to participants and other operators of a vehicle equipped with the ignition interlock device; and
- 8. A certificate of insurance, issued by an insurance company authorized to transact business in Arizona, specifying:
  - a. A product liability policy with a current effective date;
  - b. The name and model number of the ignition interlock device covered by the policy;
  - c. A policy limit of at least \$1,000,000;
  - d. The manufacturer as the insured and the Division as an additional insured;
  - e. Product liability coverage for defects in manufacture, materials, design, calibration, and use of the ignition interlock device; and
  - f. The insurance company will notify the Division at least 30 days before canceling the product liability policy.

**R17-4-709.02 Application Completeness; Refusal to Certify an Ignition Interlock Device; Hearing.**

- A. An application is complete when the Division receives:**
  - 1. A properly filled out application form.
  - 2. All additional items required by R17-4-709.01(C), and
  - 3. An outside reviewer's written confirmation or disapproval of the independent laboratory's report that the ignition interlock device meets the NHTSA specifications. The Division shall choose an agency or individual outside the Division to review an independent laboratory's report.
- B. The Division shall refuse to certify an ignition interlock device upon finding any of the following:**
  - 1. A defect in design, materials, or workmanship that causes the ignition interlock device to fail to function as intended;
  - 2. Termination or cancellation of the manufacturer's liability insurance;
  - 3. The manufacturer no longer provides the ignition interlock device;
  - 4. False or inaccurate information provided by the manufacturer or independent laboratory, relating to the performance of the ignition interlock device; or
  - 5. Modification of the components, design, or installing and operating instructions that causes the ignition interlock device no longer to satisfy the NHTSA specifications.
- C. The Division shall send written notification to the manufacturer of certification of an ignition interlock device or of refusal to certify the device. The notice of refusal to certify an ignition interlock device shall specify the basis for the refusal.**
  - 1. The manufacturer shall address any request for a hearing on the refusal to certify an ignition interlock device to the Arizona Department of Transportation, Motor Vehicle Division, Executive Hearing Office, 1801 West Jefferson, Mail Drop 507M, Phoenix, Arizona 85007. The Division must receive the hearing request within 15 days after the date of mailing of the notice of refusal.
  - 2. A.R.S. §§ 41-1061 through 41-1067 and R17-4-901 through R17-4-912 apply to a hearing on the refusal to certify an ignition interlock device.

**R17-4-709.03 Cancellation of Certification; Hearing**

- A. The Division shall cancel the certification of an ignition interlock device model and remove it from the list of certified ignition interlock devices upon finding any of the following:**
  - 1. A defect in design, materials, or workmanship that causes the ignition interlock device model to fail to function as intended;
  - 2. Termination or cancellation of the manufacturer's liability insurance;
  - 3. The manufacturer no longer provides the ignition interlock device model;
  - 4. False or inaccurate information provided by the manufacturer or independent laboratory, relating to the performance of the ignition interlock device model;
  - 5. Modification of the components, design, or installing and operating instructions that causes the ignition interlock device model no longer to satisfy the NHTSA specifications;
  - 6. A voluntary request by the manufacturer to cancel the certification of the ignition interlock device model;
  - 7. The manufacturer's noncompliance with R17-4-709.04 through R17-4-709.08; or
  - 8. An authorized installer's noncompliance with R17-4-709.05 through R17-4-709.08.
- B. The Division shall send the manufacturer by certified mail, return receipt requested, the notice and order of cancellation of the certification of an ignition interlock device model. The notice and order of cancellation shall:**

1. Specify the basis for the action, and
  2. State the Division will schedule a hearing to show cause why the ignition interlock device certification should not be cancelled.
- C.** The notice of hearing shall be sent to the manufacturer by certified mail, return receipt requested.
1. The notice of hearing shall include the date, time, and place for the manufacturer's representative to appear and show cause why the ignition interlock device certification should not be cancelled.
  2. A.R.S. §§ 41-1061 through 41-1067, R17-4-901, and R17-4-904 through R17-4-912 apply to the show cause hearing.
- D.** Within 60 days after the effective date of an order of cancellation, the manufacturer shall do 1 of the following at the manufacturer's cost:
1. Remove all decertified ignition interlock devices and install certified ignition interlock devices.
  2. Remove all decertified ignition interlock devices and have a 2nd manufacturer provide and install certified ignition interlock devices, or
  3. Have a 2nd manufacturer remove all decertified ignition interlock devices and provide and install certified ignition interlock devices.
- E.** The Division shall not accept an application for certification of an ignition interlock device from a manufacturer that fails to comply with subsection (D).
- F.** A manufacturer of a previously decertified ignition interlock device model may apply to have the ignition interlock device model recertified by complying with R17-4-709.01.

**R17-4-709.04 Modification of a Certified Ignition Interlock Device Model.**

- A.** A manufacturer shall notify the Division in writing of any material modification of a certified ignition interlock device model.
- B.** Before providing a previously certified but materially modified ignition interlock device model for installation in a motor vehicle under an order of an Arizona court, a manufacturer shall:
- a. Submit to the Division a completed application form and all additional items required by R17-4-709.01(C), and
  - b. Obtain certification of the materially modified ignition interlock device from the Division.

**R17-4-709.05 Referral to Authorized Installers; Manufacturer Oversight of Authorized Installers.**

- A.** A manufacturer shall refer a participant only to an authorized installer.
- B.** A manufacturer shall provide the Division with a toll-free telephone number for a participant to call to obtain names, locations, telephone numbers, contact people, and hours of operation of authorized installers.
- C.** A manufacturer shall ensure that an authorized installer follows the use procedures established by the manufacturer.
- D.** A manufacturer shall ensure that an authorized installer has the training and skills specified by the manufacturer to install, troubleshoot, examine, and verify proper operation of the certified ignition interlock device.
- E.** A manufacturer shall ensure that an authorized installer:
1. Complies with the manufacturer's procedures for removing a certified ignition interlock device from a vehicle, and
  2. Notifies the Division by certified mail, within 10 days after removing a certified ignition interlock device, of the device's removal.
- F.** A manufacturer shall ensure that an authorized installer provides every participant and every person operating a motor vehicle equipped with a certified ignition interlock device with the manufacturer's written instructions for the following:
1. Operating a motor vehicle equipped with the certified ignition interlock device;
  2. Cleaning and caring for the certified ignition interlock device; and
  3. Dealing with vehicle malfunctions or repairs that affect the certified ignition interlock device, including a list of vehicle malfunctions or repairs that affect the device.
- G.** A manufacturer shall ensure that an authorized installer provides to every participant and person operating a motor vehicle equipped with a certified ignition interlock device the manufacturer's specified training in how to operate a motor vehicle equipped with the device.
- H.** A manufacturer shall ensure that an authorized installer affixes to each installed certified ignition interlock device a warning label conforming to the design adopted by the Division.

**R17-4-709.06 Installation Verification; Accuracy Check; Noncompliance Report.**

- A.** A manufacturer shall ensure that an authorized installer:
1. Complies with the manufacturer's procedures for installing a certified ignition interlock device, and
  2. Provides a completed and signed Arizona ignition interlock installation verification form (Appendix A) to the participant.
- B.** A manufacturer shall ensure that an authorized installer schedules a participant for accuracy checks as follows:
1. 30 days, 60 days, and 90 days after installation of a certified ignition interlock device; and
  2. After the 90-day accuracy check, at least every 60 days.
- C.** A manufacturer shall ensure that an authorized installer:
1. Submits to the Division within 10 days after an accuracy check of an installed certified ignition interlock device:
    - a. A completed and signed Arizona ignition interlock accuracy check form (Appendix B); or

- b. If the certified ignition interlock device has signs of tampering, circumvention, or misuse, a completed and signed Arizona ignition interlock noncompliance report (Appendix C) plus the completed and signed Arizona ignition interlock accuracy check form; or
  2. Submits to the Division a completed and signed Arizona ignition interlock noncompliance report form within 10 days after a scheduled accuracy check of an installed certified ignition interlock device when a participant fails to present the motor vehicle with the installed certified ignition interlock device within 5 days after the scheduled accuracy check.
- D.** A manufacturer shall ensure that the Arizona ignition interlock accuracy check form completed by the authorized installer:
1. States the calibration of the certified ignition interlock device before recalibration,
  2. Has a data logger sheet attached, and
  3. Is signed by the authorized installer.

**Appendix A. Ignition Interlock Installation Verification**

**ARIZONA**

**IGNITION INTERLOCK INSTALLATION VERIFICATION**

**As Ordered by the Court**

COURT DOCKET No.: \_\_\_\_\_

TODAY'S DATE \_\_\_\_\_

**PARTICIPANT NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY** \_\_\_\_\_ **ST** \_\_\_\_\_ **ZIP** \_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_

**DRIVER LICENSE No OR SS No.:** \_\_\_\_\_

**INSTALLER NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY** \_\_\_\_\_ **ST** \_\_\_\_\_ **ZIP** \_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_

**IGNITION INTERLOCK DEVICE MANUFACTURER and MODEL TYPE:** \_\_\_\_\_

**IGNITION INTERLOCK DEVICE SERIAL NUMBER(s):** \_\_\_\_\_

**VEHICLE IDENTIFICATION INFORMATION:**

**TITLE OWNER:** \_\_\_\_\_ **TITLE No.:** \_\_\_\_\_

**Make:** \_\_\_\_\_ **Model** \_\_\_\_\_ **VIN** \_\_\_\_\_

**Color** \_\_\_\_\_ **Year** \_\_\_\_\_ **License Plate No.** \_\_\_\_\_

**Odometer reading:** \_\_\_\_\_

**PARTICIPANT EDUCATION CHECKLIST**

- \_\_\_\_\_ **I have been instructed on the use of the system**
- \_\_\_\_\_ **I understand how to power the system on and off**
- \_\_\_\_\_ **I have delivered and passed a proper breath sample.**
- \_\_\_\_\_ **I have delivered and understand an abort test.**
- \_\_\_\_\_ **I understand how the alcohol retest feature works**
- \_\_\_\_\_ **I understand that if I smoke cigarettes or drink alcohol before testing that I may receive a sensitive or fail reading.**
- \_\_\_\_\_ **I have been informed of how to obtain service for my system or to have questions answered.**
- \_\_\_\_\_ **I have received my operator's manual.**
- \_\_\_\_\_ **I have been informed of the penalties for tampering with, circumventing, or misusing the system.**
- \_\_\_\_\_ **I have been informed of what happens after failing three breath attempts.**
- \_\_\_\_\_ **I have been informed of what happens after failing "rolling retest."**

**MONITORING:**

**Your next monitoring check is \_\_\_\_\_ . Your ignition system will remind you that you are due to make an appointment. If you fail to make an appointment, your ignition interlock device will shut down and you will be unable to start your car. It will be your responsibility to have your car towed to the Service Center. If you fail to appear you may be found in noncompliance, and your driver license can be suspended for at least 1 year under A.R.S. § 28-1463.**

**Signature of Participant:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Signature of Installer:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Attach copy of Court Order for Installation of Ignition Interlock Device.**

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

**Appendix B. Ignition Interlock Accuracy Check**

**ARIZONA**  
**IGNITION INTERLOCK**  
**ACCURACY CHECK**

DATE: \_\_\_\_\_  
INSTALLER \_\_\_\_\_ -  
MANUFACTURER and MODEL TYPE: \_\_\_\_\_  
SERIAL NUMBER(s): \_\_\_\_\_  
MONITORING CHECK No. \_\_\_\_\_

PARTICIPANT NAME \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_  
DRIVER LICENSE No.: \_\_\_\_\_

VEHICLE LICENSE PLATE No.: \_\_\_\_\_

ODOMETER READING: \_\_\_\_\_

CALIBRATION WAS \_\_\_\_\_ BEFORE RECALIBRATION.

THE SYSTEM IS NOW IN CALIBRATION: \_\_\_\_\_

THE SYSTEM HAS BEEN INSPECTED AND IS FUNCTIONING PROPERLY. \_\_\_\_\_

THERE IS NO EVIDENCE OF ATTEMPTED TAMPERING, CIRCUMVENTION, OR MISUSE. \_\_\_\_\_

(IF THERE ARE SIGNS OF TAMPERING, CIRCUMVENTION, OR MISUSE, COMPLETE "NONCOMPLIANCE REPORT")

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Your next monitoring check is \_\_\_\_\_ . Your ignition system will remind you that you are due to make an appointment. If you fail to make an appointment, your ignition interlock device will shut down and you will be unable to start your car. It will be your responsibility to have your car towed to the Service Center. If you fail to appear you may be found in noncompliance, and your driver license can be suspended for 1 year. If convicted of tampering with the ignition interlock device you can be required to use the device for additional time. A.R.S. §§ 28-1463 and 28-1464.**

Signature of Participant \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Installer: \_\_\_\_\_ Date: \_\_\_\_\_

ATTACH COPY OF DATA LOGGER SHEET AND SEND TO:  
MOTOR VEHICLE DIVISION, DRIVER IMPROVEMENT UNIT  
PO BOX 2100, MAIL DROP 530M  
PHOENIX, AZ 85001-2100

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

**Appendix C. Ignition Interlock Noncompliance Report**

**ARIZONA**  
**IGNITION INTERLOCK**  
**NONCOMPLIANCE REPORT**

DATE: \_\_\_\_\_  
INSTALLER: \_\_\_\_\_  
MANUFACTURER and MODEL TYPE: \_\_\_\_\_  
SERIAL NUMBER(s): \_\_\_\_\_  
MONITORING CHECK No.: \_\_\_\_\_

PARTICIPANT NAME: \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_  
DRIVER LICENSE No.: \_\_\_\_\_

VEHICLE LICENSE PLATE No.: \_\_\_\_\_

THE PARTICIPANT FAILED TO KEEP APPOINTMENT: \_\_\_\_\_

Attempts have been made to contact customer on:

Date	Time
Date	Time
Date	Time

THE DEVICE SHOWS EVIDENCE OF TAMPERING, CIRCUMVENTION, OR MISUSE: \_\_\_\_\_

Explanation:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Installer: \_\_\_\_\_ Date: \_\_\_\_\_

SEND TO:  
MOTOR VEHICLE DIVISION, DRIVER IMPROVEMENT UNIT  
PO BOX 2100, MAIL DROP 530M  
PHOENIX, AZ 85001-2100



*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

**R17-4-709.07 Emergency Assistance by Authorized Installers; Continuity of Service to Participants.**

- A.** A manufacturer shall ensure that an authorized installer provides a participant with a 24-hour emergency phone number for assistance in the event the certified ignition interlock device fails or the vehicle experiences problems related to the ignition interlock device's operation. Emergency assistance provided by the authorized installer shall include technical information, towing service, and road service.
1. If the participant's motor vehicle is located not more than 50 miles from the authorized installer, emergency assistance shall be provided within 2 hours after the call for assistance.
  2. If the participant's motor vehicle is located not more than 100 miles from the authorized installer, emergency assistance shall be provided within 4 hours after the call for assistance.
  3. The authorized installer shall make the certified ignition interlock device functional within 48 hours after a participant's emergency assistance call or shall replace the device.
- B.** A manufacturer shall ensure uninterrupted service to a participant for the duration of the participant's Arizona court order.
1. If a manufacturer terminates an authorized installer's appointment, the manufacturer shall:
    - a. Obtain participant records from the former authorized installer; and
    - b. Provide the participant records to a new authorized installer for retention in accordance with R17-4-709.08; or
    - c. If the manufacturer does not appoint a new authorized installer, the manufacturer shall retain the participant records in accordance with R17-4-709.08.
  2. A manufacturer shall:
    - a. Ensure that an authorized installer has a permanent facility within 100 miles of the Arizona residence of each participant with an installed certified ignition interlock device provided by the manufacturer;
    - b. Ensure that an authorized installer uses a mobile facility for scheduled accuracy checks at specified locations within 100 miles of the Arizona residence of each participant with an installed certified ignition interlock device provided by the manufacturer; or
    - c. Pay to remove a participant's installed certified ignition interlock device and install a certified ignition interlock device, including a model provided by a 2nd manufacturer, that has an authorized installer with:
      - i. A permanent facility within 100 miles of the participant's Arizona residence, or
      - ii. A mobile facility for scheduled accuracy checks at a specified location within 100 miles of the participant's Arizona residence.
  3. A manufacturer shall notify a participant of the appointment of a new authorized installer or replacement of a certified ignition interlock device at least 30 days before the new authorized installer's appointment becomes effective or replacement of the device occurs.
  4. Within 10 days after a change in the list of authorized installers submitted to the Division by a manufacturer, the manufacturer shall submit an updated list of authorized installers to the Division.

**R17-4-709.08 Records Retention; Submission of Copies and Monthly Reports; Periodic Audits.**

- A.** Records retention. A manufacturer shall ensure that an authorized installer or the manufacturer retains a participant's records for 1 year after removal of a certified ignition interlock device. The retained records shall consist of every document relating to use of the ignition interlock device.
- B.** Copies of records and monthly reports.
1. A manufacturer shall ensure that an authorized installer or the manufacturer provides copies of participants' records to the Division within 10 days after Division personnel make a request for copies of records, including records of use of the certified ignition interlock device.
  2. A manufacturer shall ensure that an authorized installer submits a report to the Division so the Division receives the report by the 10th day of each month. The monthly report shall contain the following information:
    - a. The number of certified ignition interlock devices the authorized installer currently has in service,
    - b. The number of certified ignition interlock devices installed since the previous monthly report,
    - c. The number of pending installations, and
    - d. The number of certified ignition interlock devices removed by the authorized installer since the previous monthly report.
- C.** Periodic audits. The Division shall periodically conduct an audit at the premises of an authorized installer or manufacturer, in accordance with A.R.S. § 41-1009. The audit shall determine the following:
1. Whether the authorized installer or manufacturer retains records in accordance with subsection (A).
  2. Whether the authorized installer maintains adequate supplies of a warning label conforming to the warning label design adopted by the Division, and
  3. Whether the authorized installer maintains adequate supplies of the written instructions provided to participants and other operators of a vehicle equipped with a certified ignition interlock device.

NOTICE OF FINAL RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR POLLUTION CONTROL

PREAMBLE

**1. Sections Affected**

R18-2-1016  
R18-2-1017  
R18-2-1018  
R18-2-1019  
R18-2-1020  
R18-2-1022  
R18-2-1023  
R18-2-1025  
R18-2-1026  
R18-2-1027  
R18-2-1028  
R18-2-1029  
R18-2-1030

**Rulemaking Action**

Amend  
Amend  
Amend  
Amend  
New Section  
Amend  
Amend  
Amend  
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. §§ 49-104(A)(11), 49-447, and 49-542

Implementing statutes: A.R.S. §§ 49-104(A)(11), 49-541, 49-542.01, 49-542, 49-543, and 49-546.

**3. The effective date of the rules:**

January 14, 2000

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

Notice of Docket Opening, 4 A.A.R. 3343, October 23, 1998

Notice of Docket Opening, 5 A.A.R. 2564, August 6, 1999

Notice of Proposed Rulemaking, 5 A.A.R. 2670, August 13, 1999

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

Name: Mark Lewandowski or Martha Seaman, Rule Development Section

Address: ADEQ, 3033 N. Central, Phoenix, AZ 85012-2809

Telephone Number: (602) 207-2230 or (602) 207-2222  
(Any extension may be reached in-state by dialing 1-800-234-5677 and asking for that extension.)

Fax Number: (602) 207-2251

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

**Summary.** This is the second Notice of Final Rulemaking originating from a proposed rule published by the Arizona Department of Environmental Quality (ADEQ) in the August 13, 1999, *Register*. Both final rules revise the vehicle emissions testing program for area A (Phoenix metropolitan area) and area B (Tucson metropolitan area). The first part of the rule was published in the *Register* last month and covered R18-2-1001 through R18-2-1015, R18-2-1031, and Tables 3 and 6. The Notice of Final Rulemaking was approved by the Governor's Regulatory Review Council on December 7, 1999. This final rule changes R18-2-1016 through R18-2-1030.

**Purpose.** The changes to this rule completed the necessary edits agreed to in a 1998 5-year review report, and changes suggested by GRRC staff to make the rules clear, concise and understandable. In addition, the substantive changes included:

Inspection requirements of contractor's equipment and personnel in Areas A and B;

Requirements for calibration of opacity meters;

Elimination of the renewal requirement of fleet permits;

Licensing of third party agents.

The first three changes edit existing procedures. The section "Licensing of Third Party Agents; Issuing Alternative Fuel Certificates," (R18-2-1020), is one of the cost-saving measures implemented by ADEQ as the vehicle emissions inspection program must be self-supporting by July 1, 2000, but not exceed statutory caps (HB 1007 and HB 2001, 1998).

**Clarity.** Numerous changes have been made throughout the rules to improve the clarity and understandability of the rules. In particular, R18-2-1019 was reorganized completely by deleting the old section and replacing it with an entirely new R18-2-1019. Other changes included changing verbs to the present tense, replacing language that does not conform to the rule writing standards of the Secretary of State's Office or the GRRC's rule writing conventions, deleting obsolete or confusing language, and in general revising the rule so that it is clear, concise, and understandable.

**7. A reference to any study that the agency relies 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. The summary of the economic, small business, and consumer impact:**

The principal aspects of the Vehicle Emission Inspection Program that are affected by this rule are:

Government fleet operators who hold an ADEQ permit to self-inspect vehicles were previously exempt from the payment of fees and will begin paying for Certificates of Inspection (COIs);

Third party agents in the private sector will be able to issue alternative fuel certificates;

Lifetime fleet station permits will be issued, thus eliminating the need for their renewal.

A requirement is added for the calibration of opacity meters.

§ 41-1055 Cost-Benefit Analysis of the Proposed Rule

A) Cost and Benefits to State Agencies

Arizona Department of Environmental Quality and the Arizona Department of Transportation Motor Vehicle Division -- ADEQ is the implementing agency, and as such, will be affected in different ways. HB 2001, approved during a special legislative session in December 1998, set fee caps for the program. As a result, ADEQ identified several cost saving measures that could be implemented without affecting the effectiveness of the VEIP. Two such administrative procedures are the issuance of alternative fuel certificates by third party agents outside of ADEQ and MVD; and elimination of the need for fleet stations to renew their permits.

Currently, alternative fuel certificates are issued only by ADEQ and ADOT MVD. Under the proposed rule, third party agents in the private sector, chiefly manufacturers of alternative fuel vehicles, and dealers and others in the industry that are able to convert gasoline-consuming vehicles to ones that utilize alternative fuels, will be authorized to issue alternative fuel certificates. Thus, there will be an increase in the number of entities that can issue these certificates. This will constitute a reduction in administrative costs for both ADEQ and MVD, and will also benefit vehicle owners.

Another administrative cost savings for the VEIP will consist of the issuance of lifetime fleet station permits, eliminating the need for permit renewals. Because fleet permits are non-transferable and the facilities are still subject to inspection, this is a time and cost-saving measure for ADEQ and the regulated community. Thus, some administrative cost savings will be realized by VEIP staff who will no longer need to process permit renewals. VEIP staff will also see added requirements for calibration of J1667 opacity meters. But these are not expected to significantly impact the operations of the program.

Other State Agencies -- ADOT and other state agencies that are fleet operators, like the Arizona Department of Corrections (ADOC) and the Arizona Department of Administration (ADOA) were previously exempt from paying fees, but will now commence paying for Certificates of Inspection (COI) fees. Since the VEIP is expected to be a self-supporting program, these fees will bring additional revenues for the Department.

B) Cost and Benefits to Political Subdivisions of the State

The biggest impact this rule will have on political subdivisions of the State is that government fleet operators who hold permits to self-inspect will be required to pay COIs. Previously, government permitted fleet operators were exempt from paying for COIs. The table below shows the current number of vehicles owned by government fleet operators in Area A and Area B. Maricopa and Pima Counties own about 30.6% of government fleet vehicles, while the State owns just under 23%. The remainder are divided about evenly between municipalities, the federal government, school districts and Salt River Project. The table also shows that slightly less than \$126,000 in annual COI fees will be payable to ADEQ by government and quasi-government fleet operators. If there is a change in the number of vehicles, the fees will vary accordingly. The difference in unit fees charged in Area A and Area B is attributable to the

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

differences in the costs of administering the program in both areas. This is part of the effort to make all vehicle owners, whether private or public, pay for the full costs of the program.

Table 1. Number of Vehicles in Permitted Government Fleets			
Ownership	Area A	Area B	Total
State	1,035	1,966	3,001
Federal	248	1,354	1,602
Counties	1,465	2,547	4,012
Municipalities	550	1,246	1,796
School Districts	452	760	1,212
Special Dist. (SRP)	1,478		1,478
<b>Total:</b>	<b>5,228</b>	<b>7,873</b>	<b>13,101</b>
Unit Fees:	\$6.60	\$11.60	
Payable:	\$34,504.80	\$91,326.80	\$125,831.60

C) Costs and Benefits to Private Businesses, including Small Businesses and Vehicle Owners

Private sector businesses, including small businesses that will be affected by this rule are those vehicle manufacturers, dealers and others that will be allowed to issue alternative fuel certificates. This simplifies the process for vehicle owners to obtain their certificates from manufacturers, dealers or converters directly, without having to apply for one at a government agency. Since the purchase of alternative fuel vehicles, or conversion of gasoline vehicles into alternative fuel ones carries many economic incentives for vehicle owners, this provision of the rule will be an added incentive to private sector entities to promote the use of alternative fuels. Manufacturers and distributors of alternative fuels like compressed natural gas could see an increase in their sales, to the extent that more vehicle owners choose to purchase, or convert to, alternative fuel vehicles.

Owners of vehicles that use alternative fuels, once they obtain their certificates, will be eligible for reductions in their vehicle license tax as well as other tax credits allowable under existing rules of the Department of Transportation. Another benefit for owners of alternative fuel vehicles is that they will be allowed to drive on the High Occupancy Vehicle (HOV) lanes during rush hour traffic, thus enabling them to reduce their travel time and reach their destinations sooner.

The issuance of lifetime fleet station permits will also benefit those private sector businesses who hold fleet permits by eliminating the need for annual renewals. This constitutes a small but significant annual savings to the cost of doing business as an official fleet station.

D) Costs and Benefits to Residents and Consumers of the State

Residents of Area A and B will benefit primarily by breathing cleaner air inasmuch as the Vehicle Emissions Inspection Program is intended to reduce the amounts of air pollutants being emitted by Arizona motorists and other vehicle owners who drive through the State. As consumers, owners of vehicles using fuels other than gasoline will contribute to air quality in areas of the State where this rule will be implemented.

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

The changes to the proposed rule are shown below with strike out (~~strike-out~~) and underline. Only one substantive change was made. ADEQ made slight modifications to R18-2-1019 to change fleet permits. Prior to the changes, fleet permits expired and had to be renewed annually. The changes to the proposed rule make the permit permanent, with revisions only necessary when there are changes at the fleet. These changes were made at R18-2-1019(A), (A)(4), (A)(7), (G)(6), (G)(7), (H)(2), and (H)(3). This should result in less paperwork and some slight savings to both ADEQ and fleet entities.

Almost all changes to the proposed rule were made as a result of suggestions by G.R.R.C. staff to improve the clarity, conciseness, and understanding of the rules.

**Notices of Final Rulemaking**

R18-2-1019(F)(2)(n) was incorrectly shown in the proposed rule not underlined, even though it was proposed as part of the all new section. Therefore, subsection (n) is shown below underlined.

R18-2-1016.	Licensing of Inspectors
R18-2-1017.	Inspection of Government Vehicles
R18-2-1018.	Certificate of Inspection
R18-2-1019.	Fleet Station Procedures and Permits
R18-2-1020.	Licensing of <del>Third</del> <sup>3rd</sup> Party Agents; Issuing Alternative Fuel Certificates
R18-2-1022.	Procedure for Waiving Inspections Due to Technical Difficulties
R18-2-1023.	Certificate of Exemption for Out-of-State Vehicles
R18-2-1025.	Inspection of Contractor's Equipment and Personnel
R18-2-1026.	Inspection of Fleet Stations
R18-2-1027.	Registration <u>and Inspection</u> of Emission Analyzers and Opacity Meters
R18-2-1028.	Certification of Users of Registered Analyzers and Analyzer Repair Persons
R18-2-1029.	Vehicle <del>emission control devices</del> <u>Emission Control Devices</u>
R18-2-1030.	Visible <del>emissions; mobile sources</del> <u>Emissions; Mobile Sources</u>

**R18-2-1016. Licensing of Inspectors**

**A.** ~~No person shall be licensed or have a license renewed as a vehicle emissions inspector unless the person has demonstrated proficiency to the Department by~~ The Department shall license a person as a vehicle emissions inspector if the applicant passing passes a practical and a written examination with a score equal to or greater than 80% in the following areas:

1. ~~With respect to persons being licensed as~~ For nondiesel-powered fleet vehicle emissions inspectors:
  - a. Equipment used in the inspection and the control of emissions;:
  - b. ~~Types of emission inspection failures;:~~
  - c. Corrective procedures for excessive HC emissions;:
  - d. Corrective procedures for excessive CO emissions;:
  - e. Corrective procedures for excessive NO(x) emissions, for inspectors in area A;:
  - f. Proper ~~carburetor~~fuel system adjustment procedures;:
  - g. Computerized engine control systems;: and
  - h. Regulations governing fleet stations.
2. ~~With respect to persons being licensed as~~ For diesel-powered fleet vehicle emissions inspectors:
  - a. Equipment used in the inspection and the control of opacity and emissions;:
  - b. Corrective procedures for excessive opacity;:
  - c. Proper fuel injection system adjustment procedures;:
  - d. Proper use of tools required by the vehicle manufacturer for field setting of fuel injectors, inlet and exhaust valve clearance, governors, and throttle controls;:
  - e. Computerized engine control systems;: and
  - f. Regulations governing fleet stations.
3. ~~With respect to persons being licensed as~~ For state station vehicle emission inspectors:
  - a. Air pollution causes and effects;:
  - b. Purpose, function and goals of the inspection program;:
  - c. State inspection regulations;:
  - d. Test procedures and rationale for their design;:
  - e. Emission control devices, configuration, and inspection;:
  - f. Test equipment operation, calibration, and maintenance;:
  - g. Proficiency in driving the transient test cycle in Table 4;:
  - h. Quality control procedures;:
  - i. Public relations;: and
  - j. Safety and health issues related to the inspection process.
4. ~~Licensees~~ For the practical portion of the examination an applicant shall demonstrate the ability, ~~without the assistance of another person,~~ to conduct a proper emissions inspection, including proper use of equipment and procedures; ~~as a condition of to pass~~ passing the licensing examination. If an inspector fails to demonstrate such ability in an audit, either covert or overt, the inspector's license shall be suspended. The suspended licensee shall demonstrate to the Department the skills required by this ~~paragraph~~subsection within 30 days of suspension or such license shall be revoked.

**B.** ~~A vehicle emissions inspector~~ If an applicant for licensure as a nondiesel-powered vehicle emissions inspector ~~who fails an examination for vehicle emissions inspector~~ the written examination, the applicant shall successfully complete the ~~applicable~~ vehicle emissions inspector state training program before reexamination for licensure.

**C.** Applications ~~shall may~~ be obtained from, ~~and approved by,~~ the Department. The application shall contain the following:

1. The type of license requested;

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

2. The applicant's name;
  3. The applicant's home address;
  4. The applicant's phone number;
  5. The name of the applicant's employer;
  6. The phone number of the applicant's employer;
  7. The applicant's signature; and
  8. The date of the license request.
- D. All completed applications shall be returned to the Department.
- E. Licenses issued to vehicle emissions inspectors shall be renewed annually on or before the expiration date. An inspector whose license has expired ~~shall cease~~ may not inspect ~~inspecting~~ vehicles.
- F. Applications for renewal of vehicle emissions fleet inspector's licenses shall be submitted within 30 days before the current license expiration date.
- G. The Department may suspend, revoke, or refuse to renew a license if the licensee has violated any provision of Title 49, Chapter 3, Article 5 of the Arizona Revised Statutes or any provision of this Article or fails to continue to demonstrate proficiency to the Department as required in subsection (A).
- H. A vehicle emissions inspector shall ~~inform~~ notify the Department of any change in employment status, due to retirement, resignation, or termination, within 7 days of such change.
- I. ~~Each vehicle emissions inspector shall be assigned~~ The Department shall assign a single, unique, nontransferable inspector's number to each vehicle emissions inspector.

**R18-2-1017. Inspection of ~~Governmental~~ Government Vehicles**

- A. Inspection of ~~governmental~~ government vehicles operated in areas A and B shall be conducted ~~in any of the~~ as following manners follows:
1. At a licensed fleet station operated by the ~~governmental~~ government entity;:
  2. At a state station upon payment of the fee;:
  3. At a state station upon payment ~~pursuant to a contract with the state emissions contractor~~ of the contracted fee, either singly or in combination with other government fleet operators.
- B. All ~~governmental~~ government vehicles except federally owned vehicles ~~which that~~ are excluded from the definition of motor vehicles ~~pursuant to~~ 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 ~~when found to be~~ if in ~~conformance~~ 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 ~~when the vehicle is due for its~~ date of the vehicle's next annual or biennial inspection. ~~The Government Vehicle Certificate of Inspection shall be affixed to the vehicle when found to be in compliance with state inspection requirements.~~ The vehicle emission 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 inspection ~~was~~ is performed ~~by~~ at a fleet station, the emission 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~~ "Fleet Vehicle Inspection Report/Monthly Summary" (Form IPS 4008). Presence of a current Government Vehicle Certificate of Inspection indicates a ~~governmental~~ government vehicle has met the state of Arizona emission inspection requirements.
  2. ~~All~~ Government vehicles, with the exception of motorcycles and undercover law enforcement vehicles 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. ~~On vehicles that do not have a rear window,~~ 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. ~~All~~ Government motorcycles shall have the Government Vehicle Certificate of Inspection affixed to the lower left-hand corner of the windscreen as determined from the driver's position. ~~If it is impractical to affix~~ the Government Vehicle Certificate of Inspection ~~in~~ cannot be affixed to the lower left-hand corner of the windscreen, 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 left-hand corner of the windscreen or fork shall be determined from the driver's position.
  4. ~~Undercover law enforcement vehicles, as evidenced by private vehicle license plates and lack of law enforcement markings or identification, shall have the Government Vehicle Certificate of Inspection affixed to the vehicle's log book.~~
- C. The Government Vehicle Certificate of Inspection shall be purchased from the Department in lots of 25.
1. 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~~ Director's estimated costs to the state of administering and enforcing the provisions of this Article as they apply to issuance of certificates of inspections. Payment for certificates shall be included with an application for certificates. Checks shall be made payable to the Department of Environmental Quality.
  2. Only the Department ~~shall~~ may sell or otherwise transfer certificates of inspection.

- D. All Government Vehicle Certificates of Inspection shall be designed, issued, and administered, ~~subject to conditions as the Director deems necessary~~ to ensure compliance with this Article. The Department shall be the only source of supply for Government Vehicle Certificates of Inspection.
- E. ~~Governmental~~ Government entity fleet stations shall inspect ~~all their~~ the fleet vehicles according to R18-2-1019 except that a government vehicle certificate of inspection shall only be used for ~~governmental~~ government vehicles.
- F. A government entity fleet station shall send a quarterly statement identifying vehicles and test results ~~shall be mailed by the governmental entity~~ to the Department within 10 working business days following the end of the quarter.

**R18-2-1018. Certificate of Inspection**

- A. ~~Certificates of inspection shall be used by a~~ fleet station other than a ~~governmental~~ government entity fleet station shall use completed certificates of inspection as evidence that its vehicles ~~have met~~ meet the requirements of this Article, unless inspection data is electronically transmitted to MVD under A.R.S. § 49-542(Q). If ~~thea~~ fleet vehicle is inspected at a state ~~inspection~~ station, the vehicle inspection report provided under R18-2-1011 shall be used.
- B. A certificate of inspection shall provide contain the following information:
  - 1. VIN,
  - 2. Model year,
  - 3. License number,
  - 4. If applicable, a statement that the inspection meets area A ~~inspection~~ requirements,
  - 5. Owner of vehicle,
  - 6. Date of expiration, according to R18-2-1019(F)(1)(b),
  - 7. Fleet station permit number, and
  - 8. Inspector's signature and license number.
- C. A certificate of inspection issued to a fleet vehicle is transferable to an auctioneer ~~who intends to sell the vehicle and who is licensed as a used motor vehicle dealer~~ to sell the vehicle. The certificate of inspection is valid for a period not to exceed 180 days after the transfer unless the vehicle is reregistered with a new owner, in which case the vehicle shall be inspected according to this Article before the reregistration.
- D. ~~Certificates~~ A certificate of inspection, ~~either complete or incomplete, are~~ is not transferable except as indicated provided in subsection (C) or except when submitted to MVD for the purpose of vehicle registration.
- E. Only ~~thea~~ person who ~~has met~~ meets the requirements of R18-2-1019(D)(1) ~~shall be~~ is authorized to purchase certificates of inspection, certificates of or waiver, or Government Vehicle Certificates of Inspection and requisition government entity stickers.

**R18-2-1019. Fleet Station Procedures and Permits**

- A. The following requirements apply to issuance ~~and renewal~~ 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 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.
  - 2. Application forms for fleet station permits shall be obtained from the Department. All completed applications shall be submitted to the Department. Applications shall be considered "administratively complete" when:
    - a. The Department has received a completed application form and fleet agent designation form;
    - b. The applicant or designated employee successfully completes the fleet agent examination; and
    - c. ~~The applicant has allowed the Department to conduct~~ has conducted a site inspection.
  - 3. Before an ~~original~~ application for a fleet station permit may be approved, an inspection of the premises to determine compliance with ~~subsections~~ subsections (B) and (C) shall be made by a state inspector.
  - 4. A fleet station permit shall not expire ~~1 year from the date of issuance, except as otherwise provided in A.R.S. § 41-1064(B)~~. The fleet station permit shall be renewed by submittal of a renewal application to the Department at least 30 ~~days prior to expiration~~.
  - 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 wishes to have requests a permit for inspection facilities at more than 1 address, the fleet owner or lessee shall apply for a permit for each facility.
  - 6. Fleet station permits issued by the Director ~~shall not be transferable~~ are non-transferable.
  - 7. When a permit name or address ~~changes~~ 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 ~~for the unexpired term~~.
  - 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 ~~the fact~~ loss, destruction, or mutilation. Any fleet that loses a fleet station permit issued by the Director, and, after obtaining a duplicate, finds the original, shall immediately surrender the original permit to the Department.

- B.** ~~The~~ A fleet station permit applicant or fleet station permit holder, or its employees, shall own or lease the following equipment and maintain it 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;
    - c. 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 ~~which conforms to 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;
    - c. 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);
    - c. 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 Evaporative Test Evap Technical Guidance”.
- 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 1 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 1 person to perform tune-ups of engines and replacement or repair of ~~carburetion~~ fuel system and ignition components.
  2. If the facility is for the repair of diesel-powered vehicles, at least 1 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~~ Department.
- E.** Unless inspected at a state station, vehicles owned by or leased to a holder of a fleet emissions inspection station permit shall be inspected according to R18-2-1006(E) through (I), except as follows:
1. Dealer fleet vehicles in area A held for resale and all area B fleet vehicles, 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) 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 ~~up to~~ not 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~~ first, and compared to the loaded cruise standards in Table 2.
  2. Dealer fleet vehicles in area A and area B held for resale, 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 test standards in Table 2 shall apply to fleet vehicles tested under the 2,500 RPM unloaded fast idle test.
  3. Dealer fleet vehicles 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 fleet vehicles 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).
5. Consignment vehicles shall be tested at a state inspection station in accordance with R18-2-1005(A)(3).
- F. ~~The fleet vehicle emissions~~ inspector shall complete and process the forms for vehicle inspection as follows, except government entity fleets shall issue and process government vehicle certificates of inspection under R18-2-1017:
  1. Certificates of inspection shall be processed as follows:
    - a. A certificate of inspection shall be completed and signed by the vehicle emissions inspector ~~conducting~~performing the inspection at the time the vehicle passes inspection. Only the vehicle emissions inspector performing the inspection may sign a certificate of inspection and the inspector shall initial all corrections. Certificates shall be issued in numerical order;
    - b. For all inspections ~~other than that do not include~~ a biennial test, the expiration date shall be 1 year from the date the vehicle passes the mandatory vehicle emissions inspection. For vehicles required to pass a ~~transient loaded emission~~biennial test, the expiration date shall be 2 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 for processing of the vehicle's application for title and registration or the Arizona registration card, ~~and the~~The Arizona Department of Transportation Motor Vehicle Division ~~shall~~may accept a signed ~~vehicle emissions~~ certificate of inspection as evidence that the vehicle is a fleet-inspected vehicle and meets the ~~state's~~ inspection requirements ~~under R18-2-1007(C) of this Article~~;
    - e. The vehicle emissions inspector shall forward the 2nd copy of each completed certificate of inspection, along with the 2nd copy of the "Fleet Vehicle Inspection Report/Monthly Summary", ~~shall be forwarded~~ to the Department monthly, ~~within~~not later than 2 weeks after the ~~end~~last day of the month in which the inspection is conducted;
    - f. The 3rd copy of each completed certificate of inspection, along with the original "Fleet Vehicle Inspection Report/Monthly Summary", shall be retained for 2 years from the date of inspection;
    - g. Vehicle emissions certificates shall be purchased from the Department in lots of 25. ~~If the number of vehicles to be inspected by the fleet station is reduced after purchase of the certificates and before the certificate is used, the excess~~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~~Director's estimated costs to the state of administering and enforcing the provisions of this article as they apply to issuance of certificates of inspections. 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 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 certificates;
    - k. If any certificates are 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 serial numbers. The Department may revoke a fleet station permit for refusal or failure to report lost or stolen certificates 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 or 3rd 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 ~~which~~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~~Director's estimated costs to the state of administering and enforcing the provisions of this ~~article~~Article as they apply to issuance of Director's certificates. Checks shall be made payable to the Department of Environmental Quality; and
    - m. ~~In the event~~If an original certificate of inspection is voided by a fleet station, ~~The~~the original of the voided certificate shall be matched to the corresponding 3rd copy of the certificate and retained at the fleet station for 2 years from the date of inspection.
  2. The fleet agent or vehicle emissions inspector shall obtain the "Fleet Vehicle Inspection Report/Monthly Summary" form shall be obtained from the Department. ~~Upon request, a state auditor shall be allowed access to and shall be permitted to photocopy, on or off the premises, the original fleet vehicle inspection report/monthly summaries, the second copies of certificates of inspection, and any other related documents. All inspections other than the transient loaded emissions test, shall contain all of the following information which shall be recorded~~The vehicle emissions

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

inspector performing the inspection shall record the following information on the form at the time of inspection by the vehicle emissions inspector performing the inspection;

- a. The VIN of the vehicle passing inspection;
- b. The vehicle's license number, where applicable;
- c. The HC content of the undiluted exhaust recorded at idle;
- d. The CO content of the undiluted exhaust recorded at idle;
- e. The HC content of the undiluted exhaust recorded at 2,500 rpm;
- f. The CO content of the undiluted exhaust recorded at 2,500 rpm;
- g. ~~When~~ If applicable, results of a tampering check;
- h. The vehicle model year;
- i. The vehicle make;
- j. The date of inspection;
- k. The license number of the vehicle emissions inspector conducting the inspection;
- l. The signature of the inspector making the entry;
- m. The serial number of the certificate of inspection, recorded in numerical order;
- n. For vehicles required to take the transient loaded emission test, the inspector shall record the total HC, CO, CO<sub>2</sub> and NOX measured in grams/mile, and the evaporative system integrity test result rather than the items in (c) through (g);
- ~~p.o.~~ The registration number of the registered analyzer or opacity meter used to perform the inspection.
- ~~q.p.~~ For light duty diesel vehicles, the summary inspector shall record opacity rather than undiluted HC and CO;
- ~~r.q.~~ For heavy duty diesel vehicles, 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.

3. A certificate of waiver may be issued by a fleet vehicle emissions inspector other than 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 when the requirements of R18-2-1008(A), R18-2-1009, and R18-2-1010 have been met according to the following procedure:
  - a. A certificate of waiver shall be completed and signed by the vehicle emissions inspector conducting performing the inspection following after completion of a fleet inspection waiver report. The report shall be forwarded to the Department within three working 3 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 years from the date that the waiver is granted issued for vehicles required to take the transient loaded emission test, and 1 year for all other vehicles.
  - c. All information required on the certificate of waiver shall be legible.
  - d. ~~A certificate of waiver that is incorrect shall have all corrections initialed by the~~ 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 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 shall may accept the signed certificate of waiver as evidence that the vehicle is a fleet inspected vehicle and has met the state's inspection requirements of this Article if the certificate is complete and the expiration date has not passed.
  - g. The 2nd copy of each completed certificate of waiver shall accompany the completed fleet inspection waiver report.
  - h. The 3rd 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 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~~ Director's estimated costs to the state of administering and enforcing the provisions of this ~~article~~ Article as they apply to issuance of certificates of waivers. 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 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 certificates.
  - l. ~~In the event that~~ If any certificates are 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 serial numbers. ~~Refusal~~ The Department may revoke a fleet station permit for refusal or failure to report lost or stolen certificates within 24 hours of discovery ~~shall be grounds for revoking a fleet station permit.~~
  - 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 or 3rd 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 ~~which~~ 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~~ Director's estimated costs to the state of administering and enforcing the provisions of this ~~article~~ Article as they apply to issuance of Director's certificates. 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 copy of the certificate and retained by the fleet for 2 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 copy of certificates 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 ~~not only~~ certify vehicles ~~not~~ owned by or leased to the holder of the fleet owner 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 requiring periodic calibration shall be calibrated according to instructions and recommendations of the instrument or equipment manufacturer. NDIR emission analyzers shall be registered and calibrated according to R18-2-1027. Calibration records for each instrument ~~other than, except~~ NDIR emission analyzers, 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 ~~license~~ permit.
- 5. ~~In area A, if a motor vehicle dealer sells a vehicle, or an area B motor vehicle dealer sells a vehicle that has passed the area A fleet emissions inspection to a resident of area A, that has less than one year remaining before it must undergo a transient loaded emissions test, or has not taken a transient test under § 49-542 and which is not covered under a current federal emissions warranty and if the purchaser of the vehicle has the vehicle transient loaded tested within 3 days, excluding holidays, of the purchase and if the vehicle fails the test, the dealer shall do one of the following:~~
  - a. ~~Rescind the purchase agreement and reimburse the purchaser for the cost of the test;~~
  - b. ~~Make repairs at the dealer's expense which that bring the vehicle into compliance with the transient loaded test;~~
  - c. ~~or~~
  - e. ~~Enter into a mutually acceptable alternative agreement with the purchaser. A motor vehicle dealer who sells a vehicle subject to the provisions of this Section shall provide the purchaser with a written notice of the purchaser's rights under this Section prior to completing the sale transaction. A motor vehicle dealer with a fleet station permit shall comply with A.R.S. § 49-542.03.~~
- 6. ~~A fleet station whose permit has expired shall immediately cease the activity requiring a permit, except as otherwise provided in A.R.S. § 41-1064(B).~~
- 7. ~~If at any time a fleet station fails to meet any of the requirements~~ requirement of subsections (B), and (C), or (D), it shall immediately cease ~~to operate~~ operating as a fleet station until the requirement is met. If the fleet is cited for fail-

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

ure 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.

87. A fleet station shall notify the Department in writing within 7 days of the end of employment of any vehicle emissions inspector. A fleet station ~~which~~ that does not ~~have~~ employ a vehicle emissions inspector ~~in its employ~~ shall immediately cease ~~to operate~~ operating as a fleet station and notify the Department immediately by telephone and within 7 days in writing. A fleet station shall notify the Department in writing within 7 days of any change of the employment status of a fleet station vehicle emissions inspector. All unused vehicle certificates of inspection shall be returned to the Department within 7 days after operations cease for a refund.

98. A fleet station ~~which does not have~~ that does not employ a fleet agent, as described in subsection (D)(4), ~~in its employ~~ shall immediately cease ~~to operate~~ operating as a fleet station and shall notify the Department immediately by telephone and within 7 days in writing unless the permit applicant or other designated employee has taken and passed the examination ~~requirement~~ 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.

H. ~~The~~ A fleet's activities shall be governed by the following compliance and enforcement rules:

1. Subsections (B) through (G) apply at all times ~~during the term~~ after the issuance of ~~the~~ a fleet station permit. In addition, subsections (B), (C) and (D) apply before a permit can be issued, ~~renewed~~, or removed from suspension.
2. The Director may suspend, ~~or~~ revoke, ~~or~~ refuse to renew 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. ~~Has misrepresented~~ Misrepresents a material fact in obtaining a permit;
  - c. Fails to make, keep, and submit to the Department records ~~showing for~~ vehicles 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, ~~or is not renewed~~, all unused vehicle certificates of inspection shall be returned to the Department for a refund.
4. Fleet vehicles ~~shall be~~ are subject to inspection by state inspectors.
5. Surrender of a permit under subsection (A)(8) or (G)(4) shall not prevent the Department from carrying out investigative or disciplinary proceedings against the permit holder for violations prior to surrender.

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

A. Licensing of ~~Third~~ 3rd Party Agents

1. The Department shall accept an application for a ~~third~~ 3rd party agent license to issue Alternative Fuel Certificates from any person who demonstrates all of the following:
  - a. The applicant has knowledge of all laws and rules governing the inspection of alternative fuel vehicles;
  - b. The applicant ~~possesses the necessary~~ has training or experience ~~to correctly inspect in inspecting~~ alternative fueled ~~fuel~~ vehicles; and
  - c. The applicant ~~shall operate~~ agrees to conduct inspections in accordance with the laws and rules ~~relating to~~ for the inspection of alternative fuel vehicles.

B. ~~This third~~ A 3rd party agent license ~~shall be~~ is valid for a period of 5 years.

C. Issuing Alternative Fuel Certificates. The ~~department~~ Department or its ~~Agent~~ agent shall issue an Alternative Fuel Certificate according to A.R.S. § 28-5805 if the vehicle is currently powered by an alternative fuel, as defined in A.R.S. § 1-215(4).

**R18-2-1022. Procedure for Waiving Inspections Due to Technical Difficulties**

~~A. Any~~ A vehicle emissions station manager employed by an official emissions inspection station may issue a Director's certificate for ~~any~~ a vehicle that cannot be ~~subjected to the inspection~~ inspected as required by this Article because of technical difficulties inherent in the manufacturer's design or construction of the vehicle. ~~A copy of the completed Director's certificate shall be forwarded to the Department.~~

~~B. The form for the Director's certificate will be supplied by the Department.~~

**R18-2-1023. Certificate of Exemption for Out-of-State Vehicles**

A. ~~When~~ If a vehicle being registered or reregistered in area A or area B requires an emission test and will not be available for inspection within the state during the 90-day period before the emissions compliance expiration date, and an emissions inspection is not available for that class of vehicle at an official inspection station in the area where the vehicle is located, the owner or owner's agent may apply in writing to the Department for a certificate of exemption.

B. The owner or owner's agent shall complete the affidavit owner portion of the certificate of exemption form, and a law enforcement official shall complete the vehicle verification portion. The owner or owner's agent shall submit the completed form to the Department ~~as evidence of meeting the requirements of this Article.~~

C. ~~A certificate of exemption shall be issued by the~~ The Department shall issue a certificate of exemption:

1. For a vehicle that meets the requirements of subsection (A) as indicated by the form completed under subsection (B).

~~2. For a vehicle that has passed a statutory an official~~ emissions inspection in another state during the 90 days before emissions compliance expiration upon submission of the inspection compliance document issued by the ~~governmental government~~ entity conducting the inspection program.

D. The ~~charge for certificates~~ fee for a certificate of exemption shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the ~~director's~~ Director's estimated costs to the state of administering and enforcing the provisions of this ~~article~~ Article as they apply to issuance of certificates of exemption. The payment for the certificates shall be included with the application for certificates. Checks shall be made payable to the "Department of Environmental Quality."

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

A. State stations shall be inspected by state inspectors as follows:

1. In Area A:
  - a. Automated emission analyzers, calibrated and maintained according to "IM240 and ~~Evaporative Test~~ Evap Technical Guidance", shall be inspected using state station field calibration gases at least once every other month.
  - b. Opacity meters shall be inspected for accuracy using a neutral density filter at least once each month.
  - c. During audits, a check shall be made for equipment tampering, worn instrumentation, blocked filters, and other conditions ~~which that~~ would impair accurate sampling.
2. In Area B:
  - a. Automated emission analyzers shall be inspected using state station field calibration gases at least 2 times each month.
  - b. Opacity meters shall be inspected for accuracy using a neutral density filter at least 2 times each month.
  - c. During audits, a check shall be made for tampering, worn instrumentation, blocked filters, and other conditions ~~which that~~ would impair accurate sampling.
  - d. Functional checks of dynamometer accuracy including roll speed and power absorption shall be performed at least quarterly.

B. Equipment used to perform a transient loaded emission ~~test~~ test, shall be audited at least twice ~~annually~~ a year for all of the following:

1. Constant volume sampler critical flow and calibration;
2. Optimization of the flame ionization detector ~~fuel/air~~ 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 systems for accuracy, response time and other criteria consistent with "IM240 and ~~Evaporative Test~~ Evap Technical Guidance"; and
6. Functional gas cap analysis equipment.

C. If an equipment audit of an inspection lane in either area A or area B indicates that a state station analyzer is not operating within ~~tolerance~~ contractually specified tolerance, the state inspector shall immediately ~~re-audit~~ re-audit the failing equipment. If the equipment fails the 2nd audit, the inspector shall immediately notify the station management manager. ~~shall be notified immediately and~~ The station manager shall either replace or repair the failing equipment or close the affected lane until such time as the equipment is properly repaired and its accuracy verified. ~~A~~ The state inspector shall provide a copy of the ~~analyzer readings shall be provided~~ analyzer's failing results to the state station manager.

D. ~~Any~~ A state station analyzer ~~retired~~ removed by the contractor may be returned to service upon its repair and written verification of a passing calibration audit. The ~~Department~~ contractor shall ~~be notified~~ immediately notify the Department in writing ~~upon its~~ of the analyzer's return to service, ~~and the~~ The contractor's calibration ~~results~~ audit of the subject analyzer shall be ~~supplied~~ provided to the Department within 7 calendar days after the analyzer's return to service.

E. ~~Performance audits shall be conducted by state~~ State inspectors shall conduct performance audits to determine whether vehicle emissions inspectors are correctly performing inspections and ~~other related~~ functions related to inspections as follows:

1. Overt audits at least 2 times each year for each inspection lane:
  - a. Check for proper document security;
  - b. Check for required record keeping including vehicle emissions inspector licenses; and
  - c. Observation and written evaluation of each vehicle emissions inspector's ability to perform an inspection.
2. ~~Station~~ State station and vehicle emissions inspector records shall be reviewed at least monthly to assess station performance and identify any problems, ~~indicating~~ potential fraud, or incompetence.
3. ~~In the event that~~ If a vehicle emissions inspector fails ~~any of the above~~ an audit under subsection (E)(1) or (E)(2), the vehicle emissions inspector's license may be suspended or revoked according to R18-2-1016(A)(4).

F. ~~On-road emissions analyzers shall be inspected by a~~ A state inspector shall audit each on-road emissions analyzer at least monthly using dry-gas analysis equipment.

G. If an equipment audit indicates that an on-road emissions analyzer is not operating within contractually specified tolerance ~~as contractually specified~~, the state inspector shall immediately re-audit the failing equipment. If the equipment fails

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

the 2nd audit, the inspector shall immediately notify the contractor ~~immediately~~ and the contractor shall repair or replace the equipment shall be repaired or replaced as described in according to subsections (C) and (D).

**R18-2-1026. Inspection of Fleet Stations**

- A. Equipment used by fleet stations shall be inspected by state inspectors for accuracy as follows:
1. Emission analyzers shall be inspected using field calibration gases at least quarterly.
  2. ~~The opacity~~Opacity meters ~~used by fleet stations~~ shall be inspected ~~by state inspectors for accuracy~~ using a neutral density filter at least quarterly.
  3. Equipment ~~used to perform~~for transient loaded emissions tests shall be inspected according to R18-2-1025(A) and (B).
- B. A fleet station's emissions analyzer shall not be used for an official emissions inspection if:
1. ~~it does not read the~~The state's field calibration gases are not read within the tolerances prescribed by subsection (J);
  2. ~~if there~~There is a leak in the sampling systems or the calibration port; or
  3. ~~or if the~~The sample handling system is restricted.
- C. The fleet station ~~shall be~~is responsible for calibration of the fleet station emission analyzer.
- D. A state inspector may, at the inspector's discretion, allow ~~an employee of the~~ fleet station employee, or someone ~~other than a state inspector and~~ authorized by the fleet station, to calibrate the analyzer utilizing the state's field calibration gases.
- E. ~~Any technician for a fleet station emission analyzer may purchase calibration gases from a private source and submit them to the Department to have their HC and CO concentrations assigned by the Department. The Department shall assign HC and CO concentrations to a calibration gas submitted by a fleet station emission analyzer technician and purchased from a private source.~~
- F. A state inspector shall tag a fleet station emission analyzer ~~upon determining that~~ if the analyzer does not meet the requirements of this Section. ~~Such~~The fleet vehicle emissions inspector ~~shall not be used for inspection until the tag is removed by a state inspector or a licensed analyzer repair facility person certified under R18-2-1028. The tag shall be in the form of a U.S. postcard and contain the following information as a minimum: the information listed in R18-2-1027(E).~~
1. ~~A brief statement that the analyzer does not meet state operating requirements for official emissions inspection purposes;~~
  2. ~~The values of the state field calibration gases used and the analyzer readings obtained;~~
  3. ~~The date of the state's inspection;~~
  4. ~~The signature of the state inspector tagging the analyzer, and~~
  5. ~~The reason for tagging.~~
- G. An analyzer tagged under subsection (F) shall not be returned to service until its accuracy is verified by a state inspector or an emissions analyzer repair person certified under R18-2-1028.
- H. ~~A fleet station~~ are station is responsible for periodic maintenance and calibrations of ~~their~~its emissions analyzers. Repair and maintenance requirements are prescribed in R18-2-1019.
- I. ~~If a state inspector has approved its use,~~ a fleet station may lease or borrow an emission analyzer for ~~temporary use~~official inspections for up to 6 months while the station's approved analyzer is being repaired ~~provided that a state inspector has approved its use.~~
- J. Fleet station analyzers used for transient loaded ~~testing tests~~ shall ~~conform to~~comply with and be quality control checked according to "IM240 and ~~Evaporative Test~~Evap Technical Guidance". All other fleet station emission analyzers used for ~~the~~emissions inspections are required to read the calibration gases within the following tolerances:
1. Within plus 0.50% CO to minus 0.25% CO in the range from 0 to 2% CO;
  2. Within plus 1.00% CO to minus 0.50% CO in the range from 2% to 10% CO;
  3. Within 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. Within plus 200 PPM HC to minus 100 PPM HC in the range from 500 to 2,000 PPM HC when read as N-HEXANE.
- K. ~~A fleet station opacity meters~~meter used for ~~the~~emission inspections ~~are~~is required to read the equivalent opacity value of a neutral density ~~filters~~filter within  $\pm 5\%$  opacity ~~over at any point in~~ the range of the meter.
- L. A state inspector shall conduct performance audits to determine whether ~~inspectors are~~ vehicle emissions inspector is correctly performing ~~all tests~~inspections and ~~other related functions~~ related to inspections as follows:
1. Overt audits at least 2 times each year for each facility:
    - a. Check for proper document security;
    - b. Check for required record keeping including vehicle emissions inspector licenses; and
    - c. Observe and make a written evaluation of each vehicle emissions inspector's ability to perform an inspection.
  2. ~~Station~~Fleet station and vehicle emissions inspector records shall be reviewed at least monthly to assess fleet performance and identify any problems, ~~indicating~~ potential fraud, or incompetence.

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

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

- A. An automotive repair facility may apply to the Department at no charge for registration of NDIR HC and CO analyzers, and opacity meters. ~~All~~ NDIR emission analyzers and opacity meters ~~utilized~~ used by fleet inspection stations shall be registered as part of the ~~for~~ fleet station permit approval. Application forms to register ~~an~~ analyzer or opacity meter registration shall be ~~obtained~~ available from the Department. Completed ~~applications~~ application forms shall be submitted to the Department. ~~Applications shall be considered "administratively complete" when:~~ For purposes of Chapter 1 of this Title, the application components for registration of an analyzer or opacity meter are:
1. The Department ~~has received an~~ receives a completed application form;
  2. The applicant or employee successfully completes the ~~"certified technician"~~ "Certified Technician" examination described in R18-2-1028(A)(2); and
  3. ~~The applicant has allowed the Department to conduct a site inspection~~ inspects the analyzer.
- B. ~~All~~ A registered ~~analyzers~~ analyzer shall be calibrated at least monthly, by a certified technician, with calibration gases approved by the Department. ~~Registered~~ A registered opacity ~~meters~~ meter shall be calibrated according to manufacturer's specifications before performing the 1st vehicle emissions inspection in any month.
- C. ~~Registered analyzers~~ A registered analyzer shall meet the requirements of R18-2-1006(F)(6)(a). Calibration ~~must~~ shall be verified by a state inspector before ~~an~~ the analyzer ~~may be~~ is registered. ~~To qualify for registration the~~ The analyzer ~~must~~ 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. Each registered opacity meter and analyzer shall have a unique registration number assigned by the Department. ~~A~~ The technician shall maintain a repair and calibration log ~~shall be maintained~~ for each registered opacity meter and analyzer on a form ~~prescribed and~~ provided by the Department. The log shall be made available to ~~any~~ a state inspector on request ~~and shall remain the property of the Department.~~
- E. A state inspector shall tag a registered opacity meter or analyzer ~~upon determining that~~ if the opacity meter or analyzer does not meet the requirements of this Section. ~~Such a~~ A tagged opacity meter or analyzer shall not be used for the purposes of R18-2-1010 or R18-2-1019 until the tag is removed by a state inspector or an emission analyzer repair person certified under R18-2-1028 after the accuracy is verified.
1. ~~The tag shall be returned to the Department within 2 working days after the calibration audit.~~
  2. The tag shall be in the form of a U.S. postcard and provide contain the following information:
    - a. Analyzer registration number or opacity meter registration number;
    - b. Brief statement that the analyzer does not meet state operating requirements for registered analyzers;
    - c. Reason for failure, tagging;
    - d. Date the analyzer was tagged and the signature Signature of state inspector issuing the tag;
    - e. Date of issuing the tag;
    - f. Details of repairs performed to correct the failure;
    - g. CO and HC concentrations of calibration gases used to confirm verify analyzer accuracy;
    - h. Analyzer readings when gases were introduced into the analyzer sampling probe; and
    - i. Repair person's certification certificate number and signature or signature of state inspector removing the tag and date of calibration audit accuracy is verified.
  2. The tag shall be returned to the Department within 2 business days after accuracy is verified.
- F. ~~All holders of registered emissions analyzers or opacity meters must employ a person certified under R18-2-1028 or licensed under R18-2-1019 as a condition of registration.~~
- G. ~~Holders~~ An owner of a registered emission ~~analyzers~~ analyzer or opacity ~~meters~~ meter shall notify the Department within 7 working business days of the ~~change in employment~~ retirement, resignation, or termination of any licensed vehicle emissions inspector or certified ~~mechanic~~ technician. ~~Analyzer registration shall become invalid immediately when no licensed inspector or certified mechanic is employed.~~ The Department shall revoke the registration of an emission analyzer or opacity meter if the owner of the analyzer or meter does not employ an inspector licensed under R18-2-1019 or a technician certified under R18-2-1028.

**R18-2-1028. Certification of Users of Registered Analyzers and Analyzer Repair Persons**

- A. A person may be certified to use a registered analyzer and opacity meter ~~provided~~ if:
1. ~~Application is made~~ The person completes the application form and submits it to the Department; and
  2. ~~Proficiency is demonstrated~~ The person demonstrates proficiency by passing and scoring 80% or higher on a Department-administered examination in the following areas:
    - a. Equipment used in the inspection and control of emissions;
    - b. Types of emissions inspection failures;
    - c. Correction procedures for excessive HC emissions;
    - d. Correction procedures for excessive CO emissions;

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

- e. Proper carburetor adjustment procedures; and
  - f. Diesel fuel injection systems.
- B.** Certification under subsection (A) shall be valid for 1 year from date of issue and may be renewed, under the conditions of subsection (A), by submitting a renewal application to the Department 30 days before the current certification expiration date.
- C.** ~~Persons~~ A person certified under subsection (A) shall notify the Department within 7 ~~working business~~ working business days of ~~any change in employment status~~ the person's retirement, resignation, or termination from employment.
- D.** A person may be certified to repair and remove tags from an emission analyzer under R18-2-1027 ~~provided if:~~
- 1. Application is made to the Department;
  - 2. ~~Proficiency is demonstrated~~ The person demonstrates proficiency by passing and scoring 80% or higher on a Department-administered examination in the following areas:
    - a. ~~State and federal regulations~~ Regulations in this Article governing emissions analyzers, including R18-2-1027,
    - b. Fundamentals of emission analyzer operation, repair and preventive maintenance, and
    - c. Theory of operation of vehicle emissions control devices.
- E.** Certification under subsection (D) shall be valid for 1 year from date of issue and may be renewed, under the conditions of subsection (D), by submitting a renewal application to the Department 30 days before the current certification expiration date.
- F.** Each person ~~licensed or~~ certified under this Section shall receive a unique nontransferable certification number.
- G.** The Department may suspend, revoke or refuse to renew the certification ~~of a user of a registered analyzer or an analyzer repair person~~ issued under subsection (A) if:
- 1. The person's actions demonstrate a lack of proficiency in the areas listed under subsection (A)(2); or
  - 2. ~~the~~ The person has willfully violated any provision of this Article.
- H.** ~~The Department may suspend, revoke or refuse to renew the certification issued under subsection (D) if:~~
- 1. The person's actions demonstrate a lack of proficiency in the areas listed under subsection (D)(2); or
  - 2. The person has willfully violated any provision of this Article.

**R18-2-1029. Vehicle ~~emission control devices~~ Emission Control Devices**

For the purposes of A.R.S. §§ 28-955, ~~28-3254(D)~~ and 49-447, ~~each~~ each registered motor vehicle shall have in operating status ~~and~~ and condition all emission control devices ~~which were~~ which were installed by the vehicle manufacturer to comply with federal requirements for motor vehicle emissions or equivalent aftermarket replacement parts or devices.

**R18-2-1030. Visible ~~emissions; mobile sources~~ Emissions; Mobile Sources**

- A.** ~~Any~~ A vehicle other than a diesel-powered vehicle or 2-stroke vehicle that emits any visible emissions for 10 consecutive seconds or more is "excessive" for the purposes of A.R.S. § ~~28-3254(C) and~~ 28-955(C).
- B.** ~~No~~ A diesel-powered vehicle shall not emit any visible emissions in excess of:
- 1. ~~20~~ Twenty percent visual opacity for 10 consecutive seconds or more at or below 2,000 feet ~~altitude, elevation;~~ altitude, elevation;
  - 2. ~~in excess of 30~~ Thirty percent visual opacity for 10 consecutive seconds or more above 2,000 feet and at or below 4,000 feet ~~altitude, elevation; and~~ altitude, elevation; and
  - 3. ~~nor in excess of 40~~ Forty percent visual opacity for 10 consecutive seconds above 4,000 feet ~~altitude, elevation.~~ altitude, elevation.
- C.** ~~Exceeding these~~ A vehicle that exceeds the standards in subsection (B) shall cause the vehicle to fail ~~fails the inspection if being inspected~~ under R18-2-1006 and is considered to have "excessive" emissions for the purposes of ~~under~~ under A.R.S. § ~~28-3254(C) and 28-955~~ 28-955(C).

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

ADEQ only received two comments on the proposed rule. One was from an association that represents aftermarket equipment manufacturers. The other comment was a series of questions about how the testing program works. Both comments related primarily to sections that are not in this rule and were responded to in the Notice of Final Rulemaking for the first VEI rule. (For further information on the first rule, see part 6).

The association that represents aftermarket parts manufacturers commented on two sections that are part of this rule: R18-2-1022 and R18-2-1029.

**Issue:** R18-2-1022(A): The language providing that technical difficulties inherent in the manufacturer's design or construction may enable the vehicle to avoid a test should be amended to provide that the mere presence of aftermarket parts is not reason to waive a vehicle from inspection.

**Response:** The language of the section is neutral with respect to aftermarket parts. In addition, ADEQ believes that the requested language would make the presence of aftermarket parts potentially subject a vehicle owner to greater requirements, that is, an inspection being required rather than waived. No change.

**Issue:** R18-2-1029: This section, requiring motor vehicles to have in operating status, "all emission control devices which were installed by the vehicle manufacturer", should be amended to allow for aftermarket parts that meet the requirements of Memo 1A or carry a CARB EO certification.



**Response:** The current language of the rule provides that the vehicle must have “all emission control devices installed by the manufacturer” . . . “or equivalent replacement parts”. In order to clarify that aftermarket parts are included in “equivalent replacement parts”, ADEQ has modified the language to read, “all emission control devices installed by the manufacturer” . . . “or equivalent aftermarket replacement parts”. Rule changed.

**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 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

R18-2-1016.	Licensing of Inspectors
R18-2-1017.	Inspection of <del>Governmental</del> <u>Government</u> Vehicles
R18-2-1018.	Certificate of Inspection
R18-2-1019.	Fleet Station Procedures and Permits
R18-2-1020.	<del>Reserved</del> <u>Licensing of 3rd Party Agents; Issuing Alternative Fuel Certificates</u>
R18-2-1022.	Procedure for <del>waiving inspections due to technical difficulties</del> <u>Waiving Inspections Due to Technical Difficulties</u>
R18-2-1023.	Certificate of Exemption <u>for Out-of-State Vehicles</u>
R18-2-1025.	Inspection of <del>Contractor's Equipment and Personnel</del> <u>State Stations</u>
R18-2-1026.	Inspection of Fleet Stations
R18-2-1027.	Registration <u>and Inspection</u> of Emission Analyzers and Opacity Meters
R18-2-1028.	Certification of Users of Registered Analyzers and Analyzer Repair Persons
R18-2-1029.	Vehicle <del>emission control devices</del> <u>Emission Control Devices</u>
R18-2-1030.	Visible <del>emissions; mobile sources</del> <u>Emissions; Mobile Sources</u>

**ARTICLE 10. MOTOR VEHICLES; INSPECTION AND MAINTENANCE**

**R18-2-1016. Licensing of Inspectors**

~~A. No person shall be licensed or have a license renewed as a vehicular emissions inspector unless the person has demonstrated proficiency to the Department by~~ The Department shall license a person as a vehicle emissions inspector if the applicant passes a practical and a written examination with a score equal to or greater than 80% in the following areas:

1. ~~With respect to persons being licensed as~~For nondiesel-powered fleet vehicle emissions inspectors:
  - a. Equipment used in the inspection and the control of emissions;:
  - b. Types of emission inspection failures;:
  - c. Corrective procedures for excessive HC emissions;:
  - d. Corrective procedures for excessive CO emissions;:
  - e. Corrective procedures for excessive NO(x) emissions, for inspectors in area A;:
  - f. Proper ~~carburetor~~fuel system adjustment procedures;:
  - g. Computerized engine control systems;: and
  - h. Regulations governing fleet stations, ~~if applicable~~;
2. ~~With respect to persons being licensed as~~For diesel-powered fleet vehicle emissions inspectors:
  - a. Equipment used in the inspection and the control of opacity and emissions;:
  - b. Corrective procedures for excessive opacity;:
  - c. Proper fuel injection system adjustment procedures;:
  - d. Proper use of tools required by the vehicle manufacturer for field setting of fuel injectors, inlet and exhaust valve clearance, governors, and throttle controls;:
  - e. Computerized engine control systems;: and
  - f. Regulations governing fleet stations, ~~if applicable~~.
3. ~~With respect to persons being licensed as~~For state station vehicle emission inspectors:

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

- a. Air pollution causes and effects;
  - b. Purpose, function and goals of the inspection program;
  - c. State inspection regulations;
  - d. Test procedures and rationale for their design;
  - e. Emission control devices, configuration and inspection;
  - f. Test equipment operation, calibration and maintenance;
  - g. Proficiency in driving the transient test cycle in Table 4.
  - h. ~~g.~~ Quality control procedures;
  - i. ~~h.~~ Public relations; and
  - j. ~~i.~~ Safety and health issues related to the inspection process.
4. ~~Licenses~~For the practical portion of the examination an applicant shall demonstrate the ability, ~~without the assistance of another person,~~ to conduct a proper emissions inspection, including proper use of equipment and procedures, ~~as a condition of passing the licensing examination to pass.~~ If an inspector fails to demonstrate such ability in an audit, either covert or overt, the inspector's license shall be suspended. The suspended licensee shall demonstrate to the Department the skills required by this ~~paragraph~~subsection within 30 days of suspension or such license shall be revoked.
- B. ~~A vehicle emissions inspector~~ If an applicant for licensure as a nondiesel-powered or diesel-powered vehicle emissions inspector ~~license who fails an examination for vehicle emissions inspector~~ the written examination, the applicant shall successfully complete the applicable vehicle emissions inspector state training program ~~before~~ prior to reexamination for licensure.
- C. Applications shall ~~may~~ be obtained from, and approved by, the Department. The application shall contain the following:
1. The type of license requested;
  2. The applicant's name;
  3. The applicant's home address;
  4. The applicant's phone number;
  5. The name of the applicant's employer;
  6. The phone number of the applicant's employer;
  7. The applicant's signature; and
  8. The date of the license request.
- D. All completed applications shall be returned to the Department.
- E. Licenses issued to ~~vehicle vehicular~~ emissions inspectors shall be renewed annually on or before the expiration date. An inspector whose license has expired may not inspect vehicles.
- F. Applications for renewal of ~~vehicle vehicular~~ emissions fleet inspector's licenses shall be submitted within 30 days ~~before~~ prior to the current license expiration date.
- G. The Department may suspend, revoke, or refuse to renew a license if the licensee has violated any provision of Title 49, Chapter 3, Article 5 of the Arizona Revised Statutes or any provision of this Article or fails to continue to demonstrate proficiency to the Department as required in subsection (A).
- H. A ~~vehicle vehicular~~ emissions inspector shall ~~inform~~notify the Department of any change in employment status, due to retirement, resignation or termination, within 7 ~~seven~~ days of such change.
- I. ~~Each vehicular emissions inspector shall be assigned~~The Department shall assign a single, unique, nontransferable inspector's number to each vehicle emissions inspector.

**R18-2-1017. Inspection of ~~Governmental~~Government Vehicles**

- A. Inspection of ~~governmental~~government vehicles operated in areas A and B shall be conducted ~~in any of the following manners~~as follows:
1. At a licensed fleet station operated by the ~~governmental~~government entity;
  2. At a state station upon payment of the fee;
  3. At a state station upon payment ~~pursuant to a contract with the state emissions contractor~~of the contracted fee, either singly or in combination with other ~~government~~ fleet operators.
- B. All ~~governmental~~government vehicles except federally owned vehicles ~~which that~~ are excluded from the definition of motor vehicles ~~pursuant to~~under 40 CFR 85.1703, shall be inspected ~~according to~~ in accordance with this Article and shall have a Government Vehicle Certificate of Inspection ~~an inspection sticker~~ affixed to the vehicle ~~when found to be~~ in ~~conformance~~compliance with state inspection requirements.
1. ~~The inspection sticker shall be in 2 parts. The 1st part, or year sticker, shall designate the year in which the vehicle is due for its next annual or biennial inspection. The 2nd part, or month sticker, shall designate the month of inspection. The year sticker shall bear the last 2 characters of the year, and shall have a single unique serial number. The month sticker shall bear the 3-letter abbreviation for the month of inspection. The vehicle emissions inspector performing the inspection shall punch out select the appropriate year and month on the Government Vehicle Certificate of Inspection stickers to designate when the vehicle is due for its date of the vehicle's next annual or biennial inspection. The selected stickers shall be affixed to the vehicle when found to be in compliance with state inspection requirements.~~

The vehicle emission inspector, at the time of inspection, shall record the serial number of the Government Vehicle Certificate of Inspection ~~year sticker~~ on the vehicle inspection report. If the vehicle emission inspection ~~was~~ performed ~~by~~ at a fleet station, the emission 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~~ "Fleet Vehicle Inspection Report/Monthly Summary" (Form IPS 4008). Presence of a current Government Vehicle Certificate of Inspection ~~expiration inspection stickers~~ indicates a ~~governmental~~government vehicle has met the state of Arizona emission inspection requirements.

2. ~~All~~Government vehicles, with the exception of motorcycles and undercover law enforcement vehicles shall have the Government Vehicle Certificate of Inspection ~~emission expiration stickers~~ affixed to the lower left side of the rear window as determined from a position facing the window, from outside the vehicle. ~~On vehicles that do not have a rear window, If a vehicle does not have a rear window, the Government Vehicle Certificate of Inspection stickers shall be affixed to the lower left corner of the windshield as determined from the driver's position. The month expiration sticker shall be the 1st first sticker affixed adjacent to the left corner, and the year expiration sticker shall be affixed immediately to the right of the month expiration sticker.~~
  3. ~~All~~Government motorcycles shall have the Government Vehicle Certificate of Inspection ~~the year and month expiration inspection stickers~~ affixed to the lower left-hand corner of the windshield ~~as determined from the driver's position. If it is impractical to affix the Government Vehicle Certificate of Inspection stickers incannot be affixed to the lower left-hand corner of the windshield, the Government Vehicle Certificate of Inspection stickers may be affixed to a visible position on the front or left side of the left front fork of the motorcycle. The left hand corner of the windshield or fork shall be determined from the driver's position.~~
  4. ~~Undercover law enforcement vehicles, as evidenced by private vehicle license plates and lack of law enforcement markings or identification, shall have the year and month inspection stickers affixed to the vehicle's log book.~~
- C. The Government Vehicle Certificate of Inspection ~~inspection stickers~~ shall be purchased from ~~supplied by~~ the Department ~~at no charge to the governmental entity, in lots of 25.~~
1. 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 as they apply to issuance of certificates of inspections. Payment for certificates shall be included with an application for certificates. Checks shall be made payable to the Department of Environmental Quality.
  2. Only the Department may sell or otherwise transfer certificates of inspection.
- D. All Government Vehicle Certificates of Inspection ~~inspection stickers~~ shall be designed, issued, and administered, ~~subject to conditions as the Director deems necessary to ensure compliance with this Article. The Department shall be the only source of supply for Government Vehicle Certificates of Inspection inspection stickers.~~
- E. ~~Governmental~~Government entity fleet stations shall inspect ~~all their~~the fleet vehicles according to ~~in accordance with~~ R18-2-1019 except that ~~no a government vehicle certificate of inspection shall only be used for governmentalgovernment~~ vehicles.
- F. A government entity fleet station shall send a quarterly statement identifying vehicles and test results shall be mailed by the governmental entity to the Department within ten working10 business days following the end of the quarter.

**R18-2-1018. Certificate of Inspection**

- A. ~~Certificates of inspection shall be used by a~~ fleet station other than a ~~governmental~~government entity fleet station shall use completed certificates of inspection as evidence that its vehicles ~~have met~~meet the requirements of this Article, unless inspection data is electronically transmitted to MVD under pursuant to A.R.S. § 49-542(Q). ~~If thea fleet vehicle is inspected at a state inspection station, the vehicle inspection report provided under pursuant to R18-2-1011 shall be used.~~
- B. A certificate of inspection shall providecontain the following information:
  1. VIN,
  2. Model year,
  3. License number,
  4. If applicable, a statement that the inspection meets area A requirements ~~Purpose of inspection,~~
  5. Owner of vehicle,
  6. Date of expiration, according to R18-2-1019(F)(1)(b).
  7. Fleet station permit number, and
  8. Inspector's signature and license number.
- C. A certificate of inspection issued to a fleet vehicle is transferable to an auctioneer ~~who intends to sell the vehicle and who is licensed as a used motor vehicle dealer to sell the vehicle.~~ The certificate of inspection is valid for a period not to exceed 180 days after the transfer unless the vehicle is reregistered with a new owner, in which case the vehicle shall be inspected according to ~~in accordance with~~ this Article before the reregistration.
- D. ~~Certificates~~A certificate of inspection, ~~either complete or incomplete, areis~~ not transferable except as indicated~~provided in~~ subsection (C)or except when submitted to MVD for the purpose of vehicle registration.
- E. Only a person who meets the requirements of R18-2-1019(D)(1) is authorized to purchase certificates of inspection, certificates of waiver, or Government Vehicle Certificates of Inspection.

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

**R18-2-1019. Fleet Station Procedures and Permits**

- A.** Vehicles owned by or leased to a holder of a fleet emissions inspection station permit shall be inspected according to R18-2-1006(E) through (I), except as follows:
1. Dealer fleet vehicles in area A held for resale and all area B fleet vehicles, if manufactured in or after the 1981 model year, other than diesel powered, shall be required to take and pass both the curb idle test specified in R18-2-1006(F)(1) and a 2,500 RPM unloaded fast idle test as follows:
    - a. The vehicle's engine shall be operated at 2500,  $\pm$  300 RPM, for up to 30 seconds with the transmission in neutral; and
    - 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.
  2. Dealer fleet vehicles in area A held for resale, if manufactured in or before the 1980 model year other than diesel-powered, shall be required to take and pass a curb idle test according to R18-2-1006(F)(1). The loaded cruise test standards specified in Table 2 of this Article are applicable to fleet vehicles tested with the 2,500 RPM unloaded fast idle test. A fleet emissions inspection station that is unable to test at least 25 vehicles according to R18-2-1006 and this Section shall surrender its license.
- B.** The following equipment requirements shall apply to permits for all fleet stations:
1. If the permit is for the inspection of nondiesel-powered vehicles, all of the following equipment shall be owned or leased by the permit applicant or permit holder, or its employees, and shall be in good working condition:
    - a. Ignition timing light with timing advance tester;
    - b. Ignition-operated tachometer;
    - c. 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; and
    - g. NDIR analyzer.
  2. If the permit is for the inspection of diesel-powered vehicles, all of the following equipment shall be owned or leased by the permit applicant or permit holder, or its employees, and shall be in good working condition:
    - a. Tools for removing fuel pumps and injectors;
    - b. Fuel pressure gauge;
    - c. Opacity meter. The meter shall meet J1667 specifications for vehicles with a GVWR greater than 8500 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;
- C.** The following shall apply to permits for all fleet stations:
1. An owner or lessee of a fleet of 25 or more nonexempt vehicles whose place of business is located in areas A or B may apply to the Director for a permit to establish a fleet station. The Director shall not issue or renew any fleet station permit until the Director has found that the permit applicant or permit holder:
    - a. Maintains an established facility for the inspection, repair and maintenance of the fleet. The facility shall be exclusively rented, leased, or owned by the permit applicant or permit holder.
    - b. Employs trained personnel as follows:
      - i. If the facility is for the repair of nondiesel-powered vehicles, personnel to perform tune-ups of engines and replacement or repair of carburetion and ignition components; and
      - ii. If the facility is for the repair of diesel-powered vehicles, personnel to perform tune-ups and replacement or repair of diesel fuel systems in the vehicle fleet.
    - c. Provides space devoted principally to maintaining or repairing the motor vehicles. The space shall be of sufficient area to conduct maintenance or repair of at least 1 fleet motor vehicle at a time.
    - d. Has obtained a CO and HC emissions analyzer which conforms to the requirements of R18-2-1006 to conduct the emissions inspections.
    - e. Employs a licensed vehicular emissions inspector who performs the necessary inspections. The inspector may be the same person required by subsection (b).
    - f. Provides information to the Department as required in this Section.
    - g. Demonstrates proficiency by passing a Department-administered examination on the statutes and rules for the operation and administration of a fleet emissions inspection station. If the permit applicant or permit holder is not in charge of the day-to-day operation of the fleet station, the individual who is in charge of the day-to-day operation of the fleet station shall be required to pass the examination. The individual shall be known as the fleet agent.

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

2. ~~A dealer's business inventory of vehicles held for resale which exists at the time of inspection of the dealer's fleet for approval of application by the Department shall be used to determine compliance with subsection (1);~~
  3. ~~Application forms may be obtained from the Department;~~
  4. ~~All completed applications shall be submitted to the Department;~~
  5. ~~Before an application for a fleet station permit is approved, an inspection of the premises shall be made by a state inspector;~~
  6. ~~A fleet station shall not inspect or certify vehicles not owned by or leased to the fleet owner. Consignment vehicles shall be tested at a state inspection station according to R18-2-1005(A)(3);~~
  7. ~~A fleet station permit expires 1 year from the date of issuance, except as otherwise provided in Title 41, Chapter 6, Article 6 of the Arizona Revised Statutes;~~
  8. ~~The fleet station permit may be renewed by submittal of a renewal application to the Department within 30 days before expiration;~~
  9. ~~A fleet station permit is valid for only the fleet's inspection facility located at the address shown on the fleet station permit. A separate permit shall be obtained for each inspection facility;~~
  10. ~~Fleet station permits issued by the Director shall not be transferable;~~
  11. ~~If a permit 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. A new permit shall be issued by the Director for the unexpired term;~~
  12. ~~In the event of loss, destruction, or mutilation of a permit, the fleet owner may obtain a duplicate upon furnishing satisfactory proof of the fact. Any fleet that loses a fleet station permit issued by the Director, and after obtaining a duplicate finds the original permit, shall immediately surrender the original permit to the Department;~~
  13. ~~Fleet owners whose permits have expired shall immediately cease fleet inspections, except as otherwise provided in Title 41, Chapter 6, Article 6 of the Arizona Revised Statutes;~~
  14. ~~A fleet station that does not have a vehicular emissions inspector in its employ shall immediately cease to operate as a fleet station and shall notify the Department within 1 day by telephone and in writing within 7 days. All unused vehicle certificates of inspection shall be returned to the Department within 7 days for a refund;~~
  15. ~~A fleet station that does not have a fleet agent in its employ shall immediately cease to operate as a fleet station and shall notify the Department immediately by telephone and in writing within 7 days, unless the permit applicant or other designated employee has taken and passed the examination requirement in subsection (1)(g). The permit applicant or other designated employee shall assume 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;~~
  16. ~~If a fleet station permit is surrendered, suspended, revoked, or is not renewed, all unused vehicle certificates of inspection shall be returned to the Department for a refund; and~~
  17. ~~A permit holder's surrender of a permit shall not deprive the Department of jurisdiction from investigating or disciplining the permit holder.~~
- D.** ~~In addition to the equipment requirements in subsection (B), non-dealer fleets in area A shall have the following:~~
1. ~~Equipment to perform a steady state loaded emission test as required in R18-2-1006(E)(1);~~
  2. ~~Equipment to perform a transient loaded emission test as required in R18-2-1006(E)(2);~~
  3. ~~Equipment for testing evaporative systems for pressure and purge flow as required in R18-2-1006(E)(2); and~~
  4. ~~Ability to perform the maintenance and quality control requirements of R18-2-1006(E)(2) and "High Tech I/M Final Technical Guidance".~~
- E.** ~~The Director may suspend, revoke, or refuse to renew a fleet station permit according to A.R.S. §§ 49-546(F) and 41-1001 et seq. if the permittee, or any person working for or employed by the permittee:~~
1. ~~Violates any provision of Title 49, Chapter 3, Article 5 of the Arizona Revised Statutes or any provision of this Article;~~
  2. ~~Misrepresents a material fact in obtaining a permit;~~
  3. ~~Fails to make, keep, and submit to the Department records for vehicles tested as a permittee;~~
  4. ~~Fails to meet the requirements of subsections (B) through (D); and~~
  5. ~~Does not provide a state inspector access to the records required by this Article.~~
- F.** ~~The fleet station permit and licenses of all fleet inspectors shall be conspicuously displayed within the station.~~
- G.** ~~A fleet station permit holder shall notify the Department in writing within 7 days of any change of the employment status of a fleet station vehicular emissions inspector.~~
- H.** ~~The inspection equipment shall meet the following requirements:~~
1. ~~Each fleet station shall be equipped with at least one emission analyzer which meets the specifications contained in R18-2-1006. Only the equipment necessary to test the types of vehicles in the fleet inventory is required at the fleet stations.~~
  2. ~~All test equipment and instrumentation shall be maintained in accurate working condition as required by the manufacturer. Instruments requiring periodic calibration shall be calibrated according to instructions and recommendations of the instrument or equipment manufacturer. NDIR emission analyzers shall be registered and calibrated according~~

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

to R18-2-1027. Calibration records for each instrument other than NDIR emission analyzers, shall be maintained by the fleet station. The calibration records shall indicate the date and authentication of the technician performing each calibration:

3. The instrument calibration records shall be available for review by the Department.
  4. Working gases used by the fleet station shall be subject to analysis and comparison to the Department's standard gases at any time.
  5. Fleet station equipment shall be subject to both scheduled and unscheduled checks for accuracy and condition by the Department.
- I.** If a fleet station fails to meet all the requirements of subsections (B) and (C)(1), it shall immediately cease to operate as a fleet station until all such requirements are met. If the fleet is cited for failure to have the necessary equipment, it shall not resume operation as a fleet emissions inspection station until compliance is verified by the Department.
- J.** Certificates of inspection shall be processed as follows:
1. A certificate of inspection shall be completed and signed by the vehicular emissions inspector conducting the inspection at the time the vehicle passes inspection. Only the vehicular emissions inspector performing the inspection may sign a certificate of inspection. Certificates shall be issued in numerical order;
  2. For all inspections other than a biennial test, the expiration date shall be 1 year from the date the vehicle passes the mandatory vehicular emissions inspection. For vehicles required to pass a transient loaded emission test, the expiration shall be 2 years after the pass date;
  3. All copies of a certificate of inspection shall be legible;
  4. A certificate of inspection that is incorrect shall have all corrections authenticated by the initials of the vehicular emissions inspector;
  5. 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 in Pima County or the Maricopa County Assessor in Maricopa County for processing of the vehicle's application for title and registration or the Arizona registration card;
  6. The 2nd copy of each completed certificate of inspection, along with the 2nd copy of the Fleet Inspection Report/Monthly Summary, shall be forwarded to the Department monthly, within 2 weeks after the end of the month in which the inspection is conducted;
  7. The 3rd copy of each completed certificate of inspection, along with the original Fleet Vehicle Inspection Report/Monthly Summary, shall be retained for 2 years from the date of inspection;
  8. Unless inspection data is electronically transmitted under A.R.S. § 49-542(Q), the Arizona Department of Transportation Motor Vehicle Division in Pima County or the Maricopa County Assessor in Maricopa County shall accept a signed vehicular emissions certificate as evidence that the vehicle is a fleet-inspected vehicle and meets the state's inspection requirements under R18-2-1007(C);
  9. Vehicular emissions certificates shall be purchased from the Department in lots of 25. If the number of vehicles to be inspected by the fleet station is reduced after purchase of the certificates and before the certificate is used, the excess certificates may be returned to the Department for refund or may be used in subsequent years;
  10. The charge for certificates shall be \$5.00 each. Payment for certificates shall be included with an application for certificates; Checks shall be made payable to the Department of Environmental Quality.
  11. Only the Department shall sell or otherwise transfer certificates of inspection;
  12. The fleet station owner shall be responsible for the security and accountability of all the owner's certificates; and
  13. If any certificates are lost or stolen, the fleet station owner shall notify the Department in writing within 24 hours, indicating the number of certificates lost and the serial numbers. The Department may revoke a fleet station permit for refusal or failure to report lost certificates within 24 hours.
- K.** Each fleet shall obtain a Fleet Vehicle Inspection Report/Monthly Summary from the Department and, for all inspections other than diesel inspections and the transient loaded emissions test, record all of the following information at the time of inspection by the vehicular emissions inspector performing the inspection:
1. The VIN of the vehicle passing inspection;
  2. The vehicle's license number, if applicable;
  3. The HC content of the undiluted exhaust recorded at idle;
  4. The CO content of the undiluted exhaust recorded at idle;
  5. The HC content of the undiluted exhaust recorded at 2500 RPM;
  6. The CO content of the undiluted exhaust recorded at 2500 RPM;
  7. Results of a tampering check;
  8. The vehicle model year;
  9. The vehicle make;
  10. The date of inspection;
  11. The license number of the vehicular emissions inspector conducting the inspection;
  12. The signature of the inspector making the entry; and

Arizona Administrative Register

Notices of Final Rulemaking

- 13. The serial number of the certificate of inspection, recorded in numerical order;
- ~~L.~~ For diesel vehicles, the summary described in subsection (J) shall record opacity rather than undiluted HC and CO readings;
- ~~M.~~ For vehicles required to take the transient loaded emission test, the summary described in subsection (J) shall record the total HC, CO, CO<sub>2</sub> and NOX measured in grams/mile, the evaporative system integrity and the purge test results. The items in subsections (J)(3) through (7) are not required.
- ~~N.~~ Upon request, a state inspector shall be allowed access to and shall be allowed to photocopy on or off the premises the original Fleet Vehicle Inspection Report/Monthly Summaries, the 2nd copies of certificates of inspection, and any other related documents.
- ~~O.~~ Fleet vehicles shall be subject to inspection by state inspectors.
- ~~P.~~ A certificate of waiver may be issued by a fleet inspector other than an auto dealer licensed to sell used motor vehicles under Title 28 of the Arizona Revised Statutes if the requirements of R18-2-1008(A), R18-2-1009, and R18-2-1010 are met according to the following procedure:
  - 1. A certificate of waiver is completed and signed by the vehicular emissions inspector conducting the inspection following completion of a fleet inspection waiver report. The report shall be forwarded to the Department within 3 business days from the date of issuance of the certificate of waiver. A fleet inspection waiver report shall be provided with the purchase of each certificate of waiver. The fleet inspection waiver report shall contain a description of the vehicle, test results, and repairs performed;
  - 2. The expiration date of the certificate of waiver shall be 2 years from the date the waiver is granted for a vehicle required to take a transient loaded emission test, and 1 year for all other vehicles;
  - 3. All copies of the certificate of waiver shall be legible;
  - 4. A certificate of waiver that is incorrect shall have all corrections authenticated by the initials of the vehicular emissions inspector;
  - 5. 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 in Pima County or the Maricopa County Assessor in Maricopa County for processing of either the vehicle's application for title and registration or the Arizona registration card;
  - 6. The 2nd copy of each completed certificate of waiver shall accompany the completed fleet inspection waiver report;
  - 7. The 3rd 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 years from the date of inspection;
  - 8. Unless inspection data is electronically transmitted under A.R.S. § 49-542(Q), the Arizona Department of Transportation Motor Vehicle Division in Pima County or the Maricopa County Assessor in Maricopa County shall accept a signed vehicle emissions certificate as evidence that the vehicle is a fleet inspected vehicle and meets the state's inspection requirements. The certificate must be complete and shall be current;
  - 9. The charge for certificates of waiver shall be \$5.00 each. Payment for certificates shall be included with an application for certificates. Checks shall be made payable to the "Department of Environmental Quality.";
  - 10. Only the Department shall sell or otherwise transfer certificates of waiver;
  - 11. The fleet station owner shall be responsible for the security and accountability of all the owner's certificates; and
  - 12. If certificates are lost or stolen, the fleet station owner shall notify the Department in writing within 24 hours, indicating the number of certificates lost and the serial numbers. The Department may revoke a fleet station permit for refusal or failure to report lost certificates within 24 hours.
- ~~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 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.
  - 2. Application forms for fleet station permits shall be obtained from the Department. All completed applications shall be submitted to the Department. Applications shall be considered "administratively complete" when:
    - a. The Department has received 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 a site inspection.
  - 3. Before an application for a fleet station permit may be approved, 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 1 address, the fleet owner or lessee shall apply for a permit for each facility.
  - 6. Fleet station permits issued by the Director are non-transferable.

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

7. When a permit 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 a duplicate, finds the original, 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 and maintain it 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;
    - c. 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;
    - c. 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);
    - c. 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".
- 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 1 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 1 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 1 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 owned by or leased to a holder of a fleet emissions inspection station permit shall be inspected according to R18-2-1006(E) through (I), except as follows:
1. Dealer fleet vehicles in area A held for resale and all area B fleet vehicles, 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) 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.



*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

- 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.
  2. Dealer fleet vehicles in area A and area B held for resale, 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 test standards in Table 2 shall apply to fleet vehicles tested under the 2,500 RPM unloaded fast idle test.
  3. Dealer fleet vehicles 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 fleet vehicles 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).
  5. Consignment vehicles shall be tested at a state inspection station in accordance with R18-2-1005(A)(3).
- E.** The vehicle emissions inspector shall complete and process the forms for vehicle inspection as follows, except government entity fleets shall issue and process government vehicle certificates of inspection under R18-2-1017:
1. Certificates 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 vehicle emissions inspector performing the inspection may sign a certificate of inspection and the inspector shall initial all corrections. Certificates shall be issued in numerical order;
    - b. For all inspections that do not include a biennial test, the expiration date shall be 1 year from the date the vehicle passes the mandatory vehicle emissions inspection. For vehicles required to pass a biennial test, the expiration date shall be 2 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(O), the original completed certificate shall be presented to the Arizona Department of Transportation Motor Vehicle Division for processing of the vehicle's application for title and registration or the Arizona registration card. The Arizona Department of Transportation Motor Vehicle Division 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 copy of each completed certificate of inspection, along with the 2nd copy of the "Fleet Vehicle Inspection Report/Monthly Summary", to the Department monthly, not later than 2 weeks after the last day of the month in which the inspection is conducted;
    - f. The 3rd copy of each completed certificate of inspection, along with the original "Fleet Vehicle Inspection Report/Monthly Summary", shall be retained for 2 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 as they apply to issuance of certificates of inspections. 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 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 certificates;
    - k. If any certificates are 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 serial numbers. The Department may revoke a fleet station permit for refusal or failure to report lost or stolen certificates 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 or 3rd 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 to the state of administering and enforcing the provisions of this Article as they apply to issuance of Director's certificates. 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 copy of the certificate and retained at the fleet station for 2 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:

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

- 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;
  - d. The CO content of the undiluted exhaust recorded at idle;
  - e. The HC content of the undiluted exhaust recorded at 2,500 rpm;
  - f. The CO content of the undiluted exhaust recorded at 2,500 rpm;
  - g. If applicable, results of a tampering check;
  - h. The vehicle model year;
  - i. The vehicle make;
  - j. The date of inspection;
  - k. The license number of the vehicle emissions inspector conducting the inspection;
  - l. The signature of the inspector making the entry;
  - m. The serial number of the certificate of inspection, recorded in numerical order;
  - n. For vehicles required to take the transient loaded emission test, the inspector shall record the total HC, CO, CO<sub>2</sub> and NOX measured in grams/mile, and the evaporative system integrity test result rather than the items in (c) through (g);
  - o. The registration number of the registered analyzer or opacity meter used to perform the inspection.
  - p. For light duty diesel vehicles, the inspector shall record opacity rather than undiluted HC and CO;
  - q. For heavy duty diesel vehicles, 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.
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 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 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 years from the date that the waiver is issued for vehicles required to take the transient loaded emission test, and 1 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(O), the original completed certificate shall be presented to the Arizona Department of Transportation Motor Vehicle Division 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 may accept the signed certificate of waiver as evidence that the vehicle is a fleet inspected vehicle and has met the inspection requirements of this Article if the certificate is complete and the expiration date has not passed.
  - g. The 2nd copy of each completed certificate of waiver shall accompany the completed fleet inspection waiver report.
  - h. The 3rd 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 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 to the state of administering and enforcing the provisions of this Article as they apply to issuance of certificates of waivers. 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 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 certificates.

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

- l. If any certificates are 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 serial numbers. The Department may revoke a fleet station permit for refusal or failure to report lost or stolen certificates 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 or 3rd 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 to the state of administering and enforcing the provisions of this Article as they apply to issuance of Director's certificates. 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 copy of the certificate and retained by the fleet for 2 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 copy of certificates 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 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 requiring periodic calibration shall be calibrated according to instructions and recommendations of the instrument or equipment manufacturer. NDIR emission analyzers shall be registered and calibrated according to R18-2-1027. Calibration records for each instrument, except NDIR emission analyzers, 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 (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 days of the end of employment of any vehicle emissions inspector. 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 days in writing. All unused vehicle certificates of inspection shall be returned to the Department within 7 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 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.
- 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;

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

- b. Misrepresents a material fact in obtaining a permit;
- c. Fails to make, keep, and submit to the Department records for vehicles 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 subject to inspection by state inspectors.
- 5. Surrender of a permit under subsection (A)(8) or (G)(4) shall not prevent the Department from carrying out investigative or disciplinary proceedings against the permit holder for violations prior to surrender.

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

- A.** Licensing of 3rd Party Agents. The Department shall accept an application for a 3rd party agent license to issue Alternative Fuel Certificates from any person who demonstrates all of the following:
  - 1. The applicant has knowledge of all laws and rules governing the inspection of alternative fuel vehicles;
  - 2. The applicant has training or experience in inspecting alternative fuel vehicles; and
  - 3. The applicant agrees to conduct inspections in accordance with the laws and rules for the inspection of alternative fuel vehicles.
- B.** A 3rd party agent license is valid for a period of 5 years.
- C.** Issuing Alternative Fuel Certificates. The Department or its agent shall issue an Alternative Fuel Certificate according to A.R.S. § 28-5805 if the vehicle is currently powered by an alternative fuel as defined in A.R.S. § 1-215(4).

**R18-2-1022. ~~Procedure for waiving inspections due to technical difficulties~~ Waiving Inspections Due to Technical Difficulties**

- ~~A.~~ Any vehicular emissions station manager employed by an official emissions inspection station may issue a Director's certificate for any vehicle that cannot be subjected to the inspection inspected as required by this Article because of technical difficulties inherent in the manufacturer's design or construction of the vehicle. A copy of the completed Director's certificate shall be forwarded to the Department.
- B.** The form for the Director's certificate will be supplied by the Department.

**R18-2-1023. Certificate of Exemption for Out-of-State Vehicles**

- A.** ~~When~~ If a vehicle being registered or reregistered in area A or area B requires an emission test and will not be available for inspection within the state during the 90-day period before prior to the emissions compliance expiration date, and an emissions inspection is not available for that class of vehicle at an official inspection station in the area where the vehicle is located, the owner or owner's agent may apply in writing to the Department for a certificate of exemption.
- B.** The owner or owner's agent shall complete the affidavit owner portion of the certificate of exemption form, and a law enforcement official shall complete the vehicle verification portion. The owner or owner's agent shall submit the completed form to the Department as evidence of meeting the requirements of this Article.
- ~~C.~~ When the application for a certificate of exemption indicates that the vehicle has been available within the first 60 days of the 90-day period prior to emission compliance expiration but the vehicle owner demonstrates to the Department that it would be impracticable to return the vehicle to the state for the inspection prior to emission compliance expiration, a Director's certificate may be issued in lieu of an exemption.
- C.** ~~A~~ certificate of exemption shall be issued by the ~~The~~ Department shall issue a certificate of exemption:
  - 1. For a vehicle that meets the requirements of subsection (A) as indicated by the form completed under subsection (B).
  - 2. ~~to~~ For a vehicle that has passed a statutory an official emissions inspection in another state during the 90 days before prior to emissions compliance expiration upon submission of the inspection compliance document issued by the governmental government entity conducting the inspection program.
- ~~D. E.~~ The charge for certificates fee for a certificate of exemption 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 as they apply to issuance of certificates of exemption. \$3.00 each. The payment for the certificates shall be included with the application for certificates. Checks shall be made payable to the "Department of Environmental Quality."

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

- A.** State stations shall be inspected by state inspectors as follows:
  - 1. In Area A:
    - a. Automated emission analyzers, calibrated and maintained according to "IM240 and Evap Technical Guidance", shall be inspected using state station field calibration gases at least once every other month. twice within each 30 day period
    - 2. b. Opacity meters shall be inspected for accuracy using a neutral density filter at least once each month twice within each 30 day period.
    - 3. c. During audits, a check shall be made for equipment tampering, worn instrumentation, blocked filters, and other conditions which that would impair accurate sampling.

**Notices of Final Rulemaking**

4. ~~Functional checks of dynamometer accuracy including roll speed and power absorption shall be performed at least quarterly.~~
2. In Area B:
  - a. Automated emission analyzers shall be inspected using state station field calibration gases at least 2 times each month.
  - b. Opacity meters shall be inspected for accuracy using a neutral density filter at least 2 times each month.
  - c. During audits, a check shall be made for tampering, worn instrumentation, blocked filters, and other conditions that would impair accurate sampling.
  - d. Functional checks of dynamometer accuracy including roll speed and power absorption shall be performed at least quarterly.
- B. Equipment used to perform a transient loaded emission test~~test~~, shall be audited at least twice ~~annually~~ a year for all of the following:
  1. Constant volume sampler critical flow and calibration;
  2. Optimization of the flame ionization detector ~~fuel/air~~ 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 ~~purge~~ and integrity analysis systems for accuracy, response time, and other criteria consistent with "IM240 and Evap Technical Guidance"; and ~~High-Tech IM Final Technical Guidance~~
  6. Functional gas cap analysis equipment.
- C. If an equipment audit of an inspection lane in either area A or area B indicates that a state station analyzer is not operating within ~~tolerance~~ contractually specified tolerance, the state inspector shall immediately ~~re-audit~~ re-audit the failing equipment. If the equipment fails the ~~2nd~~ second audit, the inspector shall immediately notify the station manager. ~~management shall be notified immediately and~~ The station manager shall either replace or repair the failing equipment or close the affected lane until such time as the equipment is properly repaired and its accuracy verified. ~~A~~ The state inspector shall provide a copy of the analyzer readings shall be provided analyzer's failing results to the state station manager.
- D. Any ~~A~~ state station analyzer ~~retired~~ removed by the contractor may be returned to service upon its repair and written verification of a passing calibration audit. ~~The Department~~ contractor shall ~~be notified~~ immediately notify the Department in writing upon its of the analyzer's return to service, ~~and the~~ The contractor's calibration ~~results~~ audit of the subject analyzer shall be supplied provided to the Department within 7 calendar days after the analyzer's return to service.
- E. Performance State inspectors shall conduct performance audits ~~shall be conducted~~ to determine whether vehicle emissions inspectors are correctly performing inspections and ~~other related~~ functions related to inspections as follows:
  1. Overt audits at least 2 times each ~~twice~~ per year for each inspection lane:
    - a. Check for proper document security;
    - b. Check for required record keeping including vehicle emissions inspector licenses; and
    - c. Observation and written evaluation of each vehicle emissions inspector's ability to perform an inspection.
  2. Covert audits at least 1 time each ~~once~~ per year per licensed inspector employed by the independent contractor:
    - a. Remote visual observation of inspector performance;
    - b. Site visits using covert vehicles set to fail inspection.
  - 2.3 Station State station and vehicle emissions inspector records shall be reviewed at least monthly to assess station performance and identify any problems, indicating potential fraud, or incompetence.
  - 3.4. In the event that an If a vehicle emissions inspector fails any of the above an audit under subsection (E)(1) or (E)(2), the vehicle emissions inspector's license may be suspended or revoked according to R18-2-1016(A)(4) ~~the provisions of this Article.~~
- F. On-road emissions analyzers shall be inspected by a state inspector at least monthly using dry-gas analysis equipment.
- G. If an equipment audit indicates that an on-road emissions analyzer is not operating within contractually specified tolerance, the state inspector shall immediately re-audit the failing equipment. If the equipment fails the 2nd audit, the inspector shall immediately notify the contractor and the contractor shall repair or replace the equipment according to subsections (C) and (D).

**R18-2-1026. Inspection of Fleet Stations**

- A. Equipment used by fleet stations shall be inspected by state inspectors for accuracy as follows:
  1. Emission analyzers shall be inspected using field calibration gases at least quarterly ~~once within each three-month period~~.
  2. The ~~opacity~~ Opacity meters used by fleet stations shall be inspected by state inspectors for accuracy using a neutral density filter at least quarterly ~~once within each three-month period~~.
  3. Equipment used to perform for transient loaded emissions tests shall be inspected according to ~~in accordance with~~ R18-2-1025(A) and (B).
- B. A fleet station's emissions analyzer shall not be used for an official emissions inspection if:
  1. it does not read the The state's field calibration gases are not read within the tolerances prescribed by subsection (J);
  2. if there There is a leak in the sampling systems or the calibration port; or

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

---

3. ~~or if the~~The sample handling system is restricted.
- C. The fleet station ~~shall be~~ responsible for calibration of the fleet station emission analyzer.
- D. A state inspector may, at the inspector's discretion, allow ~~an employee of the~~ fleet station employee, or someone ~~other than a state inspector~~ and authorized by the fleet station, to calibrate the analyzer utilizing the state's field calibration gases.
- E. ~~Any technician for a fleet station emission analyzer may purchase calibration gases from a private source and submit them to the Department to have their HC and CO concentrations assigned by the Department. The Department shall assign HC and CO concentrations to a calibration gas submitted by a fleet station emission analyzer technician and purchased from a private source.~~
- F. A state inspector shall tag a fleet station emission analyzer ~~upon determining that~~ if the analyzer does not meet the requirements of this Section. ~~Such~~The fleet vehicle emissions inspector shall not use the analyzer ~~shall not be used~~ for inspection until the tag is removed by a state inspector or ~~a licensed analyzer repair facility~~ person certified under R18-2-1028. The tag shall be in the form of a U.S. postcard and contain the following information as a minimum: the information listed in R18-2-1027(E).
1. ~~A brief statement that the analyzer does not meet state operating requirements for official emissions inspection purposes;~~
  2. ~~The values of the state field calibration gases used and the analyzer readings obtained;~~
  3. ~~The date of the state's inspection;~~
  4. ~~The signature of the state inspector tagging the analyzer, and~~
  5. ~~The reason for tagging.~~
- G. An analyzer tagged ~~under in accordance with~~ subsection (F) shall not be returned to service until its accuracy is verified by a state inspector or an emissions analyzer repair person certified ~~under pursuant to~~ R18-2-1028.
- H. ~~All~~A fleet station operator is responsible for periodic maintenance and calibrations of ~~their~~its emissions analyzers. Repair and maintenance requirements are prescribed in R18-2-1019.
- I. ~~If a state inspector has approved its use,~~ a fleet station may lease or borrow an emission analyzer for ~~temporary use~~ official inspections for up to 6 months while the station's approved analyzer is being repaired ~~provided that a state inspector has approved its use.~~
- J. Fleet station analyzers used for transient loaded ~~testing tests~~ shall ~~conform to comply with~~ and be quality control checked ~~according to in accordance with "IM240 and Evap Technical Guidance"~~ High Tech IM Final Technical Guidance. All other fleet station emission analyzers used for ~~the~~emissions inspections are required to read the ~~field~~ calibration gases within the following tolerances:
1. Within plus 0.50% CO to minus 0.25% CO in the range from 0 to 2% CO;
  2. Within plus 1.00% CO to minus 0.50% CO in the range from 2% to 10% CO;
  3. Within 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. Within plus 200 PPM HC to minus 100 PPM HC in the range from 500 to 2,000 ~~2000~~ PPM HC when read as N-HEXANE.
- K. ~~All~~A fleet station opacity ~~meters~~meter used for ~~the~~emission inspections ~~are~~is required to read the equivalent opacity value of a neutral density ~~filters~~filter within ± plus or minus 5% opacity ~~over at any point in~~ the range of the meter.
- L. A state inspector shall conduct performance audits to determine whether ~~inspectors are~~ vehicle emissions inspector is correctly performing ~~all tests~~inspections and ~~other related functions~~ related to inspections as follows:
1. Overt audits at least 2 times each ~~twice per~~ year for each facility:
    - a. Check for proper document security;
    - b. Check for required record keeping including vehicle emissions inspector licenses; and
    - c. Observe and make a written evaluation of each vehicle emissions inspector's ability to perform an inspection.
  2. ~~Station~~Fleet station and vehicle emissions inspector records shall be reviewed at least monthly to assess fleet performance and identify any problems, ~~indicating~~ potential fraud, or incompetence.

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

- ~~A.~~ Any equipment repair person or facility or registered analyzer holder who calibrates or services NDIR HC and CO exhaust emission analyzers may purchase calibration gases and submit these gases to the Department to have their hexane and CO concentrations assigned or may purchase gas blends specified by the Department from approved sources. ~~Approved sources will be published by the Department.~~
- ~~A.B.~~An automotive repair facility may apply to the Department at no charge for registration of NDIR HC and CO analyzers, and opacity meters. ~~All~~NDIR emission analyzers and opacity meters ~~utilized~~used by fleet inspection stations shall be registered ~~as part of the~~for fleet station permit approval. Application forms for analyzer or opacity meter registration are available from the Department. Completed application forms shall be submitted to the Department. For purposes of Chapter 1 of this Title, the application components for registration of an analyzer or opacity meter are:
1. The Department receives a completed application form;
  2. The applicant or employee successfully completes the "Certified Technician" examination described in R18-2-1028(A)(2); and

3. The Department inspects the analyzer.

~~B.C.~~ A registered analyzer shall be calibrated at least monthly once each month, by a certified technician, with calibration gases approved by the Department. A registered opacity meter shall be calibrated according to manufacturer's specifications before performing the 1st vehicle emissions inspection in any month.

~~C.D.~~ A registered analyzer shall meet the requirements of R18-2-1006(F)(6)(a). Calibration must shall be verified by a state inspector before the analyzer may be registered. To qualify for registration the analyzer must shall read the value of the field 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 ~~2000~~ PPM HC when read as N-HEXANE.

~~D.E.~~ Each registered opacity meter and analyzer shall have a unique registration number assigned by the Department. A technician shall maintain a repair and calibration log shall be maintained for each registered opacity meter and analyzer on a form prescribed and provided by the Department. The log shall be made available to any a state inspector on request and shall remain the property of the Department.

~~E.F.~~ A state inspector shall tag a registered opacity meter or analyzer upon determining that if the opacity meter or analyzer does not meet the requirements of this Section. Such a tagged opacity meter or analyzer shall not be used for the purposes of R18-2-1010 or R18-2-1019 until the tag is removed by a state inspector or an emission analyzer repair person certified under pursuant to R18-2-1028 after the accuracy is verified.

~~1.~~ The tag shall be returned to the Department within two working days after the calibration audit.

~~2.~~ The tag shall be in the form of a U.S. postcard and provide contain the following information:

- a. Analyzer registration number or ~~and/or~~ opacity meter registration number;;
- b. Brief statement that the analyzer does not meet state operating requirements for registered analyzers;
- ~~b.c.~~ Reason for failure, tagging;
- ed. Date the analyzer was tagged and the signature Signature of state inspector issuing the tag;
- d. ~~Date of issuing the tag;~~
- e. Details of repairs performed to correct the failure;
- f. CO and HC concentrations of calibration gases used to ~~confirm~~ verify analyzer accuracy;;
- g. Analyzer readings when gases were introduced into the analyzer sampling probe; and
- h. Repair person's ~~certification~~ certificate number and signature or signature of state inspector removing the tag and date of ~~calibration audit~~ accuracy is verified.

2. The tag shall be returned to the Department within 2 business days after accuracy is verified.

~~G.~~ All holders of registered emissions analyzers or opacity meters must employ a person certified in accordance with R18-2-1028 or licensed in accordance with R18-2-1019 as a condition of registration.

~~H.~~ Holders An owner of a registered emission analyzers analyzer or opacity meters meter shall notify the Department within 7 working business days of the change in employment retirement, resignation, or termination of any licensed vehicle emissions inspector or certified mechanic technician. Analyzer registration shall become invalid immediately when no licensed inspector or certified mechanic is employed. The Department shall revoke the registration of an emission analyzer or opacity meter if the owner of the analyzer or meter does not employ an inspector licensed under R18-2-1019 or a technician certified under R18-2-1028.

#### **R18-2-1028. Certification of Users of Registered Analyzers and Analyzer Repair Persons**

A. A person may be certified to use a registered analyzer and opacity meter ~~provided if:~~

1. ~~Application is made~~ The person completes the application form and submits it to the Department; and
2. ~~Proficiency is demonstrated~~ The person demonstrates proficiency by passing an scoring 80% or higher on a Department-administered examination in the following areas:
  - a. Equipment used in the inspection and control of emissions;;
  - b. Types of emissions inspection failures;;
  - c. Correction procedures for excessive HC emissions;;
  - d. Correction procedures for excessive CO emissions;;
  - e. Proper carburetor adjustment procedures; and
  - f. Diesel fuel injection systems.

B. Certification ~~under pursuant to~~ subsection (A) shall be valid for 1 ~~one~~ year from date of issue and may be renewed, under the conditions of subsection (A), by submitting a renewal application to the Department 30 days ~~before~~ prior to the current certification expiration date.

C. ~~Persons~~ A person certified ~~under pursuant to~~ subsection (A) shall notify the Department within 7 business ~~seven working~~ days of ~~any change in employment status~~ the person's retirement, resignation, or termination from employment.

D. A person may be certified to repair and remove tags from an emission analyzer ~~under pursuant to~~ R18-2-1027 ~~provided if:~~

1. Application is made to the Department;

Notices of Final Rulemaking

- 2. ~~Proficiency is demonstrated~~The person demonstrates proficiency by ~~passing and scoring 80% or higher on a Department-administered~~ examination in the following areas:
  - a. State and federal regulations governing emissions analyzers,
  - b. Fundamentals of emission analyzer operation, repair and preventive maintenance, and
  - c. Theory of operation of ~~vehicle~~ vehicular emissions control devices.
- E. Certification ~~under pursuant to~~ subsection (D) shall be valid for ~~1 one~~ year from date of issue and may be renewed, under the conditions of subsection (D), by submitting a renewal application to the Department 30 days ~~before prior to~~ the current certification expiration date.
- F. Each person ~~licensed or certified under pursuant to~~ this Section shall receive a unique nontransferable certification number.
- G. The Department may suspend, revoke or refuse to renew the certification ~~of a user of a registered analyzer or an analyzer repair person issued under subsection (A) if:~~
  - 1. ~~The person's actions demonstrate a lack of proficiency in the areas listed under subsection (A)(2); or~~
  - 2. ~~the~~The person has willfully violated any provision of this Article.
- H. The Department may suspend, revoke or refuse to renew the certification issued under subsection (D) if:
  - 1. ~~The person's actions demonstrate a lack of proficiency in the areas listed under subsection (D)(2); or~~
  - 2. ~~The person has willfully violated any provision of this Article.~~

**R18-2-1029. Vehicle ~~emission control devices~~Emission Control Devices**

For the ~~purposes of A.R.S. §§ 28-955 and 49-447~~ purpose of A.R.S. § 49-447, ~~each~~ registered motor vehicle shall have in operating ~~status and~~ condition all emission control devices ~~which were~~ installed by the vehicle manufacturer to comply with federal requirements for motor vehicle emissions or equivalent aftermarket replacement parts or devices.

**R18-2-1030. Visible ~~emissions; mobile sources~~Emissions; Mobile Sources**

- A. ~~Any~~A vehicle other than a diesel-powered vehicle or 2-stroke ~~two-stroke~~ vehicle that emits any visible emissions for 10 ~~ten~~ consecutive seconds or more is "excessive" for the purposes of A.R.S. § ~~28-955(B)~~28-955(C).
- B. ~~No~~A diesel-powered vehicle shall not emit any visible emissions in excess of:
  - 1. ~~20%~~Twenty percent visual opacity for 10 consecutive seconds or more at or below 2,000 ~~2000~~ feet ~~altitude, elevation;~~
  - 2. ~~in excess of 30%~~Thirty percent visual opacity for 10 consecutive seconds or more above 2,000 ~~2000~~ feet and at or below 4,000 ~~4000~~ feet ~~altitude, elevation; and~~
  - 3. ~~nor in excess of 40%~~Forty percent visual opacity for 10 consecutive seconds above 4,000 ~~4000~~ feet ~~altitude, elevation.~~
- C. ~~Exceeding these~~A vehicle that exceeds the standards in subsection (B) shall cause the vehicle to fail the inspection if being inspected pursuant to under R18-2-1006 and is presumed to be considered to have "excessive" emissions for the purposes of under A.R.S. § 28-955(B)28-955(C).

**NOTICE OF FINAL RULEMAKING**

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

**PREAMBLE**

- 1. **Sections Affected**

R20-5-601 R20-5-602	<b><u>Rulemaking Action</u></b> Amend 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. § 23-405(4)
  - Implementing statute: A.R.S. § 23-410
- 3. **The effective date of the rules:**
  - January 14, 2000
- 4. **A list of all previous notices appearing in the register addressing the Proposed Rule:**
  - Notice of Rulemaking Docket Opening, 5 A.A.R. 397, January 29, 1999
  - Notice of Rulemaking Docket Opening, 5 A.A.R. 2391, July 23 1999
  - Notice of Proposed Rulemaking, 5 A.A.R 2430, July 30, 1999
- 5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
  - Name: Patrick Ryan



Arizona Administrative Register

Notices of Final Rulemaking

Address: Division of Occupational Safety and Health  
Industrial Commission of Arizona  
800 West Washington Street, Suite 203  
Phoenix, Arizona 85007

Telephone: (602) 542-1695

Fax: (602) 542-1614

e-mail: pat.ryan@osha.gov

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

R20-5-601 requires change to incorporate amendments to a number of various sections of the construction standards (29 CFR 1926) as published in 63 FR 33450-33469 on June 18, 1998, amendments for occupational exposure to asbestos in the construction industry as published in 63 FR 35137-35138 on June 29, 1998, amendments for the powered industrial truck operator training standards in the construction industry as published in 63 FR 66237-66274 on December 1, 1998.

R20-5-602 requires change to incorporate amendments to a number of various sections of the general industry standard as published in 63 FR 33450-33469 on June 18, 1998, amendments for occupational exposure to methylene chloride for general industry as published in 63 FR 50711-50732 on September 22, 1998, amendments to the powered industrial truck operator training standard for general industry as published in 63 FR 66237-66274 on December 1, 1998, amendments for the permit-required confined space standard for general industry as published in 63 FR 66018-66036 on December 1, 1998, amendments for the dipping and coating operations standard for general industry as published in 64 FR 13897-13912, on March 23, 1999.

Under its approved state program enforcing the Occupational Safety and Health Act, the state must adopt standards that are at least as effective as those adopted by the U.S. Department of Labor. Therefore, the Industrial Commission updates its occupational safety and health standards by adopting by reference the most current and applicable federal occupational safety and health standards for construction and general industry.

**7. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed 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 Federal Occupational Safety and Health Administration has determined that these amendments will have minimal to modest impact for most affected industry groups and has determined the amendments to be economically feasible for all industries including small business. Cost and benefit analysis of these amendments is available for inspection, review, and copying at the Industrial Commission of Arizona, Division of Occupational Safety and Health, 800 West Washington Street, Phoenix, Arizona 85007.

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

None.

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

No comments, either oral or written 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. Incorporation by reference and their location in the rules:**

29 CFR 1926, *Federal Occupational Safety and Health Standards for the Construction Industry*, with amendments as of December 1, 1998. This incorporation by reference will appear in A.A.C. R20-5-601.

29 CFR 1910, *Federal Occupational Safety and Health Standards for General Industry*, with amendments as of March 23, 1999. This incorporation by reference will appear in A.A.C. R20-5-602.

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

No.

**15. The full text of the rule follows:**

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

**ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH CONSTRUCTION STANDARDS**

Section

R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926

R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910

**ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH CONSTRUCTION STANDARDS**

**R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926**

Each employer shall comply with the standards enumerated in the *Federal Occupational Safety and Health Standards for Construction*, as published in 29 CFR 1926, with amendments as of ~~December 1, 1998, January 8, 1998,~~ incorporated by reference and on file with the Office of the Secretary of State. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to construction activity by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1926 published after ~~December 1, 1998, January 8, 1998.~~

**R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910**

**A.** Each employer shall comply with the standards in Subparts C through Z inclusive of the *Federal Occupational Safety and Health Standards for General Industry*, as published in 29 CFR 1910, with amendments as of ~~March 23 1999 January 8, 1998,~~ incorporated by reference and on file with the Office of the Secretary of State. Copies of these reference materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to general industry activity by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1910 published after ~~March 23, 1999, January 8, 1998.~~

**B.** No change.

**C.** No change.

**D.** No change.