

**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**



18 AAC 52

Emissions Inspection and Maintenance Requirements for Motor Vehicles

As Amended through November 4, 2009

IMPORTANT NOTE TO READER

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The regulations have an effective date of November 4, 2009, are in Register 192, and will appear in official published form in the January 2010 Supplement to the Alaska Administrative Code.

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**CHAPTER 52. EMISSIONS INSPECTION AND MAINTENANCE REQUIREMENTS
FOR MOTOR VEHICLES.**

Article

1. Emissions Inspection and Maintenance Requirements (18 AAC 52.005 - 18 AAC 52.105)
2. Centralized Program Requirements (Reserved)
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9. General Provisions (18 AAC 52.990)

Editor's notes. - Effective February 1, 1994, Register 129, the regulations in 18 AAC 52 were comprehensively reorganized and revised. They replaced all previous regulations in this chapter, which were repealed simultaneously with the adoption of these regulations. The history line at the end of each section does not reflect the history of that provision before February 1, 1994, nor is the section numbering related to the numbering before that date. Previous provisions of and amendments to this chapter are on file in the Office of the Lieutenant Governor in Register 94, 5/19/85; Register 106, 6/2/88, and Register 125, 2/19/93.

ARTICLE 1. EMISSIONS INSPECTION AND MAINTENANCE REQUIREMENTS.

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18 AAC 52.005. APPLICABILITY AND GENERAL REQUIREMENTS. (a)

Subject to the other provisions of this section, including the exemptions set out in (f) of this section, the maintenance requirements of 18 AAC 52.015(a) apply to

(1) a motorist; and

(2) a person engaged in the business of maintaining, repairing, or otherwise servicing emissions control systems.

(b) The requirements of (c) of this section apply to

(1) a motorist who resides in an inspection and maintenance (I/M) area identified in (g) of this section;

(2) a motorist whose motor vehicle is principally located or operated in an I/M area;

(3) a motorist who commutes into the Municipality of Anchorage I/M area;

(4) a motorist who attends school at the University of Alaska within the Fairbanks North Star Borough I/M program area; and

(5) a motorist described in (1) - (4) of this subsection whose motor vehicle is located within an I/M area on a public right-of-way, public land, or on commercial premises such as a parking lot that is open to the public.

(c) In addition to the requirements of (a) of this section,

(1) a motorist described in (b) of this section shall

(A) have that motorist's motor vehicle inspected every two years as required by this chapter unless

(i) the requirement is waived under 18 AAC 52.060; or

(ii) the vehicle is a model year (MY) 2006 or newer; if the vehicle is a model year 2006 or newer, the vehicle's first inspection is due when the current calendar year equals the vehicle model year plus six years; subsequent inspections are due every two years after the year the vehicle's first inspection is due;

(B) have one of the following types of windshield stickers permanently affixed to the vehicle's windshield:

(i) certificate of inspection;

(ii) seasonal waiver;

(iii) new vehicle;

(iv) diesel exemption;

(C) comply with the maintenance practices for the motor vehicle emissions control system to reduce air pollution required by 18 AAC 52.015(b) and any additional emissions-related maintenance practices recommended by the manufacturer; and

(D) have the emission-related vehicle repairs required by 18 AAC 52.065 performed and, if the repairs are to be applied to the repair cost minimum, ensure that the repairs are made by a certified mechanic;

(2) a motorist described in (b)(1) of this section and a motorist described in (b)(2) of this section shall obtain a certificate of inspection as required under (1) of this section by having the vehicle inspected within 90 days before registration is due under AS 28.10.108;

(3) a motorist described in (b)(3) of this section shall have the vehicle inspected before commuting into the Municipality of Anchorage I/M area and every two years thereafter; and

(4) a motorist described in (b)(4) of this section shall have the vehicle inspected before attending the University of Alaska within the Fairbanks North Star Borough I/M program area and every two years thereafter for as long as the motorist attends the University of Alaska within the Fairbanks North Star Borough I/M program area.

(d) Except for a vehicle described in (f) of this section, the motorist of a vehicle registered in another state shall obtain a certificate of inspection within 30 days after

(1) a change in the motorist's residence from a non-I/M area to an I/M area; or

(2) the vehicle begins to be principally located or operated in an I/M area.

(e) In addition to the requirements of (a) - (d) of this section, this chapter

(1) governs an I/M program established by an implementing agency and requires the implementing agency to conduct that program in accordance with this chapter and the department's *Alaska I/M Program Manual* dated December 16, 2005, which is adopted by reference;

(2) requires a person engaged in the business of maintaining, repairing, or otherwise servicing vehicle emissions control systems in an I/M area to conduct business in accordance with this chapter, including, when applicable,

(A) meeting the certification requirements for

(i) mechanics set out in 18 AAC 52.400; and

(ii) stations set out in 18 AAC 52.415; and

(B) using the inspection and repair procedures required by this chapter, including the procedures set out in the program manual; and

(3) requires a department, agency, or instrumentality of the federal government with jurisdiction over a property or facility within an I/M area, before a vehicle is allowed to operate on that property or facility, to

(A) require employees or contractors who operate a vehicle on the property or facility to furnish proof of compliance with this chapter; for purposes of this subparagraph, proof of compliance may be

- (i) a valid certificate of inspection for the vehicle;
- (ii) proof of vehicle registration in the I/M area; or
- (iii) another method approved by the implementing agency; and

(B) obtain a valid certificate of inspection for each motor vehicle owned or leased by the federal government and located or operated on the property or facility, unless the implementing agency, in its discretion, allows the use of an alternate method of compliance with this subparagraph.

(f) The I/M requirements of this chapter do not apply to

- (1) a 1967 or older motor vehicle;
- (2) Repealed 02/18/2006;
- (3) a gasoline-powered motor vehicle that has an unladen weight of 12,001 pounds or heavier;
- (4) a test vehicle for which the department has issued a written exemption;
- (5) a military tactical vehicle such as a tank;
- (6) a motorcycle, golf cart, all-terrain vehicle, snow machine, and motor-driven cycle (moped);
- (7) a motor vehicle that has been or will be in Alaska for less than 30 days; or
- (8) an electric vehicle
- (9) a motor vehicle for which the division of motor vehicles in the Department of Administration has issued, under AS 28.10.181(b) and 13 AAC 40.010, a current, valid special registration and registration plates for a historic vehicle; or

(10) a motor vehicle for which the division of motor vehicles in the Department of Administration has issued, under AS 28.10.181(r) and AS 28.90.990, a current, valid special registration and registration plates for a custom collector vehicle.

(g) For purposes of this chapter, each of the following is an I/M area:

- (1) the Municipality of Anchorage; and
- (2) the Fairbanks North Star Borough;

(h) The department will administer an I/M program that applies to motorists who commute into the Municipality of Anchorage I/M area, as provided in 18 AAC 52.030.

(i) For purposes of this chapter, the department may, under 18 AAC 52.007, suspend or reestablish an I/M program in an I/M area described in (g) of this section and in 18 AAC 52.030. Not less than 30 days before the suspension or 275 days before the reestablishment of an I/M program in an I/M area, the department will send notice to that I/M area's

(1) newspaper of general circulation for publication; and

(2) local air pollution control program office. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/4/95, Register 133; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 02/18/2006, Register 177; am 5/17/2008, Register 186; am 11/4/2009, Register 192)

Authority: AS 46.03.010 AS 46.14.030 AS 46.14.510
AS 46.03.020

Editor's note: As provided in AS 45.45.400(a), certain requirements of this chapter extend to a person engaged in the business of selling used vehicles. The program manual adopted by reference in this section may be reviewed at or obtained from the implementing agency or the department's Anchorage, Fairbanks, or Juneau office.

18 AAC 52.007. SUSPENSION AND REESTABLISHMENT OF I/M REQUIREMENTS. (a) Subject to (b) of this section, if an I/M area attains the NAAQS for carbon monoxide, and after consultation with and approval by the EPA administrator of an applicable revision to the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, the department will suspend the I/M program of this chapter in that I/M area pursuant to 18 AAC 52.005(i).

(b) If the I/M program in an I/M area is suspended under (a) of this section, and the I/M area violates the NAAQS for carbon monoxide, and the department determines through consultation with EPA that reestablishing the I/M program is the appropriate measure to

implement under the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, the department will reestablish the I/M program under 18 AAC 52.005(i) and 18 AAC 52.030.

(c) In this section, “NAAQS” has the meaning given in 18 AAC 53.990. (Eff. 5/17/2008, Register 186)

Authority: AS 46.03.010 AS 46.14.030 AS 46.14.510
AS 46.03.020

18 AAC 52.010. I/M PROGRAM ADMINISTRATION OFFICE. There is created within the department's air quality improvement section, a department office responsible for administration and enforcement of all aspects of the I/M program (I/M office). The I/M office will

- (1) administer and enforce the requirements of this chapter, including ensuring that the requirements of this chapter are followed under each I/M program implemented or administered under this chapter;
- (2) evaluate, and approve or disapprove I/M program plans submitted under 18 AAC 52.035;
- (3) accept complaints from the public against certified mechanics or stations;
- (4) investigate and gather evidence regarding suspected violations of this chapter;
- (5) suggest measures to resolve disputes between motorists and certified mechanics or stations;
- (6) approve referrals to the referee facility described in 18 AAC 52.070;
- (7) keep, as a public record, a list of the
 - (A) names and addresses of all certified mechanics and stations; and
 - (B) manufacturers of equipment certified for use under this chapter;
- (8) provide materials to assist the public in understanding and complying with the requirements of this chapter;
- (9) send each certified station that is subject to a department-administered I/M program, a newsletter describing recently adopted ordinances, procedure changes, suspension or revocation hearings, and any other information that the program administrator determines will benefit the I/M program;

(10) routinely evaluate the effectiveness of each I/M program created under this chapter through the analysis of data obtained from certified stations and from special studies;

(11) at the request of the office of the governor, submit a report to the governor on the status and effectiveness of the statewide I/M program; the I/M office will have a copy of this report available at the I/M office for public review; and

(12) prepare reports for a department-administered I/M program, upon request of the department; the reports must fulfill the requirements of 18 AAC 52.037(a) and (b)(1) - (5). (Eff. 2/1/94, Register 129; am 1/1/97, Register 140; am 1/1/98, Register 144; am 02/18/2006, Register 177)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.015. MOTOR VEHICLE MAINTENANCE REQUIREMENTS. (a) A motorist and a person engaged in the business of maintaining, repairing, or otherwise servicing vehicle emissions control systems shall

(1) ensure that emissions, excluding condensed water vapor, from a

(A) gasoline-powered motor vehicle are not visible for more than any five consecutive seconds;

(B) diesel-powered motor vehicle do not result in a reduction of visibility of greater than 40 percent through the exhaust effluent for more than any five consecutive seconds;

(2) ensure that emissions-related adjustments are made as specified by the vehicle manufacturer;

(3) ensure that original and aftermarket emissions-related parts are properly installed and functioning according to specifications and have not been subject to tampering;

(4) not make nor allow to be made any unauthorized modification to the engine or emissions control system; and

(5) use, or place, only unleaded gasoline in a vehicle designed for the exclusive use of unleaded gasoline.

(b) In addition to the requirements of (a) of this section, a motorist described in 18 AAC 52.005(b) shall ensure that an emissions-related repair is made, and that the repair is performed by a mechanic certified under this chapter if the motorist wants to apply that repair to the repair cost minimum.

(c) In addition to the other applicable requirements of this chapter, a mechanic certified under this chapter who repairs a vehicle that has failed an I/M inspection shall use repair procedures issued by the

(1) implementing agency and approved by the department; or

(2) department, if it administers the I/M program; the applicable procedures under this paragraph are set out in Part IV of the program manual.

(d) A motorist may request that a vehicle failing an emissions inspection (I/M test) at a certified station be inspected, at no cost, at a referee facility for verification and documentation of the inspection failure, if the vehicle is covered by a manufacturer's emissions warranty as provided in 42 U.S.C. 7541(a) and (b) (Clean Air Act, sections 207(a) and (b)). The motorist may return to the referee facility for a free verification that I/M-related repairs were properly made.

(e) Repealed 1/1/2000. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/4/95, Register 133; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 02/18/2006, Register 177)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.020. CERTIFICATE OF INSPECTION REQUIREMENTS. (a) A certificate of inspection required under this chapter may be issued only by the implementing agency, its designee, its referee facility, or a station certified under 18 AAC 52.415.

(b) A motorist described in 18 AAC 52.005(b)(1) or (b)(2) shall obtain and renew a certificate of inspection as required by 18 AAC 52.005(c)(2). A motorist described in 18 AAC 52.005(b)(3) shall obtain and renew a certificate as required by 18 AAC 52.005(c)(3). A motorist described in 18 AAC 52.005(b)(4) shall obtain and renew a certificate as required by 18 AAC 52.005(c)(4).

(c) A person, including a person in military service, who temporarily resides in this state for more than 30 days and who owns or leases a vehicle that is principally located or operated in an I/M area shall obtain a certificate of inspection for that vehicle, even if the vehicle is not required to be registered in this state under AS 28.10.011. A temporary resident shall obtain the certificate of inspection within 30 days after the vehicle enters this state and is principally located or operated in an I/M area.

(d) A motorist described in 18 AAC 52.005(b) shall keep affixed to the inside lower left corner of the front windshield or display in a certificate holder readily visible through the front windshield

(1) a certificate of inspection windshield sticker for the specific vehicle that has passed an I/M test; the sticker must be affixed by the certified mechanic who inspected the vehicle ; the certified mechanic may not place a windshield sticker in a certificate holder; or

(2) a waiver, new vehicle, or exemption windshield sticker for a vehicle for which the implementing agency requires a sticker to be displayed under 18 AAC 52.025(c); the sticker must be affixed by the implementing agency or the designee of the implementing agency.

(e) The implementing agency shall sell the certificate of inspection to a certified station in lots of 25. Each sticker must contain a unique serial number, and the implementing agency shall record the serial numbers of each sticker sold to a station. The sticker must comply with the requirements of 18 AAC 52.025, be approved by the department, and be pre-printed using materials, color, and patterns that minimize the risk of forgery. The design of the sticker and any change to the design must be approved by the department. If the design or color of a certificate of inspection is changed, the implementing agency shall permit a certified station to exchange any unused certificates for new certificates at no charge, or the implementing agency shall refund to the certified station the fee paid for returned obsolete certificates.

(f) If the department administers an I/M program under 18 AAC 52.030, it will charge a \$20 fee for a certificate of inspection. If a department-administered I/M program, such as a program described in 18 AAC 52.005(h), is associated with an I/M program administered by an implementing agency, the department will charge the same fee as that charged by the implementing agency if that fee is lower than the fee set in this subsection. Nothing in this subsection prohibits an implementing agency other than the department from imposing a fee higher or lower than \$20.

(g) If a certificate of inspection or other required windshield sticker that has been issued is lost, destroyed, or mutilated, a replacement certificate may be issued to the motorist if the original certificate or other required windshield sticker can be accounted for to the satisfaction of the implementing agency. The replacement certificate must be traceable to the original certificate or other windshield sticker issued.

(h) If, after obtaining a replacement certificate of inspection under (g) of this section, the motorist finds the lost original certificate of inspection, that motorist shall return the original to the implementing agency.

(i) For a department administered I/M program under 18 AAC 52.030, the department will charge a \$20 fee for a replacement certificate.

(j) If registration of a vehicle is refused under AS 28.10.041 because the certificate of inspection for the vehicle is inadequate because of an act or omission of a certified mechanic or station, the station shall retest the vehicle at no charge and issue another certificate if the vehicle

passes the I/M test. If registration of a vehicle is refused because the certificate is inadequate because of an act or omission of the motorist, the motorist shall obtain another certificate and pay the appropriate fee. If a second certificate is issued under this subsection, the station shall collect the original parts of the certificate, and shall invalidate the certificate or otherwise account for the original certificate to the satisfaction of the implementing agency. The station shall note the reason for replacement of the certificate, and return each part of the certificate, including the windshield sticker, to the implementing agency for a refund of the cost of the certificate.

(k) A motor vehicle dealer may use a certificate of inspection that was issued within the previous 12 months to register a used motor vehicle under AS 28.10.011 if the

(1) dealer registers the vehicle in the purchaser's name; and

(2) certificate was issued while the vehicle was held in the dealer's inventory for sale.

(l) If a certificate of inspection was used under (k) of this section to register a used vehicle, that certificate may not be used again to register the vehicle or to renew the vehicle registration.

(m) A certificate of inspection is an "emissions inspection and maintenance certificate" or an "emissions inspection certificate" for purposes of the transfer of ownership of a motor vehicle under AS 28.10.271(d). (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 02/18/2006, Register 177)

Authority: AS 44.46.025 AS 46.14.030 AS 46.14.510
AS 46.03.020

18 AAC 52.025. VISUAL IDENTIFICATION OF CERTIFICATE OF INSPECTION, WAIVERS, AND EXEMPT VEHICLES. (a) The windshield sticker certificate of inspection must be

(1) easy to observe from outside a vehicle;

(2) of a quality that is difficult to counterfeit, difficult to remove without destroying it, and durable enough to last until the next inspection without fading, peeling, or otherwise deteriorating; and

(3) affixed to the vehicle's windshield as required by 18 AAC 52.020(d) at the time of inspection by the certified mechanic who performs the inspection; and

(b) For purposes of vehicle registration, an electronic record of the certificate of inspection must be received by the division of motor vehicles, Department of Administration.

(c) When a type of vehicle is not required to get an I/M test, the implementing agency may require a windshield sticker that uniquely identifies that type of vehicle. A windshield sticker identifying a new vehicle, a vehicle waived under 18 AAC 52.060(a), or a vehicle exempted under 18 AAC 52.005(f) must

(1) be easy to observe from outside the vehicle;

(2) be of a quality that is difficult to counterfeit, difficult to remove without destroying it, and durable enough to last until the next renewal or inspection without fading, peeling, or otherwise deteriorating;

(3) be unique and noticeably distinguishable from the windshield sticker certificate of inspection;

(4) be affixed to the vehicle's windshield as required by 18 AAC 52.020(d) in the manner prescribed by the implementing agency; and

(5) have a unique number.

(d) An implementing agency shall

(1) require each certified station and new vehicle dealer to account for all windshield stickers that the implementing agency issues to that station or new vehicle dealer; and

(2) adopt enforcement procedures in its design document for appropriate action by the implementing agency against a station or new vehicle dealer that is either missing or cannot account for a windshield sticker or that has improperly issued a windshield sticker.

(e) An implementing agency may, and if the department is the implementing agency, the department will, in the case of a show, classic, or collector vehicle, certify the use of a certificate holder for the display of that vehicle's seasonal waiver issued under 18 AAC 52.060, subject to the requirements of (f) – (m) of this section, as an alternative to the requirement that the waiver be permanently affixed to the windshield.

(f) A certificate holder for a seasonal waiver must be

(1) clear and of a size that accommodates the seasonal waiver and provides an adequate surface for the waiver to be affixed;

(2) of an appropriate size and design to either rest on the dashboard of the vehicle

or hang from the vehicle's rear-view mirror so that the certificate holder is plainly visible through the vehicle's windshield from a distance of eight feet;

(3) uniquely marked to allow for easy verification that the certificate holder is displayed in the appropriate vehicle;

(4) issued by the implementing agency; and

(5) displayed at all times.

(g) If the department administers an I/M program under 18 AAC 52.030, the department will charge a fee to recover the cost of the certificate holder. If a department-administered I/M program, such as the program described in 18 AAC 52.005(h), is associated with an I/M program administered by an implementing agency, the department will charge the same fee as that charged by the implementing agency. Nothing in this subsection prohibits an implementing agency other than the department from assessing a fee for a certificate holder.

(h) To be eligible to use a certificate holder in place of permanently affixing the seasonal waiver to the vehicle's windshield, the motorist must execute an affidavit attesting that the vehicle

(1) has been issued a valid seasonal waiver under 18 AAC 52.060; and

(2) is driven fewer than 2,500 miles per calendar year.

(i) If renewing a seasonal waiver, a motorist must provide adequate proof of the mileage that the vehicle was driven during the previous registration period on a calendar year basis.

(j) If a vehicle for which a certificate holder is issued is driven more than 2,500 miles in a calendar year during the registration period for which a certificate holder was issued for that vehicle, the motorist may not use the certificate holder any longer. The motorist shall forfeit and return the certificate holder to the implementing agency and obtain a certificate of inspection or seasonal waiver to be affixed to the inside lower corner and the front windshield.

(k) A motorist may not obtain a certificate holder for a camper or a motor home.

(l) The implementing agency shall assign a unique certificate holder for each vehicle. The certificate holder may not be transferred to a different motorist or vehicle. The certificate holder and waiver must be returned to the department or implementing agency if a seasonal waiver is denied under 18 AAC 52.060 or if the title to the vehicle is transferred to another motorist.

(m) A motorist may not display a certificate holder in a vehicle other than the vehicle for which it has been issued. If a motorist incorrectly displays, or fails to display, a certificate

holder, the implementing agency shall revoke each certificate holder and seasonal waiver issued to that motorist. The motorist shall return each revoked certificate and seasonal waiver to the implementing agency. (Eff. 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 02/18/2006, Register 177)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.030. DEPARTMENT-ADMINISTERED I/M PROGRAM. (a) The department will, in its discretion, and after notice and opportunity for public comment, administer an I/M program

(1) in any area where the department determines that a program is needed to attain or maintain the national ambient air quality standard for carbon monoxide by the date required by 42 U.S.C. 7512 (Clean Air Act, section 186), as amended through November 15, 1990;

(2) in an I/M area where an implementing agency

(A) determines that it will no longer administer the I/M program in that area; or

(B) is found by the department, under AS 46.14.410, to be administering an inadequate program; or

(3) that applies to motorists who commute into an I/M area but whose vehicles are not registered in that I/M area.

(b) A person subject to this chapter shall meet the applicable requirements of a department-administered I/M program, including the requirements of the program manual, in the same manner that the person would be required to meet the requirements of a program administered by an implementing agency.

(c) Subject to (d) of this section, if the department administers an I/M program, when it is stated in this chapter that the implementing agency

(1) "may," it means that the department will act, in its discretion; and

(2) "shall," it means that the department will act.

(d) Except as stated otherwise, the reporting requirements imposed upon an implementing agency under this chapter do not apply under a department-administered I/M program. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130)

Authority: AS 46.03.020 AS 46.14.410 AS 46.14.510
AS 46.14.030

18 AAC 52.035. I/M PROGRAM ADMINISTERED BY AN IMPLEMENTING AGENCY. (a) A municipality may not implement or administer an I/M program without department approval. The department will approve a program that

(1) establishes an I/M office that meets the requirements of 18 AAC 52.010(1) and (3) - (9); and

(2) meets the requirements of this section.

(b) An implementing agency shall authorize the issuance of a certificate of inspection for a motor vehicle that passes an I/M program conducted as required by this section. Subject to department approval, an I/M program may be limited to certain model years and categories if the implementing agency shows

(1) that the I/M program would be adequate for a cost-effective system; and

(2) that, notwithstanding the limitation to certain model years and categories, the I/M program would meet or exceed the level of emissions control provided under this chapter.

(c) An implementing agency shall adopt the

(1) calibration and quality control procedures for an EIS and test equipment in 40 C.F.R. 51, Appendix A to Subpart S, as revised as of July 1, 1999, adopted by reference;

(2) emissions testing procedures in 40 C.F.R. 51, Appendix B to Subpart S, as revised as of July 1, 1996, adopted by reference; and

(3) EIS and test equipment specifications in 40 C.F.R. 51, Appendix D to Subpart S, as revised as of July 1, 1999, adopted by reference.

(d) To ensure that its I/M program meets or exceeds the performance standard achievable under the model I/M program described in this subsection, the implementing agency shall use a mobile source emission factor computer program as required by 40 C.F.R. 51.352(d), as revised as of July 1, 1996, adopted by reference, to determine the projected emissions level of its I/M program and then compare that level with the performance standard. The performance standard is expressed as the average emissions level in grams of carbon monoxide emitted per mile traveled by all gasoline-fueled mobile sources in an I/M area, calculated using a mobile source emission factor computer program as required by 40 C.F.R. 51.352(d) (1996), adopted by reference. The model I/M program includes the following features:

- (1) centralized testing;
 - (2) biennial exhaust emissions testing at curb idle of 1968 and later model year light-duty vehicles;
 - (3) a 20 percent exhaust emissions failure rate for pre-1981 model year vehicles;
 - (4) a zero percent waiver rate among vehicles failing the initial inspection; and
 - (5) a 100 percent compliance rate among all vehicles subject to the program.
- (e) An implementing agency that is a municipality operating an I/M program shall submit an implementation plan for department approval. The plan must include
- (1) steps to achieve a program as effective as the model program described in (d) of this section;
 - (2) a program manual that contains specifications and procedures that are at least equivalent to those
 - (A) required under this chapter, including any program features additional to those features described in the model program described in (d) of this section; and
 - (B) in the program manual adopted by reference in this chapter, including any program features additional to those features described in the model program described in (d) of this section;
 - (3) written policies and procedures for
 - (A) certification of mechanics, inspection and repair stations, and equipment, in accordance with 18 AAC 52.095;
 - (B) achieving maximum compliance of vehicles subject to the program, including vehicles commuting into the I/M area and vehicles operated at federal facilities in the I/M area;
 - (C) use of replacement parts and engine changes in vehicles subject to the program;
 - (D) a quality assurance program to review the performance of certified mechanics and stations;

(E) an enforcement program that is at least as stringent as the one described in 18 AAC 52.100, and a quality control program to achieve maximum compliance by motorists;

(F) an enforcement program at least equivalent to that described in 18 AAC 52.105, to ensure mechanic and station compliance with the program;

(G) emissions testing, visual and functional checks of vehicles, inspections using OBDII systems of applicable vehicles, and repair of emissions-related defects by certified mechanics and stations;

(H) the collection and analysis of inspection data;

(I) providing assistance, through the documentation of vehicle malfunctions, to motorists who have warranty claims with manufacturers;

(J) the operation of a referee facility to verify and document tests and repairs performed by certified mechanics or stations, and to otherwise carry out the functions described in 18 AAC 52.070; and

(K) providing technical assistance to certified mechanics, the repair industry, and motorists in diagnosing and repairing emissions-related defects; and

(4) verification of adequate funding and personnel to properly administer the program.

(f) A municipality that seeks to implement an I/M program or to amend an I/M program previously approved by the department shall submit to the department for approval an implementation plan and schedule that meet the requirements of (e) of this section. A municipality seeking approval of an implementation plan or an amendment shall submit the proposed plan or amendment to the department at least one year before the proposed implementation date and shall include a schedule for implementing the plan or amendment by the proposed date.

(g) The implementing agency shall ensure that certified mechanics and certified stations meet the requirements of this chapter, and that I/M inspections are performed only by certified mechanics.

(h) An implementing agency shall conduct enforcement, quality assurance, and quality control programs as described in this section to ensure that inspections and repairs are properly performed by certified mechanics and that motorists are in compliance with program requirements.

(i) An implementing agency may allow a certified station to determine whether Parts IV and V of the program manual allow the use of an aftermarket part in an I/M area. (Eff. 2/1/94,

Register 129; am 6/24/94, Register 130; am 1/4/95, Register 133; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510
AS 46.14.010

18 AAC 52.037. REPORTING REQUIREMENTS FOR AN I/M PROGRAM ADMINISTERED BY AN IMPLEMENTING AGENCY. (a) Within 30 days after receiving a request from the department for a report under (b) or (c) of this section, an implementing agency shall submit the report to the department.

(b) A report that the department requests of activity during the previous calendar quarter must contain

(1) the raw emissions test data collected from each motor vehicle inspected during the quarter;

(2) a statistical test data report, including

(A) the number and percentage of vehicles receiving each type of waiver described in 18 AAC 52.060;

(B) a list by model year and vehicle type of the number of vehicles tested, as set out in Table 1 of this subparagraph;

Table 1. Vehicle Types	
Vehicle Type	Definition
LDGV	light-duty gasoline-fueled vehicles (passenger cars) not exceeding 8500 lbs. GVWR
HDGV	heavy-duty gasoline-fueled vehicles over 8500 lbs. GVWR (heavier commercial trucks, buses and motorhomes)
LDGT1	light-duty gasoline-fueled trucks not exceeding 6000 lbs. GVWR (lighter pick-up trucks and vans)
LDGT2	light-duty gasoline-fueled trucks over 6000 lbs. GVWR and not exceeding 8500 lbs. GVWR (heavier pick-up trucks and vans, and many commercial trucks)

(C) a list, by model year and vehicle type, of the number and percentage of

(i) vehicles that failed an initial emissions test, an initial tailpipe emissions test, and each type of initial emissions control component check;

(ii) initially failed vehicles that failed the first retest for tailpipe emissions;

(iii) initially failed vehicles that received a waiver;

(iv) initially failed vehicles that passed the first or subsequent retest for tailpipe emissions;

(v) initially failed vehicles that passed each emissions control component check on the first or subsequent retest by component; and

(vi) vehicles with no known final outcome;

(D) a list, by model year and test station, of

(i) the number of initial tests; and

(ii) the initial test failure rate; and

(E) the average increase or decrease in vehicle emissions levels after repairs, by model year and vehicle type;

(3) a quality assurance report, including

(A) the number of certified stations operating throughout the quarter, and the number operating for part of the quarter; for the stations operating throughout the quarter, the report must include the number of stations that

(i) received, or did not receive, an overt performance review;

(ii) received, or did not receive, a covert performance review; and

(iii) were closed as a result of an overt performance review;

(B) the number of covert performance reviews

(i) conducted with a vehicle set to fail the emissions test, or the OBDII portion of the I/M test, one or more visual or functional checks, or both

the emissions test or the OBDII portion of the I/M test and one or more visual or functional checks; and

(ii) that resulted in a false pass for the emissions test, for the OBDII portion of the I/M test, for one or more visual or functional checks, or for both the emissions test or the OBDII portion of the I/M test and one or more visual or functional checks;

(C) the number of certified mechanics and stations whose performance reviews resulted in a verbal warning, a written warning, a notice of violation, a citation, a fine or other penalty, or a suspended or revoked certification, or that resulted in the mechanic being suspended or fired, or in the mechanic or station being prohibited from performing a repair or inspection under this chapter;

(D) the number of mechanics who, at the end of the quarter, are certified to conduct testing on motor vehicles that are principally located or operated in the area for which the implementing agency is operating an I/M program, including the number of mechanics who

(i) received, or did not receive, an overt performance review;

(ii) received, or did not receive, a covert performance review;

(E) the number of administrative hearings conducted by the implementing agency to consider an action against a certified mechanic or station, and the result of each hearing;

(F) the amount collected in fines from certified mechanics and stations, listed by type of violation; and

(G) the number of vehicles used for covert performance reviews during the year;

(4) a quality control report that lists

(A) the number of inspection stations and EISs used in the program;

(B) the number of equipment reviews, listed by station or EIS;

(C) the number and percentage of stations and EISs that failed an equipment review;

(D) the number of EISs that were locked out; and

(E) the number and percentage of stations and EISs closed as a result of an equipment review; and

(5) an enforcement report that lists

(A) an estimate of the number of vehicles subject to the program, including the results of an analysis of the registration database;

(B) the percentage of vehicles in compliance, based on a comparison of the number of certificates of inspection issued with the number of subject vehicles; if more than one certificate of inspection was issued to the same audit vehicle, the certificate and vehicle should be counted only once;

(C) the number of certificates of inspection issued to certified stations by the implementing agency, and the number of certificates that are unaccounted for;

(D) the number of waivers granted under 18 AAC 52.060(a) and the number of time extensions granted under 18 AAC 52.060(d);

(E) the number of compliance surveys, including parking lot surveys, conducted, the number of vehicles surveyed in each survey, and the noncompliance rate found during each survey;

(F) a detailed report on actions taken by the implementing agency, on its own or in cooperation with the department and the division of motor vehicles, to prevent motorists from

(i) falsely registering a vehicle outside the I/M area;

(ii) falsely changing fuel type or weight class on the vehicle registration;

(iii) driving a vehicle in the I/M area from November 1 through March 31 after obtaining a seasonal waiver under 18 AAC 52.060(a)(3) for that vehicle; and

(iv) commuting into the Municipality of Anchorage and failing to comply with this chapter;

(G) the results of any special study of the frequency of the violations listed in (F) of this paragraph;

(H) the total amount of fines imposed by the Alaska Court System or by an implementing agency that is a municipality for

(i) driving with an expired registration or for misrepresenting the motorist’s residential address for purposes of vehicle registration; or

(ii) displaying a windshield sticker on a vehicle that is not in compliance with this chapter; and

(I) the number of registration file evaluations, including the number of registrations reviewed and the compliance rate found in each evaluation.

(c) A report that the department requests of activity during the previous 12 months must describe any

(1) changes made during that 12-month period in program design, funding, personnel levels, procedures, regulations, and legal authority, with a detailed evaluation of the impact of each change on program effectiveness;

(2) program weakness or problems identified within that twelve-month period and any plans to address each weakness or problem; and

(3) corrective actions taken and the results of those actions. (Eff. 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 02/18/2006, Register 177)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510
AS 46.14.010

18 AAC 52.040. CENTRALIZED INSPECTION PROGRAM. To carry out the requirements of this chapter, an implementing agency may implement a centralized I/M program that

(1) meets the performance standards described in 18 AAC 52.035(d);

(2) is conducted at a test-only inspection facility operated by the implementing agency or its contractor; and

(3) otherwise meets the applicable requirements of this chapter. (Eff. 2/1/94, Register 129)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.045. DECENTRALIZED INSPECTION PROGRAM. To carry out the requirements of this chapter, an implementing agency may implement a decentralized I/M program that

- (1) meets the performance standards described in 18 AAC 52.035(d); and
- (2) otherwise meets the applicable requirements of this chapter. (Eff. 2/1/94, Register 129)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.050. EMISSIONS STANDARDS. (a) For a vehicle to pass an I/M program inspection, it must

(1) have emissions levels at or below the standards in this section and 18 AAC 52.055; this requirement does not apply to light-duty 1996 or newer model year vehicles unless that vehicle's make, model, and model year has been exempted from the requirement for the OBDII portion of an I/M test due to a documented problem with the OBDII system of that specific make, model, and model year;

(2) have no missing, modified, disconnected, improperly connected, or defective emissions-related part identified by the mechanic during a visual or functional check or identified by the vehicle's OBDII system; and

(3) pass the OBDII portion of an I/M test if the vehicle is a light-duty 1996 or newer model year; reasons for failure of the OBDII portion of the I/M test include the vehicle's

- (A) MIL being commanded on;
- (B) second failed readiness evaluation in an inspection cycle;
- (C) OBDII connector being either damaged or not accessible; and
- (D) OBDII system not responding to a command for communication.

(b) A vehicle that does not meet the requirements of 40 C.F.R 85.2207, as revised as of July 1, 1998, adopted by reference, fails the OBDII check.

(c) A motorist whose vehicle has a missing, modified, disconnected, improperly connected, or defective emissions-related part shall repair the vehicle as required under 18 AAC 52.015 and 18 AAC 52.065.

(d) Unless an implementing agency imposes an alternative standard under

18 AAC 52.055, the standards set out in this section and illustrated in Figure 3 in Part IV, g. and Appendix B of the program manual may not be exceeded in an I/M area.

(e) For LDGVs as defined in Table 1 of 18 AAC 52.037(b), emissions standards for carbon monoxide, expressed as the percentage of carbon monoxide in the undiluted exhaust, are as follows:

- (1) 1968 to 1971 model years: 5.0 percent at curb idle and 4.0 percent at 2500 rpm;
- (2) 1972 to 1974 model years: 4.0 percent at curb idle and 3.0 percent at 2500 rpm;
- (3) 1975 to 1980 model years: 2.0 percent at both curb idle and 2500 rpm;
- (4) 1981 to 1993 model years: 1.0 percent at both curb idle and 2500 rpm;
- (5) 1994 and newer model years: 0.5 percent at both curb idle and 2500 rpm.

(f) For LDT1 and LDGT2s as defined in Table 1 of 18 AAC 52.037(b), emissions standards for carbon monoxide, expressed as the percentage of carbon monoxide in the undiluted exhaust, are as follows:

- (1) 1968 to 1972 model years: 5.0 percent at curb idle and 4.0 percent at 2500 rpm;
- (2) 1973 to 1978 model years: 4.0 percent at curb idle and 3.0 percent at 2500 rpm;
- (3) 1979 to 1983 model years: 2.0 percent at both curb idle and 2500 rpm;
- (4) 1984 to 1993 model years: 1.0 percent at both curb idle and 2500 rpm;
- (5) 1994 and newer model years: 0.5 percent at both curb idle and 2500 rpm.

(g) For HDGVs as defined in Table 1 of 18 AAC 52.037(b), emissions standards for carbon monoxide, expressed as the percentage of carbon monoxide in the undiluted exhaust, are as follows:

- (1) 1968 to 1973 model years: 5.0 percent at both curb idle and 2500 rpm;
- (2) 1974 to 1993 model years: 4.0 percent at both curb idle and 2500 rpm;
- (3) 1994 and newer model years: 1.0 percent at both curb idle and 2500 rpm.

(h) For LDGVs, LDGT1s, and LDGT2s as defined in Table 1 of 18 AAC 52.037(b), emissions standards for hydrocarbons, expressed as the concentration of hydrocarbons in the undiluted exhaust, are as follows:

(1) 1968 to 1983 model years: 1,000 parts per million at both curb idle and 2500 rpm;

(2) 1984 to 1993 model years: 750 parts per million at both curb idle and 2500 rpm;

(3) 1994 and newer model years: 220 parts per million at both curb idle and 2500 rpm.

(i) For HDGVs as defined in Table 1 of 18 AAC 52.037(b), emissions standards for hydrocarbons, expressed as the concentration of hydrocarbons in the undiluted exhaust, are as follows:

(1) 1968 to 1993 model years: 1,000 parts per million at both curb idle and 2500 rpm;

(2) 1994 and newer model years: 220 parts per million at both curb idle and 2500 rpm.

(j) Each rotor of a rotary engine is the equivalent of one cylinder in determining the applicable emissions standards under this section.

(k) Except as provided in (l) of this section, a model year 1975 or newer vehicle equipped with an engine other than the engine originally installed by the manufacturer or an identical replacement of that engine must meet the following requirements to qualify for a certificate of inspection under this chapter:

(1) the resulting engine-chassis configuration must have been certified by either the EPA or the CARB as having emissions that are the same as, or lower than, the original engine-chassis configuration installed in the vehicle;

(2) the emissions controls that were originally installed on the vehicle, as certified by the EPA or the CARB, must be retained on the vehicle;

(3) if the vehicle was originally equipped with one or more catalytic converters, the resulting engine-chassis configuration must be equipped with either the catalytic converter certified by EPA or CARB for that configuration or a replacement catalytic converter approved by the implementing agency; and

(4) if the vehicle was originally equipped with feedback controls and an evaporative emissions control system, that system must remain functional on the resulting engine-chassis configuration.

(l) Instead of meeting the requirements of (k) of this section, a motorist may submit the results of an emissions test performed on a vehicle described in (k) using the FTP or an alternate loaded mode mass emissions test procedure approved by the department. The implementing agency shall issue a certificate of inspection after receiving adequate proof that the vehicle has a mass emissions rate that is the same as, or lower than, the engine-chassis configuration originally installed in the vehicle. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 12/30/2000, Register 156; am 3/27/2002, Register 161)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

Editor's note: Listings of EPA-approved engine-chassis combinations are set out in a publication entitled *Federal Certification Test Results for 19__ [the publication is model-year specific] Model Year* for each vehicle model year of interest and may be purchased from the United States Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, telephone (703) 487-4600, (703) 487-4650, or (800) 553-6847 (sales).

18 AAC 52.055. ALTERNATIVE REQUIREMENTS, STANDARDS, AND TEST PROCEDURES. (a) The department will, in its discretion, approve alternative requirements, standards, and test procedures to those specified in this chapter.

(b) Subject to department approval, instead of the standards set in 18 AAC 52.050, an implementing agency may establish alternative

(1) tailpipe emissions standards, including mass emissions standards;

(2) steady-state or transient loaded mode test procedures for all or a portion of the vehicles subject to the I/M program; and

(3) procedures to certify compliance of vehicles with replacement engines and of other noncomplying vehicles, if those procedures include emissions standards for those vehicles while they are operated in a loaded mode.

(c) At least one year before establishing an alternative standard or procedure under this section, an implementing agency shall provide to the department proof that

(1) control of vehicle emissions under the alternative standard or procedure will meet or exceed the level of emissions control required by this chapter; and

(2) the alternative standard or procedure will not result in failure of more than two percent of properly constructed and maintained vehicles in any category of vehicles subject to this chapter to meet the alternative standard or procedure.

(d) Repealed 1/1/2000. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/2000, Register 152)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.060. WAIVERS. (a) Any person may seek a waiver from passing an I/M program inspection, except that no waiver may be issued to a vehicle that is untestable due to a correctable defect, including those listed in 18 AAC 52.530(d). The motorist shall repair a correctable defect before the I/M test will be completed. Except as provided in this subsection, the implementing agency or its contractor may grant a waiver if the person proves to the implementing agency or its contractor that

(1) a certified mechanic at a certified station has attempted to repair a failed vehicle, has made the repairs required by 18 AAC 52.065(a) or (b), and the vehicle failed a retest performed after completion of the required repairs; a waiver issued under this paragraph is valid for one inspection cycle;

(2) the vehicle has a diesel engine; a waiver issued under this paragraph is valid until the vehicle is sold or the diesel engine is replaced with a non-diesel engine; the motorist need not renew a waiver issued under this paragraph, but shall present it to the division of motor vehicles when the vehicle is first registered after becoming subject to this chapter or if the title to the vehicle is changed; if required by the implementing agency under 18 AAC 52.025(c), visual identification of a vehicle with a waiver for a diesel engine issued under this paragraph is by windshield sticker as provided in 18 AAC 52.025(c);

(3) the vehicle qualifies for a seasonal waiver; a waiver issued under this paragraph is valid for one inspection cycle; the implementing agency may issue a seasonal waiver if the motorist certifies in writing that the vehicle will not be operated from November 1 through March 31 in an I/M area, a nonattainment area, or a maintenance area; the written statement must appear on a waiver form that bears a notice to the motorist that

(A) a false statement is punishable by law; and

(B) if, between November 1 and March 31, the vehicle is either operated or parked on a public right-of-way, on public land, or on commercial premises open to the public in an I/M area, a nonattainment area, or a maintenance area, the seasonal waiver immediately becomes void, and

(i) the implementing agency will not approve another seasonal waiver for that vehicle or any other vehicle owned or leased by the motorist, except for good cause;

(ii) the motorist may not transfer ownership of a vehicle for which the seasonal waiver has become void or operate that vehicle after a transfer of the title unless the vehicle has a valid certificate of inspection; and

(iii) a subsequent motorist of a vehicle for which the seasonal waiver has become void is eligible for a seasonal waiver for that vehicle only if the subsequent motorist is not a member of the immediate family of and does not live in the same household as the motorist who owned or leased the vehicle at the time the vehicle's waiver became void;

(4) special circumstances exist that make it impractical to test the vehicle; a waiver issued under this paragraph is valid for one inspection cycle;

(5) the vehicle would not be expected to achieve emissions reductions after full repair of the vehicle to manufacturer's specifications for reasons such as pattern failure; a waiver issued under this paragraph is valid for one inspection cycle;

(6) the vehicle has been modified to use only compressed natural gas (CNG), methanol, or liquefied petroleum gas, and

(A) no emissions control device, other than the thermostatically controlled air cleaner inlet or the evaporative emissions control system, has been disconnected or removed from the vehicle;

(B) emissions test data are available indicating that the vehicle has an idle and parked throttle air-fuel ratio that is not richer than stoichiometric; and

(C) the vehicle is not a dual-fuel vehicle; a waiver issued under this paragraph is valid until the vehicle is sold or is modified to use other than natural gas, methanol, or liquefied petroleum gas;

(7) the vehicle is registered in, but not located or operated in, an I/M area, a non-attainment area, or a maintenance area; a waiver issued under this paragraph is valid for one inspection cycle unless the vehicle returns to an I/M area, a nonattainment area, or a maintenance area, at which time the waiver is void, and the vehicle must be inspected; to qualify for a waiver under this paragraph, the motorist shall submit to the implementing agency

(A) an application, signed by the motorist;

(B) adequate proof that the vehicle is located or operated outside, and not in, an I/M area, a nonattainment area, or a maintenance area; and

(C) a copy of a current certificate of inspection issued in the area where the vehicle is located or operated, if an inspection is required in that area; a written statement must appear on the waiver form that bears a notice to the motorist that

(i) a false statement is punishable by law; and

(ii) if the vehicle is located or operated in the I/M area, a non-attainment area, or a maintenance area after the waiver is issued under this paragraph, the waiver immediately becomes void, and the implementing agency will not approve another waiver for that motorist under this paragraph; a subsequent owner of a vehicle with a waiver voided under this clause shall provide a current certificate of inspection to the implementing agency before the vehicle will be eligible for a future waiver under this paragraph; and

(8) a certified mechanic has determined as part of an I/M test performed under 18 AAC 52.540(a) that the vehicle cannot be repaired because the parts necessary for repair are unavailable; a waiver issued under this paragraph is valid for one inspection cycle.

(b) Before issuing a waiver under (a)(1) of this section, the implementing agency or its contractor shall

(1) verify that the cost of repairs meets or exceeds the repair cost minimum; and

(2) establish a method to monitor the vehicle until it meets I/M program requirements.

(c) Repealed 1/1/97.

(d) The implementing agency may grant a motorist a time extension not to exceed one inspection cycle to obtain needed repairs on a vehicle in the case of

(1) economic hardship when waiver requirements are not met; the implementing agency may grant only one time extension under this paragraph and shall revoke the extension if it is determined that the motorist no longer qualifies for an extension under this paragraph; the implementing agency may grant an economic hardship extension only if the motorist proves that

(A) the motorist's adjusted gross income, as computed for the preceding year and reported to the United States Department of the Treasury, Internal Revenue Service (IRS), is at or below the poverty level as determined under the United States Department of Health and Human Services poverty guidelines for this state published at 74 Fed. Reg. 4199 - 4202 (January 23, 2009), adopted by reference in this chapter; for a

time extension under this subparagraph, the motorist must submit a copy of the motorist's federal income tax return filed for the year preceding the extension request; or

(B) unusual circumstances exist such as health problems or other extraordinary expenses; for a time extension under this subparagraph, the motorist must submit

(i) a copy of the motorist's income tax return filed with the IRS for the year preceding the extension request, but the motorist is not required to comply with the requirement of this clause if the IRS did not require the motorist to file a return;

(ii) a budget sheet that details current income, assets, and liabilities;

(iii) vehicle registration documentation; and

(iv) documentation of the extraordinary expenses, such as medical bills, that support the claim of unusual circumstances; or

(2) Repealed 1/1/98.

(e) Repealed 1/1/97.

(f) Except for a waiver issued under (a)(2) or (a)(6), or an extension under (d)(1) of this section, a motorist may apply to the implementing agency for a new waiver each year that the vehicle qualifies for a waiver under this section. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/4/95, Register 133; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 02/18/2006, Register 177; am 5/17/2008, Register 186; am 11/4/2009; Register 192)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

Editor's notes. - A copy of the federal poverty guidelines referred to in this section may be obtained from an implementing agency, from the department, or on the Internet. The Federal Register is usually available at state and court libraries, or on the Internet.

18 AAC 52.065. EMISSIONS-RELATED REPAIR COST MINIMUM. (a) Unless provided otherwise in this section, a motorist who is subject to 18 AAC 52.005(c) shall complete necessary emissions-related repairs as required in (d) of this section. If the cost of completing all repairs exceeds \$450, the motorist shall complete those repairs for each inspection cycle with a total cost of no less than \$450. If the total cost of all repairs is less than \$450, the motorist shall complete all repairs. If a certified mechanic determines under 18 AAC 52.540(a) that parts are

unavailable for one or more repairs, the motorist shall complete those repairs for which all parts are available up to \$450. If all repairs have been made except one for which parts are unavailable, the motorist shall apply for an unavailable parts waiver as described in 18 AAC 52.060(a)(8). The cost of repairs performed by a person who is not certified under this chapter or the cost of a repair necessary to correct a safety problem may not be applied toward the repair cost minimum.

(b) Repealed 1/1/2000.

(c) The motorist shall complete all repairs necessary to comply with this chapter, regardless of cost, if

(1) the vehicle was subjected to an unauthorized or illegal modification;

(2) the vehicle is owned or leased by a fleet operator; or

(3) a manufacturer's warranty or an insurance claim will compensate the owner for the repair.

(d) The motorist shall complete repairs that eliminate any visual or functional defect identified on the vehicle inspection report (VIR). A partial repair may not be applied to the repair cost minimum.

(e) An implementing agency may, with department approval, establish an alternate repair cost minimum if the implementing agency can demonstrate that the alternate minimum will result in the issuance of an equal or lesser number of repair cost waivers. (Eff. 2/1/94, Register 129; am 1/1/97, Register 140; am 1/1/98, Register 144; 1/1/2000, Register 152)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.070. REFEREE FACILITY. (a) Each implementing agency or its contractor shall maintain and operate a referee facility to carry out the functions described in this section.

(b) The implementing agency shall ensure that the referee facility is equipped with instrumentation and other equipment and supplies necessary to determine whether a vehicle passes or fails an inspection test performed under this chapter.

(c) Subject to the implementing agency's approval, the referee facility may charge an inspection fee to inspect a vehicle not previously tested. If a vehicle passes an inspection performed at the referee facility, the referee facility may collect a fee for the certificate of inspection. A referee facility may not charge for an I/M test if the motorist has already paid for an I/M test and has a complete vehicle inspection report (VIR) showing a completed I/M test at a certified station within the past 90 days. If the vehicle fails the inspection and does not meet the

requirements for a repair cost waiver under 18 AAC 52.060(a)(1), the referee facility may provide the motorist with a required-repair form that describes the repairs that must be made. The motorist shall make the repairs described on the required-repair form within 60 days. If the motorist disputes the results of a failing inspection performed by the referee facility, the referee facility may perform additional functional tests to verify the reason for failure.

- (d) If directed by the implementing agency, the referee facility shall
- (1) verify and document inspection failure as described in 18 AAC 52.015(d);
 - (2) determine whether a waiver should be issued under 18 AAC 52.060;
 - (3) confirm the results of tests and repairs performed by a certified mechanic or station if a motorist disputes the work of the mechanic or station;
 - (4) inspect vehicles that have been rejected from testing at a certified station because of engine or fuel changes;
 - (5) provide assistance in monitoring certified stations and mechanics under 18 AAC 52.440;
 - (6) test a vehicle and determine the correct procedure to follow for repairs after a vehicle has received an initial I/M test ("I" test), I/M-related repairs, and an after-repairs test ("A" test) at a certified station, and still fails; if the vehicle passes the initial test, a further I/M test is not required in that inspection cycle unless the ownership of the vehicle is transferred as provided in AS 28.10.271(d);
 - (7) perform an I/M test if a technical problem prevents a certified station from performing a standard test;
 - (8) evaluate a catalytic converter for efficiency after the vehicle fails the tailpipe test and no other faults are found;
 - (9) test a vehicle that has had an engine change if the vehicle has not been tagged by the referee facility with a label containing instructions for properly testing the vehicle;
 - (10) evaluate a vehicle that fails the "I" test if the certified station refuses to perform repairs because the mechanic determines that the repairs would be ineffective and emissions would not be reduced;
 - (11) evaluate grey market vehicles as provided in 18 AAC 52.080;
 - (12) test vehicles referred by an I/M field inspector;

(13) evaluate vehicles covered by a manufacturer's emissions warranty that fail an "I" test and exhibit no indication of tampering;

(14) evaluate vehicles assembled by a person who is not an automobile manufacturer; and

(15) provide other services as directed by the implementing agency.

(e) The referee facility shall make appointments only when instructed to do so by the I/M office. A person referred to the referee facility shall bring with him or her the vehicle, the vehicle registration, a completed, legible referee referral form, and any additional documentation required by (1) - (22) of this subsection for each type of referral, as follows:

(1) **Alternate Fueled-Vehicle Inspection** - no other documentation is required;

(2) **Catalytic Converter Evaluation** - a failing "I" test VIR, an itemized estimate, and a work order or invoice;

(3) **Repair Cost Waiver** - a failing "I" test VIR, an itemized estimate, and a work order or invoice;

(4) **Motorist Complaint that Station is Unable to Resolve/Vehicle Tested** - a failing "I" test VIR, an itemized estimate, and a work order or invoice;

(5) **Motorist Complaint that Station is Unable to Resolve/Vehicle Not Tested** - no other documentation is required;

(6) **Review of Disputed Test or Inspection** - a passing or failing "I" test VIR, an itemized estimate if the test was failed, and a work order or invoice;

(7) **Dual Exhaust or Headers** - an "I" test VIR, an itemized estimate, and a work order or invoice;

(8) **Engine Changes** - no other documentation is required;

(9) **Failed Vehicle after "I" Test, Repairs and "A" Test** - a failing "I" test VIR, a failed "A" test VIR, an itemized estimate, and a work order or invoice;

(10) **Failed Vehicle with Increased Emissions after "I" Test, Repairs and "A" Test** - a failing "I" test VIR, a failed "A" test VIR, an itemized estimate, and a work order or invoice;

(11) **Failed Vehicle with Increased Emissions after "I" Test, Repairs and "A" Test, Referred for Verification of Proper Repairs** - a failing "I" test VIR, a failed "A" test VIR, an itemized estimate, and a work order or invoice;

(12) **Failed Vehicle/Mechanic Refuses to Repair Because Repairs will Not Reduce Emissions** - a failing "I" test VIR, a failed "A" test VIR, an itemized estimate, and a work order or invoice;

(13) **Grey Market Vehicles** - no other documentation is required;

(14) **I/M Inspector Request** - any appropriate I/M documentation provided by the I/M inspector;

(15) **Motorhomes with Nonconforming Engine Changes** - no other documentation is required;

(16) **Parts On Order** - a failing "I" test VIR, an itemized estimate of repairs, an itemized work order or invoice showing full payment in advance for all parts and labor, and a "parts on order" form, fully and legibly completed;

(17) **Unavailable Parts** - proof provided by the certified mechanic who performed the test that the required parts are unavailable, including

(A) a failing "I" test VIR;

(B) an itemized estimate of repairs; and

(C) an itemized work order or invoice that

(i) identifies each unavailable part by its full name and part number, if known;

(ii) confirms that a part is no longer available locally or by order;

(iii) provides the name of each parts supplier contacted, which must include a minimum of three, one of which must be the vehicle dealer; and

(iv) the name of each person spoken to at each part supplier;

(18) **Excessive Sample Dilution** - an aborted "I" test VIR that shows excessive sample dilution, and a work order or invoice;

(19) **Incompatibility/Technical Problem** - an aborted "I" test VIR if produced, and a work order or invoice;

(20) **Twin Air Pump Vehicle that Failed the Tailpipe Test** - a failing "I" test VIR;

(21) **Vehicle Assembled by a Private Party (Kit Car)** - no other documentation is required; and

(22) **Warranty Verification** - a failing "I" test VIR.

(f) A certified mechanic shall perform the repairs listed on the required-repair form provided by the referee facility under (c) of this section. If the repairs cannot be completed for less than the repair cost minimum, or if parts are unavailable for one or more required repairs, the mechanic shall contact the referee facility before proceeding. The mechanic may not proceed with any repair until all of the required parts are present for that repair and the cost to the motorist is established. If the certified station agrees to perform the after-repair test and issue a certificate of inspection, the mechanic shall sign the required repair form certifying that all required repairs were properly performed. The certified station may not charge for the after-repair test. A certified station may not issue a certificate of inspection for a vehicle subject to a referee-required repair form without approval from the referee facility. After all referee-required repairs have been performed, the certified station shall contact the referee facility for further instructions.

(g) An implementing agency may establish alternative procedures to those set out in this section, with department approval. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.075. KIT CARS AND CUSTOM-MANUFACTURED VEHICLES. A kit car or custom-manufactured vehicle registered in Alaska before January 1, 1993, is subject to the emissions standards for 1974 model year vehicles set out in 18 AAC 52.050. The owner or lessee of a kit car or custom-manufactured vehicle that was first registered after December 31, 1992, but before January 1, 1998, shall use an engine and evaporative emissions control system from a vehicle of the same class that is certified to meet federal emissions standards applicable to 1988 model year vehicles. The owner or lessee of a kit car or custom-manufactured vehicle that was first registered after December 31, 1997, shall use an engine and evaporative emissions control system from a vehicle of the same class that is certified to meet federal emissions standards, including cold temperature carbon monoxide standards, applicable to 1996 model year vehicles. The owner or lessee shall ensure that the exhaust emissions controls originally intended to be used with the engine, including the computer and feedback control system, are installed and that the vehicle uses the same catalyst used with the engine in a certified vehicle or an aftermarket catalyst approved by the implementing agency. (Eff. 2/1/94, Register 129)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.080. GREY MARKET VEHICLES. (a) Except as otherwise provided in this section, the department will, and the implementing agency or referee facility may,

(1) inspect a grey market vehicle in accordance with importation documents issued by EPA or the manufacturer's emissions decal; and

(2) issue a certificate of inspection if the grey market vehicle passes, as required by Part IV of the program manual, the

(A) visual and functional inspections and the tailpipe emissions standards;

or

(B) OBDII portion of the I/M test.

(b) If the importation documents and the manufacturer's emissions decal are not available, but the grey market vehicle has a United States title and has not been modified to comply with EPA emissions requirements, the department will, and the implementing agency or referee facility may

(1) inspect the vehicle according to the model year of the vehicle and the emissions control systems present on the vehicle at manufacture; and

(2) issue a certificate of inspection if the vehicle passes, as required by Part IV of the program manual, the

(A) tailpipe emissions standards; or

(B) OBDII portion of the I/M test.

(c) If the importation documents or the manufacturer's emissions decal are not available, but the grey market vehicle has a United States title and has been modified to comply with EPA emissions requirements, the department will, and the implementing agency or referee facility may

(1) inspect the vehicle according to the model year of the vehicle and the emissions control systems present on the vehicle at inspection; and

(2) issue a certificate of inspection if the vehicle passes, as required by Part IV of the program manual, the

(A) tailpipe emissions standards; or

(B) or OBDII portion of the I/M test.

(d) If the importation documents or the manufacturer's emissions decal are not available, and the grey market vehicle does not have a United States title, the department will not, and the implementing agency or referee facility may not, inspect the vehicle.

(e) This section does not relieve a motorist from any duty to obtain importation documents issued by EPA and the United States Department of Transportation.

(f) The repair cost minimum is the same for a grey market vehicle as it is for a vehicle manufactured in the United States. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/98, Register 144; am 3/27/2002, Register 161)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.085. VEHICLE MODIFICATIONS. (a) Subject to (b) of this section, the referee facility shall, if requested by the motorist, issue a certificate of inspection for a vehicle that has been

(1) converted to dual-fuel use if

(A) the vehicle

(i) meets the emissions standards of 18 AAC 52.050 for the vehicle in its unmodified configuration when tested on each fuel that the vehicle burns; or

(ii) passes the OBDII portion of the I/M test;

(B) the original catalytic converter, or a replacement approved under this chapter is on the vehicle and functional; and

(C) the vehicle is in compliance with the applicable requirements of 40 C.F.R. 51.351, 40 C.F.R. Part 51 Subpart S, 40 C.F.R. Part 85, 40 C.F.R. Part 86, each as revised as of July 1, 1999, and the June 1, 1998 EPA guidance document entitled: Revision to Addendum to Mobile Source Enforcement Memorandum 1A (Revised Tampering Enforcement Policy for Alternative Fuel Conversions), adopted by reference in this chapter.

(2) retrofitted with a replacement gasoline engine as described in 18 AAC 52.050(i).

(b) No engine modification may be made unless the modification, and the parts used for that modification, are included on the list in Part V of the program manual.

(c) Tampering is prohibited. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/98, Register 144; am 1/1/00, Register 152; am 3/27/2002, Register 161; am 02/18/2006, Register 177)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

Editor's note: A copy of the Revision to Addendum to Mobile Source Enforcement Memorandum 1A (dated June 1, 1998) adopted by reference in 18 AAC 52.085, may be obtained from an implementing agency or at the department's Anchorage, Fairbanks, or Juneau offices. This document is also available from the Environmental Protection Agency (EPA), Office of Enforcement and Compliance Assurance, or from the EPA Air Enforcement Division.

18 AAC 52.090. REPAIR OF NONCONFORMING VEHICLES. (a) Based upon guidance issued by the implementing agency, the referee facility shall specify repair procedures for a vehicle that does not comply with the requirements of 18 AAC 52.075, 18 AAC 52.080, or 18 AAC 52.085.

(b) For a grey market vehicle, the implementing agency may require the repair of defective emissions control components, but motorists are not required to retrofit emissions control components that were not originally installed on the vehicle.

(c) The referee facility shall issue a certificate of inspection when a vehicle has been modified to comply with the requirements of 18 AAC 52.075, 18 AAC 52.080, or 18 AAC 52.085. (Eff. 2/1/94, Register 129; am 1/1/97, Register 140)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

Editor's note: 18 AAC 52.090 took effect 2/1/94 as an emergency regulation. Due to technical corrections made by the regulations attorney in reviewing the "permanent" regulation for filing, the permanent regulation as it was published in Register 130, July 1994, differed from the emergency regulation even though the section's history note did not reflect an amendment to that section.

18 AAC 52.095. MINIMUM CERTIFICATION REQUIREMENTS. (a) In addition to the other requirements of this chapter, to obtain department approval for an I/M program, an implementing agency shall meet the minimum requirements of this section.

(b) An implementing agency shall adopt training and testing procedures for certifying mechanics to perform I/M tests, repairs, and certification under this chapter. Procedures adopted

under this subsection must be at least as stringent as those set out in 18 AAC 52.400 - 18 AAC 52.405.

(c) An implementing agency shall use only training courses for mechanics that have been certified by the department under 18 AAC 52.410.

(d) An implementing agency shall adopt procedures for certifying automotive repair facilities to participate in the I/M program as certified stations. Procedures for certification of stations must be at least as stringent as those set out in 18 AAC 52.415.

(e) An implementing agency shall adopt standards for certifying equipment for use in an I/M program approved under this chapter. Standards for certification of equipment must be at least as stringent as those set out in 18 AAC 52.420.

(f) An implementing agency shall adopt procedures for renewal of certifications issued by the agency. Procedures must be at least as stringent as those set out in 18 AAC 52.425.

(g) An implementing agency shall adopt procedures for monitoring certified mechanics and stations. Procedures must be at least as stringent as those set out in 18 AAC 52.440.

(h) An implementing agency shall adopt procedures for enforcing the I/M program and for revoking or suspending an I/M certification for violations of program requirements or procedures. Procedures adopted under this subsection must be equivalent to those set out in 18 AAC 52.100 and 18 AAC 52.105, including opportunity for notice, response, and an administrative hearing. (Eff. 2/1/94, Register 129; am 1/1/98, Register 144)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.100. ENFORCEMENT PROCEDURES FOR VIOLATIONS BY MOTORISTS. (a) To assist an implementing agency, the department will, in its discretion, participate in an enforcement action taken under this section by the implementing agency. The department will, in its discretion, take an enforcement action against a motorist who fails to comply with this chapter, with or without participation of the implementing agency.

(b) If good cause exists, the implementing agency shall investigate a claim that a requirement of this chapter has been violated by a motorist. If the implementing agency finds that a motorist has violated a provision of this chapter or of an I/M program administered under this chapter, the implementing agency may issue a notice of violation, advising that the motorist must respond to the implementing agency within the time period specified in the notice of violation or risk an enforcement action under (d) of this section. Nothing in this subsection requires a peace officer to issue a notice of violation before issuing a citation under an applicable statute, regulation or ordinance.

(c) The implementing agency shall allow a motorist who is issued a notice of violation the time period specified in the notice, after receipt of the notice, to provide to the agency with adequate proof that

(1) a vehicle registered outside an I/M area is not principally located or operated in an I/M area or used to commute into the Municipality of Anchorage;

(2) the vehicle has a valid waiver under 18 AAC 52.060 that was affixed to the windshield or displayed in a certificate holder in accordance with 18 AAC 52.020; or

(3) the vehicle has a valid certificate of inspection that was affixed to the windshield in accordance with 18 AAC 52.020.

(d) If a motorist receives a notice of violation under this section and fails to respond or provide appropriate proof of compliance with this chapter within the time period specified in the notice, the implementing agency may take one or more of the following enforcement actions:

(1) refer the matter for prosecution under AS 46.14.400(j);

(2) refer the matter for prosecution as a class A misdemeanor under AS 46.03.790;

(3) request the division of motor vehicles to revoke the vehicle's registration; and

(4) bring a civil action for pollution under AS 46.03.760(e). (Eff. 2/1/94, Register 129; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 12/14/2006, Register 180)

Authority:	AS 46.03.010	AS 46.03.790	AS 46.14.400
	AS 46.03.020	AS 46.14.030	AS 46.14.510
	AS 46.03.760		

Editor's note: 18 AAC 52.100 took effect 2/1/94 as an emergency regulation. Due to technical corrections made by the regulations attorney in reviewing the "permanent" regulation for filing, the permanent regulation as it was published in Register 130, July 1994, differed from the emergency regulation even though the section's history note did not reflect an amendment to that section.

18 AAC 52.105. ENFORCEMENT PROCEDURES FOR VIOLATIONS BY CERTIFIED MECHANICS OR STATIONS. (a) If the department or an implementing agency finds, or has cause to believe, that an act or omission of a certified mechanic or an owner, operator, employee, partner, officer, or member of a certified station violates this chapter, the department will, in its discretion, or the implementing agency may investigate the alleged

violation and take appropriate compliance action, civil or criminal, against the certified mechanic or certified station based on the nature and severity of the violation and the party's history of noncompliance. The department will, in its discretion, or the implementing agency may use an overt or covert performance review to investigate a certified mechanic or station. The department will, in its discretion, initiate the compliance action, including an overt or covert performance review, or participate in a compliance action taken by an implementing agency.

(b) Violations for which the department or an implementing agency might take action under (a) of this section include the following:

(1) an act or omission by a certified mechanic or an owner, operator, employee, partner, officer, or member of a certified station that causes the mechanic or station to be in violation of any applicable requirement of this chapter or the program manual;

(2) negligently providing incorrect or misleading information to the public regarding the requirements of this chapter or the program manual;

(3) causing or allowing a motorist to sign a work order that does not

(A) include the motorist's name and address;

(B) identify the vehicle by make, model, and model year;

(C) list all I/M-related work authorized by the motorist; or

(D) include the vehicle's odometer reading at the time of repair;

(4) failing or refusing to give a motorist a signed copy of any document requiring the motorist's signature;

(5) engaging in conduct that constitutes fraud, deceit, or gross negligence;

(6) failing to follow the inspection and repair procedures specified by the vehicle manufacturer or required by this chapter or the program manual;

(7) departing from or disregarding accepted trade standards for good and workmanlike repair in a manner that is prejudicial to another without the motorist's consent or the consent of the motorist's authorized representative;

(8) making false promises likely to influence, persuade, or induce a motorist to authorize the repair, service, or maintenance of a motor vehicle;

(9) entering false data into an EIS;

(10) performing or allowing a repair that is represented to the motorist as being required to remedy the cause of an inspection failure or obtain a certificate of inspection when it is not required;

(11) adjusting or modifying a vehicle subject to this chapter in a manner that would cause the vehicle to fail an I/M test; this conduct is prohibited regardless of when the vehicle is scheduled for an I/M test;

(12) charging for performing an I/M test that is represented to the motorist as being required, when it is not required;

(13) failing to maintain the confidentiality of a mechanic's access code for the EIS;

(14) allowing I/M-related repair work to be done by someone other than a certified mechanic without the motorist's consent;

(15) performing I/M repairs or performing an after-repair test on a vehicle described in 18 AAC 52.530(b) on which the certified station has not first performed an initial I/M test;

(16) testing a vehicle that is exempt from the requirements of this chapter under 18 AAC 52.005(f) or that is listed in 18 AAC 52.530(c);

(17) performing part of the emissions repairs required when there is an unavailability of replacement parts or an inability to correct certain emissions defects because of the limitations of a particular station; the only exceptions to this paragraph are

(A) if the referee facility has confirmed an availability of parts problem,
or

(B) if the referee facility has confirmed that the vehicle has been repaired to the applicable repair cost minimum;

(18) failing to advise the implementing agency of any change in information provided in the mechanic's or station's application for certification or for renewal of certification;

(19) charging for the repair of defects covered by a warranty without the motorist's written consent;

(20) replacing a modified carburetor with an aftermarket or rebuilt carburetor, unless the replacement is certified by the manufacturer, the BAR, the CARB, or the EPA to meet the same specifications as the original equipment carburetor;

(21) using excessive time to inspect a vehicle during a performance review by the

implementing agency; inspection time in excess of 60 minutes is considered excessive for the purposes of this paragraph unless due to circumstances beyond the control of the mechanic or station;

(22) failing to report to the implementing agency any illegal certification or other violation of this chapter;

(23) performing any type of prescreening; and

(24) performing an excessive amount of off-line tests; for purposes of this paragraph, “excessive” means that the number of off-line tests, excluding off-line tests that are a result of problems with either communication lines or the VID, is greater than 10 percent of the total number of on-line tests for any given period.

(c) As part of a compliance action, the department will, in its discretion, or the implementing agency may issue a notice of violation to the certified mechanic or station unless immediate action is warranted. If required by the department or implementing agency in the notice, the certified mechanic or station shall respond to the alleged violations in the time period specified in the notice.

(d) If the department or implementing agency determines that a violation exists and it is in the public interest to do so, the department will or the implementing agency shall modify, suspend, or revoke the certification of a mechanic or station. A compliance action under this section is subject to the following:

(1) if the department or implementing agency modifies, suspends, or revokes the certification of a mechanic or station, the department or implementing agency will send a notice to the mechanic or station stating that, based on the department’s or implementing agency’s written findings,

(A) the modification, suspension, or revocation is effective 30 days after the date of the notice or, at the discretion of the department or implementing agency, immediately if criminal misconduct is suspected;

(B) the certified mechanic or station may request an informal agency review under (3) of this subsection or a formal hearing under (4) of this subsection within 10 days after receiving the notice and that the certified mechanic or station may also request a stay of the modification, suspension, or revocation under (2) of this subsection within 10 days after receiving the notice; and

(C) a formal hearing, if requested, will be held within 60 days after the department or implementing agency receives a request for a hearing;

(2) if a stay is requested, the department will, in its discretion, or the implementing agency may, for good cause shown and upon reasonable conditions, stay the modification, suspension, or revocation of the certification for a reasonable time;

(3) an informal agency review under this subsection will be before the director of the division of the department that issued the notice, the director's designee, the local I/M administrator, or the local I/M administrator's designee, as applicable; the designee may not be the person who issued the notice; the review will be conducted as follows:

(A) within seven working days after receipt of a request for informal agency review, the person who would conduct the review shall decide if the request merits review;

(B) if the person who would conduct the review decides that the request does not merit review, the director of the division that issued the notice or the local I/M administrator, as applicable, shall inform the mechanic or station in writing of that decision and include the reasons for the decision; the denial shall include a statement that the mechanic or station may seek a formal hearing under (4) of this subsection;

(C) if the review is granted, the person who will conduct the review may request additional information from the mechanic or station; the person who conducts the review shall issue a final decision within 15 days after receipt of the request for review or receipt of additional information requested, whichever is later, and shall also advise the mechanic or station of the right to seek a formal hearing under (4) of this subsection;

(D) a mechanic or station that may seek a formal hearing under this paragraph must submit a hearing request within 15 days after a decision made under (B) or (C) of this paragraph is served on the mechanic or station; if requested, the formal hearing will be held within 60 days after the department or implementing agency receives the request for a hearing;

(4) a formal hearing under this subsection shall

(A) be before the commissioner or a person designated by the commissioner to hear the matter and prepare a recommended decision for the commissioner's review or before the local I/M administrator or a person designated by the administrator to hear the matter and prepare a recommended decision for the administrator's review, as applicable; and

(B) follow the hearing procedures of the Administrative Procedures Act (AS 44.62);

(5) after a formal hearing conducted by commissioner or the local I/M administrator under (4) of this subsection, the commissioner will or the local I/M administrator shall affirm, modify, or set aside the modification, suspension, or revocation of the certification;

(6) after a formal hearing conducted by a person designated by the commissioner

or local I/M administrator to hear the matter and prepare a recommended decision under (4) of this subsection, the commissioner will or the local I/M administrator shall review the recommended decision and either affirm, modify, or set aside the modification, suspension, or revocation of the certification or return the recommended decision to the designated person for further proceedings, consideration, or recommendations;

(7) the commissioner will, in the commissioner's discretion, and the local I/M administrator may permanently revoke certification of a mechanic or station if to do so is warranted by the acts or omissions of the mechanic or station; and

(8) the decision of the commissioner or the local I/M administrator under (5), (6), and (7) of this subsection is a final agency decision.

(e) The department will, in its discretion, and an implementing agency may enter into a compliance order by consent with the certified mechanic or station to remedy the alleged violations rather than bring a compliance action or hold a hearing under (d) of this section if the certified mechanic or station agrees to waive its right to a hearing and review. If the department or an implementing agency determines that the mechanic or station has failed to timely implement the terms and conditions of the compliance order, the department will, in its discretion, or the implementing agency may start a compliance action to suspend, modify, or revoke the certification or refuse to renew a certification.

(f) If a certified mechanic or station voluntarily surrenders certification, the department will, in its discretion, or the implementing agency may take further civil or criminal enforcement action as appropriate.

(g) A mechanic or station whose certification is suspended or revoked under this section shall immediately surrender the certificate to the department or the implementing agency, as applicable, surrender all unused certificates of inspection to the implementing agency, and cease doing business as a certified mechanic or station. The implementing agency shall refund the money paid for unused certificates of inspection. The mechanic or station may not advertise that it is certified after its certification is suspended or revoked.

(h) If the owner or operator of a certified station conducts I/M tests at more than one place of business and the acts or omissions of the station warrant it, the commissioner will, in the commissioner's discretion, and the local I/M administrator may apply an action taken under this section to each such place of business in addition to the place of business as to which the action was taken.

(i) Unless the certification was permanently revoked under (c)(7) of this section, a mechanic or station whose certification was modified, suspended, or revoked may apply for recertification at any time. In addition to meeting the applicable requirements of 18 AAC 52.400 - 18 AAC 52.440, the mechanic or station must provide evidence that the mechanic or station has taken adequate corrective action and has taken action necessary to avoid a reoccurrence of the

violation. The department will, in its discretion, and the implementing agency may refuse to renew the certification of a mechanic or station that fails either to take adequate corrective action or to take action necessary to avoid a reoccurrence of the violation. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152)

Authority: AS 46.03.010 AS 46.14.030 AS 46.14.510
AS 46.03.020

18 AAC 52.110. ENFORCEMENT PROCEDURES FOR VIOLATIONS BY CERTIFIED EQUIPMENT MANUFACTURER. (a) If the department or an implementing agency finds or has cause to believe that a certified equipment manufacturer or a designated service contractor of a certified equipment manufacturer is not providing service or maintenance consistent with the equipment manufacturer's certification under 18 AAC 52.420, the department will, in its discretion, or the implementing agency may investigate the alleged violation. If the implementing agency finds or has cause to believe that a violation exists, the implementing agency shall refer the matter to the department for further action. The department will, in its discretion, take an appropriate civil or criminal compliance action based on the nature and severity of the violation and the history of noncompliance by the equipment manufacturer or the designated service contractor.

(b) Violations for which the department might take compliance action under (a) of this section include the following:

- (1) lack of a designated service provider located within this state;
- (2) failure to respond within three working days from the time a service call is made for service or maintenance of an EIS within an I/M area;
- (3) failure to complete all on-site repairs of an EIS within five working days from the time a service or maintenance request is made;
- (4) failure to provide an on-call service technician consistent with the equipment manufacturer's certification under 18 AAC 52.420;
- (5) failure to provide a call-in system and procedures for an EIS owner to either contact a service technician or place a service request that are consistent with the equipment manufacturer's certification under 18 AAC 52.420;
- (6) failure to provide software updates for an EIS within the time frame specified by the department under this chapter or the program manual;
- (7) failure to bring non-compliant EISs in the field into compliance with the

analyzer system specifications set out in the program manual within the time frame requested by the department or in a way that is satisfactory to the department;

(8) violation of an applicable requirement of this chapter or the program manual;
and

(9) conduct that constitutes fraud, deceit, or gross negligence.

(c) As part of a compliance action, the department will, in its discretion, issue a notice of violation to the certified equipment manufacturer or the designated service contractor unless immediate department action is warranted. If required in the notice of violation, the certified equipment manufacturer or the designated service contractor shall respond to the alleged violation within the time specified in the notice.

(d) If the department determines that a violation exists and it is in the public interest to do so, the department will modify, suspend, or revoke an equipment manufacturer's certification. A compliance action under this section is subject to the following:

(1) if the department modifies, suspends, or revokes an equipment manufacturer's certification, the department will send a notice to the manufacturer and, if applicable, the designated service contractor stating that, based on the department's written findings,

(A) the modification, suspension, or revocation is effective 30 days after the date of the notice;

(B) the manufacturer or the service contractor may request an informal agency review under (3) of this subsection or a formal hearing under (4) of this subsection within 10 days after receiving the notice and that the manufacturer or service contractor may also request a stay of the modification, suspension, or revocation under (2) of this subsection within 10 days after receiving the notice; and

(C) a formal hearing, if requested, will be held within 60 days after the department receives a request for a hearing;

(2) if a stay is requested, the department will, in its discretion, for good cause shown and upon reasonable conditions, stay the modification, suspension, or revocation of the certification for a reasonable time;

(3) an informal agency review under this subsection will be before the director of the department division that issued the notice or the director's designee; the designee may not be the person who issued the notice; the review will be conducted as follows:

(A) within seven working days after receipt of a request for an informal agency review, the person who would conduct the review shall decide if the request

merits review;

(B) if the person who would conduct the review decides that the request does not merit review, the director of the division that issued the notice shall inform the manufacturer or service contractor in writing of that decision and include the reasons for the decision; the denial shall include a statement that the manufacturer or service contractor may seek a formal hearing under (4) of this subsection;

(C) if the review is granted, the person who will conduct the hearing may request additional information from the manufacturer or service contractor; the person who conducts the review shall issue a final decision within 15 days after receipt of the request for review or receipt of additional information requested, whichever is later, and shall also advise the manufacturer or service contractor of the right to seek a formal hearing under (4) of this subsection;

(D) a manufacturer or service contractor that may seek a formal hearing under this paragraph must submit a hearing request within 15 days after a decision made under (B) or (C) of this paragraph is served on the manufacturer or service contractor; if requested, the formal hearing will be held within 60 days after the department receives the request for a hearing;

(4) a formal hearing under this subsection shall

(A) be before the commissioner or a person designated by the commissioner to hear the matter and prepare a recommended decision for the commissioner's review; and

(B) follow the hearing procedures of the Administrative Procedures Act (AS 44.62);

(5) after a formal hearing conducted by commissioner under (4) of this subsection, the commissioner will affirm, modify, or set aside the modification, suspension, or revocation of the certification;

(6) after a formal hearing conducted by a person designated by the commissioner to hear the matter and prepare a recommended decision under (4) of this subsection, the commissioner will review the recommended decision and either affirm, modify, or set aside the modification, suspension, or revocation of the certification or return the recommended decision to the designated person for further proceedings, consideration, or recommendations; and

(7) the decision of the commissioner under (5) and (6) of this subsection is a final agency decision.

(e) The department will, in its discretion, enter into a compliance order by consent with

the equipment manufacturer or designated service contractor to remedy the alleged violations rather than bring a compliance action and hold a hearing under (d) of this section if the manufacturer or service contractor agrees to waive its right to a hearing and review. If the department determines that a certified equipment manufacturer or a designated service provider has failed to timely implement the terms and conditions of a compliance order, the department will, in its discretion, start a compliance action to suspend, modify, or revoke the certification or refuse to renew a certification.

(f) If a certified equipment manufacturer voluntarily surrenders certification, the department will, in its discretion, take further civil or criminal enforcement action as appropriate.

(g) An equipment manufacturer whose certification has been modified, suspended, or revoked may apply for recertification at any time. In addition to meeting the applicable requirements of 18 AAC 52.420, the equipment manufacturer's application must include evidence that the manufacturer has taken adequate corrective action and has taken action necessary to avoid a reoccurrence of the violation. (Eff. 1/1/2000, Register 152)

Authority: AS 46.03.010 AS 46.14.030 AS 46.14.510
AS 46.03.020

ARTICLE 2. CENTRALIZED PROGRAM REQUIREMENTS

(Reserved)

ARTICLE 3. DECENTRALIZED PROGRAM REQUIREMENTS.
(Reserved)

ARTICLE 4. CERTIFICATION REQUIREMENTS.

Section

- 400. Mechanic certification
- 405. Certified mechanic examinations
- 410. Training course certification
- 415. I/M station certification
- 420. Equipment certification
- 425. Renewal of certification
- 430. Duty to report change in status
- 440. Monitoring of certified mechanics and stations
- 445. Suspension or revocation of certification

18 AAC 52.400. MECHANIC CERTIFICATION. (a) A mechanic who seeks certification under this chapter shall submit an application to the implementing agency on a form provided by the agency. The implementing agency may issue a certification to a mechanic if that mechanic has

(1) at least two years experience in the automotive repair industry, or equivalent educational experience;

(2) successfully completed a certified training course in vehicle inspection and repair procedures; for purposes of this paragraph, a "certified training course" is one that has been certified under 18 AAC 52.410; and

(3) passed an examination that has been approved under 18 AAC 52.405; for purposes of this paragraph, a passing score is 80 percent or above.

(b) Regularly scheduled examinations shall be held at a place and time designated by the implementing agency. The agency shall publish the dates and locations for taking the examination. An applicant who fails the examination may, after at least 30 days, apply for re-examination.

(c) The mechanic competency portion of the examination may be given as a screening or challenge test for competency in the area of emissions control system maintenance and repair. A person who passes the screening test may be certified after passing an abbreviated training course that emphasizes the details of the I/M program requirements and procedures and successfully completing the hands-on proficiency portion of the training course described in (a)(2) of this section.

(d) If a mechanic includes with the application

(1) a certificate of successful completion of a training course certified under 18 AAC 52.410, the implementing agency may waive the competency test described in 18 AAC 52.405(b), and issue certification after the mechanic successfully completes the rules and regulations and the hands-on portions of the examination described in 18 AAC 52.405(a); or

(2) a current certification issued under this chapter by another implementing agency, the implementing agency will not require the mechanic to take a competency test, but will require successful completion of the rules and regulations and the hands-on tests.

(e) Certification under this section is valid for two years and may be renewed under 18 AAC 52.425. The implementing agency may issue a one-year certification to a mechanic who has received the training and passed the tests described in (a)(2) and (3) of this section, but who does not meet the criteria listed in (a)(1) of this section.

(f) A mechanic certified under this section may perform I/M tests and emission-related repairs as described in this chapter and the program manual.

(g) An applicant who requires additional time to complete the examination shall notify the implementing agency at least 10 days in advance so that special testing arrangements can be made. The implementing agency will make appropriate accommodations as required by the Americans with Disabilities Act, including special testing accommodations for persons unable to take the standard examination. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/98, Register 144)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.405. CERTIFIED MECHANIC EXAMINATIONS. (a) Only an examination certified under this section may be used for purposes of certifying mechanics under 18 AAC 52.400. To be certified under this section, the examination must consist of

(1) a comprehensive mechanic competency test described in (b) of this section;

(2) a written test with a test time of approximately one hour, with the test to cover applicable regulations, the written test may be given to a mechanic only after the mechanic has attended a lecture and a question and answer period of up to eight hours; the written test must cover all requirements of this chapter, with emphasis on certification of mechanics and stations, tailpipe emissions standards, waiver procedures, quality control, program administration, and enforcement; and

(3) a hands-on proficiency test of approximately 30 minutes duration.

(b) Approximately three hours must be allowed to complete the competency test required by (a)(1) of this section, with approximately the first half-hour for orientation and instructions. At least two and one-half hours must be scheduled for the written competency examination. The competency examination must cover

(1) basic internal combustion gasoline engine operation;

(2) fuel systems, OBDII systems, and emissions control devices; and

(3) engine diagnosis and test equipment operation. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/98, Register 144; 3/27/2002, Register 161)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.410. TRAINING COURSE CERTIFICATION. (a) Only a training course certified under this section may be used for purposes of certifying mechanics under 18 AAC 52.400. The department will, in its discretion, certify a mechanic's training course if minimum course requirements are equivalent to those contained in Part II of the program manual.

(b) A person seeking certification for a training course under this section shall submit to the department:

(1) a detailed course outline;

(2) a written explanation of how the proposed course compares to the minimum course requirements in Part II of the program manual;

(3) a complete copy of course materials to be used, including workbooks, textbooks, and visual aids;

(4) a description of the facilities available for classroom training;

(5) a detailed description of facilities to be used for hands-on training and testing, including a list of available equipment;

(6) a copy of a typical final examination to be given at the completion of the course work and a description of the grading criteria;

(7) a description of the manner in which the integrity of the examination process will be protected; and

(8) a resume for each instructor, including proof that the instructor has current National Institute for Automotive Service Excellence (ASE) L-1 certification and has successfully completed the training course certified under this section or an equivalent course as determined by the department.

(c) Before certifying a training course under this section, the department will, in its discretion, require

(1) an interview with one or more instructors who will be teaching the course; and

(2) a site visit to inspect the facilities to be used for the hands-on training.

(d) The department will issue certification under this section if it finds that students who pass the proposed training course will be capable of accurately following repair procedures set out in Part IV of the program manual.

(e) Use of instructors not identified under (b)(8) of this section, or any other change in the course as certified, requires prior department approval and an amended certification.

(f) Certification for a training course is valid for two years, and must be renewed under 18 AAC 52.425.

(g) After notice and opportunity for hearing, the department will, in its discretion, revoke certification if the course is not being conducted consistent with the description and information provided under (b) of this section. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/2000, Register 152; am 02/18/2006, Register 177)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.415. I/M STATION CERTIFICATION. (a) An implementing agency may certify an auto repair facility as a certified station if the facility meets the requirements of 18 AAC 52.500 - 18 AAC 52.550. Separate certification is required for each inspection location. Multiple test bays or inspection lanes at one location require a single certification. Each certification is valid for a single address. A mobile station may not be certified under this chapter.

(b) A person who seeks certification shall submit an application to the implementing agency on a form provided by the implementing agency. The person shall submit a separate application for each inspection location.

(c) The applicant shall include in the application

(1) the business name under which the station will be operated;

(2) if the station will be operated as a partnership, each partner's name, address, telephone number, and Alaska driver's license number or the number of the state identification card issued by the division of motor vehicles under AS 18.65.310;

(3) each officer's name, title, address, and telephone number, if the station will be operated as a corporation; in addition, the application should include the name, address, and telephone number of the corporation's registered agent, and a copy of a board resolution authorizing operation as a certified station;

(4) the name of the person supervising each location in the I/M area;

(5) the names and certification numbers of all certified mechanics employed by the applicant;

(6) all equipment and supplies that the applicant intends to have on premises to meet the requirements of 18 AAC 52.500 - 18 AAC 52.550; and

(7) the telephone number of each dedicated line provided for each EIS.

(d) The owner or operator of a certified station shall report any change in the information provided in an application under this section to the implementing agency within 10 days after the change occurs.

(e) After receipt of a properly completed application, the implementing agency shall determine whether the information submitted is valid and sufficient to warrant certification. The implementing agency may conduct an onsite inspection of the proposed facility to determine whether the necessary equipment is present and in proper operating condition.

(f) Certification under this section is valid for two years unless

(1) Repealed 1/1/98.

(2) certification is suspended or revoked under 18 AAC 52.105. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/98, Register 144; am 1/1/2000, Register 152)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.420. EQUIPMENT CERTIFICATION. (a) A manufacturer or distributor of emissions test equipment may apply to the department for certification of that equipment for use under this chapter. A person who seeks certification of equipment for use in this state under this chapter shall provide EISs that are an Alaska version of the BAR 97-certified EIS or equivalent. The EIS must be modified to meet the specifications set out in Part I of the program manual. The application must include

(1) the following for California certified hardware:

(A) evidence that the EIS hardware has been certified by the BAR;

(B) all applicable BAR certifications issued for the hardware;

(C) all documentation submitted to the BAR as part of the hardware certification process, including details on the certified hardware configuration; and

(D) a sworn statement by the applicant that the BAR has not revoked certification and that the hardware configuration of the Alaska EIS is identical to that certified by the BAR except as specified in Part I of the program manual;

(2) the following for an EIS equivalent to the California certified BAR 97:

(A) evidence, such as test data, or description of another application or situation in which the hardware has been used; and

(B) evidence that documents the hardware has achieved a level of performance equal to or better than that required under BAR 97 certification;

(3) documentation that the Alaska version of the BAR 97-certified EIS or equivalent operates in a manner consistent with the inspection requirements, the EIS use examples, and the emissions standards contained in Part IV of the program manual

(4) the specific display prompts and programming of the EIS as set out in Part I of the program manual, including a printed representation of all screen displays that a technician might encounter when using the EIS;

(5) a certified statement that the EIS has been designed to meet the requirements of Part I of the program manual;

(6) an instruction manual for the EIS satisfying the requirements of Part I of the program manual;

(7) a certification signed by an authorized company representative that includes:

(A) a statement that the applicant will provide or arrange for service and maintenance and that addresses

(i) lock-out correction;

(ii) service providers located in this state;

(iii) response time of three days or less from the time a service call is made from any I/M area in this state to provide the service;

(iv) completion of all on-site repairs within five working days from the time the service call is made;

(v) providing a loaner EIS should the analyzer be unrepairable within five working days from the time the service call is made;

(vi) an on-call service technician Monday through Saturday; and

(vii) a 24 hour call-in system and procedures that allow an EIS owner to contact the service technician or place a service call; and

(B) a full description of applicable warranty provisions including

(i) service response time and local or toll-free service contact phone number; and

(ii) a certified copy of the warranty form that will be presented to prospective purchasers and provided with all EISs sold in this state;

(8) a year 2000 compliance statement;

(9) Underwriters Laboratory (UL) or other approved certifications for all system hardware;

(10) a statement that the applicant warrants that each EIS will be free from defects in materials or workmanship as required in Part I of the program manual;

(11) a statement that the applicant will provide a software update of up to 750 programming hours at no cost for development or installation and that additional software updates necessary to comply with revisions to the requirements of Part I of the program manual will be made by the applicant within six months after receiving a notice from the department that a software revision is necessary;

(12) a statement that the applicant will provide two EISs for evaluation by the department or its designee as required by (b) of this section;

(13) a statement that the applicant recognizes that successful completion of the evaluation under (b) of this section does not relieve the applicant from any software warranty requirements;

(14) a description of the service technician access security system the applicant has implemented in EISs to be sold in this state; the pages of the application describing the security system shall be marked CONFIDENTIAL and kept separate from the rest of the application;

(15) documentation that demonstrates the ability of the EIS to communicate with the VID and evidence that the EIS can interface for all EIS-VID information interfaces as described in Part 1 of the program manual; and

(16) a statement that the applicant will pay all reasonable costs incurred by the department in excess of \$20,000 in its evaluation of the EIS for consistency with the requirements of this chapter and the program manual.

(b) An applicant for certification under this section shall submit two EISs for evaluation by the department or its designee. The applicant will be given the opportunity to correct minor discrepancies without the need for re-evaluation. Upon certification, the applicant shall transfer ownership of the two EISs to the department.

(c) The department will certify an EIS that meets the requirements of Part I of the program manual and this section.

(d) Annual renewal of certification under 18 AAC 52.425 is required. Renewal of certification will be approved upon a determination by the department that the applicant has complied with any software update requirements imposed under this section or Part I of the program manual and with all service and maintenance requirements identified under (a)(7)(A) of

this section and has not committed a violation for which the department might take a compliance action as described at 18 AAC 52.110(b).

(e) Certification of an EIS may be modified, suspended, or revoked under 18 AAC 52.110 if the department determines that the EIS does not fully comply with all portions of the analyzer specifications set out in Part I of the program manual or that the manufacturer has committed a violation for which the department might take compliance action as described at 18 AAC 52.110(b).

(f) The department will, in its discretion, limit suspension or revocation of the certification for an EIS to future sales of that EIS. EISs in service at the time the department imposes a limited suspension or revocation that do not conform to analyzer and update specifications will be locked out until they are brought into compliance at the discretion of the department. If the department limits the suspension or revocation of an EIS to future sales, the department will notify all certified stations and other representatives of the repair industry that the certification of that EIS has been suspended or revoked for EISs put into service after the date of the suspension or revocation. If problems identified are not corrected within the time specified by the department, the department will, in its discretion, suspend or revoke certification for all EISs affected, including those EISs in service at the time of the initial suspension or revocation. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/98, Register 144; am 1/1/2000, Register 152)

Authority: AS 44.46.025 AS 46.14.030 AS 46.14.510
AS 46.03.020

18 AAC 52.425. RENEWAL OF CERTIFICATION. (a) A person who has received certification under 18 AAC 52.400 - 18 AAC 52.420 shall apply for renewal on a form provided by the implementing agency. An application for renewal must be filed at least 30 but no more than 90 days before certification expires.

(b) Renewal of certification of a training course approved under 18 AAC 52.410 requires revisions to the course to accommodate changes in the I/M program.

(c) A certified mechanic's certification expires on its expiration date unless the mechanic renews certification under this section. To renew an I/M mechanic certification, a mechanic must pass a recertification examination. The mechanic shall bring a renewal application and the mechanic's current certification to the recertification examination. To be recertified, the mechanic must pass a written test and a hands-on proficiency test with a score of 80 percent or higher. The written test must be equivalent to the examination described under 18 AAC 52.405 and must include sections on mechanic competency and I/M program regulations.

(d) The department will, in its discretion, approve an alternate method of recertification in an implementing agency's design document if the implementing agency demonstrates that the alternate method will assure that a mechanic recertified under that method will be qualified to carry out the requirements applicable to certified mechanics under this chapter.

(e) A mechanic may act as a certified mechanic for purposes of this chapter only while holding a valid, current certification. If a mechanic fails to renew the certification before it expires, that mechanic is prohibited from performing any activity requiring certification under this chapter.

(f) The implementing agency may inspect a certified station before renewing the station's certification. An applicant for renewal shall meet all conditions required for initial certification under 18 AAC 52.415. If certification has expired, the applicant for recertification may not perform an I/M test until recertification is approved. It is the owner's or operator's responsibility to know when the certification expires and to complete the renewal process before certification expires.

(g) The implementing agency may refuse to renew certification

(1) if the application is inadequate or inaccurate, or if the applicant has had a certification suspended or revoked under this chapter; or

(2) of a training course if the course is shown to be inadequate to ensure that students will be able to accurately follow repair procedures equivalent to those in Part IV of the program manual. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/98, Register 144)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.430. DUTY TO REPORT CHANGE IN STATUS. A certified mechanic or station shall report to the implementing agency any change in the I/M-related status, including a change in employment or in the home or mailing address, within 10 days after the change occurs. (Eff. 2/1/94, Register 129)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.440. MONITORING OF CERTIFIED MECHANICS AND STATIONS.

(a) The implementing agency shall conduct routine performance reviews of certified mechanics and stations and shall send vehicles used for overt and covert performance reviews through a

certified station to determine whether proper inspections and repairs are being performed. The implementing agency may

(1) perform other inspections, conduct quality control checks, and otherwise monitor mechanic and station performance; and

(2) contract for the analysis of data received from certified stations, and for other assistance.

(b) The implementing agency may direct its referee facility to

(1) alter a vehicle's emissions control system for the purposes of creating an intentional emissions problem that should be readily identifiable by a certified mechanic or station during an overt or covert performance review of the mechanic or station;

(2) verify and document any alteration made under (1) of this subsection, including the status of the vehicle's emissions control system and emissions levels, before the vehicle is taken to the certified station for the performance review; and

(3) determine the results of emissions repairs made on a documented vehicle at the certified station.

(c) After the overt or covert performance review, the implementing agency shall give the certified station a copy of the description of any alteration made by the referee facility under (b)(1) of this section.

(d) A certified station may not charge for an overt performance review conducted under this chapter.

(e) The owner, operator, or an employee of the station shall allow a representative of the implementing agency to

(1) have immediate access to the station during normal business hours;

(2) observe all activities related to I/M testing and repair of vehicles under this chapter; and

(3) have reasonable access to records, including certificates, invoices, work orders, VIRs, estimates, and other documents related to the I/M program.

(f) Except when a test or repair using the EIS is in progress, the owner or operator of a certified station, or a certified mechanic, shall provide immediate access to the EIS so that a representative of the implementing agency may perform any check, reprogramming, disk change, or other system-related inspection, modification, or service. If a test or repair is in progress, the owner, operator, or mechanic shall provide access to the EIS when the test or repair is completed, or within one hour of the request for access, whichever first occurs. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/98, Register 144; am 1/1/2000, Register 152)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.445. SUSPENSION OR REVOCATION OF CERTIFICATION. A certified mechanic or station found by the implementing agency to be in noncompliance with a requirement of this chapter risks suspension or revocation of certification under 18 AAC 52.105. (Eff. 2/1/94, Register 129)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

ARTICLE 5. CERTIFIED STATION REQUIREMENTS.**Section**

- 500. General operating requirements
- 505. Display of certified station sign
- 510. Display of certification
- 515. Inspection charges
- 520. Required tools and equipment
- 525. Remote station operation
- 527. Prescreening prohibited
- 530. Preliminary inspection
- 535. Test abort conditions
- 540. Official I/M testing
- 545. Parts on order
- 546. Unavailable parts
- 550. Recordkeeping requirements

18 AAC 52.500. GENERAL OPERATING REQUIREMENTS. (a) No person or business may post a sign or otherwise advertise a facility as a certified station or solicit or offer to perform an I/M test if that person or business is not certified under this chapter. The owner or operator of a certified station shall employ only certified mechanics to perform emissions repairs and inspections required under this chapter. The owner or operator shall ensure that all equipment is properly maintained and calibrated and that any repair or inspection subject to this chapter is done as required by the vehicle manufacturer, this chapter, and the program manual, including

(1) ensuring that each EIS has been certified under 18 AAC 52.420;

(2) following, and requiring mechanics employed by the station to follow, the testing procedures and meeting the inspection standards set out in Part IV of the program manual; and

(3) using only original equipment manufacturer's parts, aftermarket parts that meet original equipment manufacturer specifications, or the aftermarket parts authorized for use in Part V of the program manual.

(b) The owner or operator of a certified station shall ensure that the certified station

(1) is constructed and equipped to comply with applicable federal, state, and local requirements;

(2) is heated and cooled as necessary to

(A) maintain the temperature at the operating range specified for the EIS by the EIS manufacturer; and

- (B) prevent excessive temperature fluctuations;
- (3) provides 110-120 volt power for the EIS from an approved source of electricity that
 - (A) supplies a consistent source of electricity; and
 - (B) enables the EIS to meet or exceed the minimum operating requirements for the analyzer;
- (4) provides adequate ventilation for exhaust gases; and
- (5) is equipped with a separate telephone line for each EIS that is connected to the EIS at all times.

(c) The owner or operator shall ensure that I/M tests and other work subject to the requirements of this chapter are performed only at the certified location.

(d) Upon request, the certified station shall return a replaced part to the motorist after repair work is completed, except a part required to be returned to the manufacturer or distributor under a warranty or exchange arrangement. If a part must be returned to the manufacturer or distributor, the station shall first give the motorist an opportunity to inspect the part.

(e) Except as otherwise provided in this subsection, if a certified mechanic or station elects not to do further work on a vehicle, the mechanic shall remove, at no cost to the motorist, any parts that were installed, and shall refer the motorist to the referee facility. If the mechanic has properly performed the correct repairs, the station may charge the motorist for the repair, refer the vehicle to the referee facility, and agree to comply promptly with the decision and instructions of the referee facility.

(f) If a certified station cannot accurately test a vehicle, the station shall refer the vehicle to another certified station. If a certified station cannot competently repair a vehicle, the station may refer the vehicle to another certified station or to a noncertified repair facility. If the certified station refers a vehicle to a noncertified repair facility for I/M-related repairs, the owner or operator of the certified station must fully inform the motorist of all rights, privileges, and advantages that the motorist might lose if repairs are performed at a noncertified facility.

(g) A certified mechanic or station shall inform each motorist that the vehicle must be registered with DMV within 90 days after a certificate of inspection is issued, and that failure to register the vehicle within 90 days will require the motorist to obtain a new certificate of inspection and to pay for another test. If the motorist requests an I/M test for a vehicle with a registration due date more than 90 days in the future, the mechanic or station shall obtain the motorist's signature on an acknowledgment that the motorist was informed of the 90-day limit. The mechanic or station shall secure authorization as follows:

I acknowledge notice that I must register my vehicle with DMV within 90 days after a certificate of inspection is issued, or obtain a new certificate of inspection if I have not registered the vehicle before the 90 days have passed. I understand that I would have to pay to have my vehicle inspected again in order to receive the new certificate.

(signature)

(date)

(h) A certified mechanic shall inform the motorist that emissions defects that are not caused by tampering might be covered by warranty and that the motorist may take the vehicle to the referee facility for inspection before having repairs performed or to the manufacturer's representative for inspection and repairs.

(i) A motorist may elect to bypass the referee facility under (h) of this section. The motorist may go directly to the warranty repair facility or may pay to have the repairs performed at a repair facility of the motorist's choice. The implementing agency will not be able to offer assistance if the results are not satisfactory. If the repair facility is a certified station, another initial test, at the motorist's expense, is required on the vehicle before the repair.

(j) Each certified station shall document to the implementing agency those motorists who are referred to the referee facility for warranty verification. Documentation must be in the following language, signed by the motorist:

I acknowledge that I have been referred to the referee facility by
[insert name of person who made the referral].

(signature)

(date)

(Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/98, Register 144; am 1/1/2000, Register 152)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.505. DISPLAY OF CERTIFIED STATION SIGN. (a) Only a station certified under this chapter may display a sign or shield bearing the inscription "Certified I/M Station, Test and Repair." The sign must conform to the design shown in Figure 1 and must be bordered and lettered in light chrome yellow. The background must be royal blue. The word "CERTIFIED" must be in 2¼ inch high gothic letters at the top of the sign. "I/M" must appear where indicated in Figure 1 in four-inch high gothic letters below the word "CERTIFIED". The word "STATION" must appear where indicated in Figure 1 in 2¼ inch high gothic letters below "I/M". The words "TEST AND REPAIR" must appear on two lines at the bottom of the sign in

1½ inch high gothic letters. All dimensions of the sign may be increased or decreased in uniform proportion.

Figure 1
Certified I/M Station Sign



(b) A certified station is not required to display the official I/M shield, but the following terms are reserved and may appear only on an official shield:

- (1) "certified I/M station";
- (2) "certified";
- (3) "test and repair"; and
- (4) repealed 6/24/94;
- (5) "testing station". (Eff. 2/1/94, Register 129; am 6/24/94, Register 130)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.510. DISPLAY OF CERTIFICATION. A certified station shall prominently display in the customer service area each certification issued under this chapter for that station and for each certified mechanic employed by the station. The certifications must be displayed in a manner that is legible by customers while a work order is being completed. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/2000, Register 152; am 02/18/2006, Register 177)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.515. INSPECTION CHARGES. (a) A certified station shall post in its customer service area a clearly legible sign that states

(1) the total cost for an I/M test, pass or fail; or

(2) the cost for an I/M test and the cost for a certificate of inspection, if the vehicle passes the inspection, with each cost listed separately.

(b) If different inspection charges are imposed for different vehicles or circumstances, each separate charge must be posted.

(c) In addition to posting inspection charges, the station shall complete and provide each motorist with a cost quotation for the I/M test and issuance of a certificate of inspection. The quotation must be made by an employee of the station and agreed to by the motorist before an I/M test is conducted.

(d) The mechanic or station shall ensure that the motorist is

(1) advised that the

(A) inspection cost covers only the inspection of the vehicle and, if the vehicle

(i) passes the inspection, the certificate of inspection; or

(ii) fails the inspection, the cost of preparing a written repair estimate except as provided in (e) of this section;

(B) cost of any necessary repairs are not included in the inspection cost; and

(2) given a written itemized repair cost estimate, as described in (e) of this section, if the vehicle fails the inspection, and advised that

(A) another facility may perform the repairs;

(B) an additional inspection fee may be charged if the vehicle is taken to another certified facility for repairs; and

(C) there is no charge for an after-repair test if the repairs are performed at the station that performed the initial test.

(e) Unless the implementing agency provides otherwise, after a failed test, the certified station shall give the motorist a written repair estimate for all necessary I/M repair work that separately lists the cost of performing the labor and the cost of providing the parts. A written repair estimate

(1) Repealed 1/1/2000.

(2) may be prepared after preparing an initial estimate for the cost of performing a recognized diagnostic procedure if that procedure is needed to determine the exact repair required; for purposes of this paragraph, "recognized diagnostic procedure" means a procedure listed in a current emissions control repair manual approved by an implementing agency under 18 AAC 52.520(b);

(3) may not be an open-ended estimate;

(4) must state the maximum amount to be charged for each repair or procedure;

(5) must be created by the certified station as part of the I/M test, and the cost of the estimate must be included as part of the cost of the test;

(6) may be based upon the cost of original equipment manufacturer (OEM) parts and repair procedures if the estimate is for repair of a vehicle that is covered by a manufacturer's warranty; and

(7) must reflect the least costly repair procedures available that satisfy the requirements of this chapter if the estimate is for repair of a vehicle that is not covered by a manufacturer's warranty; the motorist may specify a repair procedure that costs more than the repair procedure specified in the certified station's estimate, but if the motorist specifies a more costly repair procedure, the cost of the repairs that exceeds the certified station's written repair estimate based on the least costly repair procedure may not be applied to satisfy the repair cost minimum.

(f) No work may be done and no charges may accrue until authorized by the motorist. No charge may be made for work done or parts supplied in excess of the estimate without the motorist's oral or written consent. For an oral consent, a station employee shall enter on the work order or invoice the date, time, name of the person who authorized the additional repairs, telephone number, if any, and a detailed summary of the additional parts, labor, and total additional cost. After completion of repairs, a station employee shall request the motorist to sign a notice and consent form in the following language:

I acknowledge notice and my oral approval of an increase in the original estimated price.

(customer's signature)

(g) The certified station shall include in the written estimate a statement of any specialized automotive repair service that, if required to be done, will be done by another person. The station is responsible for this specialized, subcontracted service in the same manner as if the station or its employees had done it. No service may be done by someone other than the certified station without the motorist's consent. Unless the implementing agency requires otherwise, the station shall obtain the motorist's consent as follows:

I acknowledge notice and approval of the subcontracted inspection and repairs indicated above.

(signature)

(date)

(h) If the motorist's consent for a subcontracted repair is oral, a station employee shall make a notation on the work order of the date, time, name of person authorizing the subcontracted repair, telephone number called, if any, a description of each subcontracted repair to be performed, and the cost of parts and labor for each repair. Unless the implementing agency requires otherwise, after the repair work is completed, the station employee shall request the motorist to sign the following statement:

I acknowledge notice and oral approval of the subcontracted inspection and repairs indicated above.

(signature)

(date)

(i) If the motorist authorizes subcontracted repairs under (g) or (h) of this section, an employee of the certified station shall deliver the vehicle or part to be repaired to the subcontractor and retrieve the vehicle or part after the repairs are completed. The certified station shall then perform an after-repair I/M test. The owner or operator of the certified station shall pay the subcontractor and the motorist shall pay the certified station for the repair.

(j) A certified station may not charge a fee, and shall give the motorist a work order or invoice marked "no charge," for the following work:

(1) an inspection performed by a certified station after repairs have been performed on a vehicle at that station;

(2) repealed 1/1/2000.

(3) an inspection of a vehicle under an overt performance review;

(4) an aborted test, unless the test was requested by the customer for purposes other than obtaining a certificate of inspection;

- (5) an inspection performed when no estimate was provided to the motorist;
- (6) a second I/M test after the motorist has been referred to the referee facility or to the dealer on a recall advisory;
- (7) repealed 3/27/2002;
- (8) an I/M test on a vehicle that fails the test if the station cannot repair that vehicle within a reasonable period;
- (9) the repair of defects covered by a warranty unless the repair is requested by the motorist at a facility other than an authorized warranty repair facility;
- (10) any emissions-related repair made to the vehicle before the initial I/M test, unless allowed by an implementing agency; and
- (11) any emissions-related repair made to a vehicle with a registration that will expire in less than 90 days unless the vehicle has been inspected and a repair estimate has been prepared.

(k) If the cost quotation issued under this section includes a free or reduced-charge I/M test with the purchase of some other service, the certified station shall provide the motorist with a complete I/M test before providing or charging for the other service. If the vehicle fails, the station shall perform a complete I/M test and provide the motorist with all other required documents before providing or charging for the originally advertised additional service.

(l) Repealed 1/1/2000. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 02/18/2006, Register 177)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.520. REQUIRED TOOLS AND EQUIPMENT. (a) A certified station shall have available for use by its employees, the tools and test equipment necessary to conduct vehicle I/M tests, including at least one EIS certified under 18 AAC 52.420. If a vehicle manufacturer specifies that special tools or testing equipment must be used to perform certain repairs on certain vehicles, the station shall have that equipment, or its equivalent, available when those repairs are performed on those vehicles. The requirements of this subsection do not preclude specialty subcontracted repairs, with the customer's consent.

(b) The owner or operator of a certified station shall keep on the premises a current copy of this chapter, the I/M program manual, updates to the manual, and all other documents required by the implementing agency, and shall make those documents available to the certified mechanics employed by the station. The owner or operator shall maintain a library of current emissions control repair manuals approved by the implementing agency (such as Motor Emission Control Manuals, Chilton Emission Control Manuals, Mitchell Emission Control Manuals, Mitchell Engine Performance Manuals, Mitchell Light Truck and Van Service Manuals, and Mitchell Passenger Car Service Manual (for 1989 only), or a computerized version of these manuals) for use with each imported and domestic passenger car or light-duty truck included in the I/M program.

(c) In addition to the requirements of (a) and (b) of this section, the owner or operator of a certified station shall have on site all tools and equipment necessary for emissions-related I/M tests and repairs, including, at a minimum, the equipment listed in this subsection for use by certified mechanics for each vehicle make and model that the station repairs. The owner or operator shall keep the equipment operational and well-maintained. The meters, gauges, and other equipment may be furnished either as separate items or as components of a complete system such as an engine analyzer. Equipment requirements include wrenches, socket sets, screwdrivers, thickness gauges, pliers, other tools necessary to perform tuneup-related repairs, and

(1) specifications for each EIS and other test equipment adopted by the implementing agency under 18 AAC 52.035(c)(3);

(2) a high impedance digital ohmmeter;

(3) a hand-held voltmeter;

(4) an engine tachometer;

(5) a hand-operated vacuum pump with pressure gauge;

(6) an ignition timing light;

(7) an engine compression test gauge;

(8) scan tools, supplemental analyzer provisions, or detailed reference materials sufficient to allow the extraction and interpretation of diagnostic trouble codes from any vehicle equipped with an exhaust oxygen sensor and malfunction indicator light;

(9) repealed 1/1/97;

(10) a current quick-reference emissions control systems applications guide, located on or near the EIS;

- (11) a dual probe attachment for the EIS;
- (12) a choke checker or equivalent instrument that produces sufficient heat and cold to satisfactorily check the operation of bulb-type intake air heaters;
- (13) a propane enrichment carburetor adjustment kit;
- (14) calibration gases approved under Part I, Section 6 of the program manual;
- (15) a separate, dedicated telephone line connected to each EIS;
- (16) a separate, dedicated supply of shop air for use at the EIS; and
- (17) any other special tools or equipment mandated or recommended for use by each vehicle manufacturer for each vehicle the station repairs; and
- (18) in each facility, one dial-up Internet account that is
 - (A) established with the telecommunications utility under contract with the state to provide telecommunications services to the state; and
 - (B) dedicated for remote access communications between the department and the
 - (i) EIS
 - (ii) division of motor vehicles in the Department of Administration; and
 - (iii) implementing agency. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 02/18/2006, Register 177)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.525. REMOTE STATION OPERATION. The implementing agency may not certify a mobile I/M test station under this chapter, but may permit I/M tests to be performed at locations not normally used as I/M stations. The implementing agency may issue a remote I/M station certification to an I/M station seeking remote operation capability. A remote station shall be certified if

- (1) the station provides only I/M tests, with no repairs performed at the remote site;
- (2) the operator currently operates a certified station at a permanent location;

(3) written notice is provided to the implementing agency at least two working days before any I/M tests are performed at the remote location; notice under this paragraph must include the date, beginning and ending times of operation, location of the remote operation, the mechanic's name and certification number, and the serial number of the EIS;

(4) the facility where remote operations are to be performed meets the applicable requirements of 18 AAC 52.500 and is open for inspection by the implementing agency when I/M tests are being performed;

(5) certificates are displayed as required in 18 AAC 52.510 and kept separate from those issued to any other station;

(6) all records and files are maintained at the permanent station designated in the application;

(7) field inspectors are granted access to perform overt and covert performance reviews at the remote station, including a review of work orders, VIR records, repair estimates, other I/M documentation, and an inventory of all certificates of inspection issued at the station; if an employee is not available to provide access, the station shall provide the records as soon as the activity that the employee is engaged in is completed, or within one hour, whichever occurs first;

(8) the manufacturer of the EIS has reviewed the proposed operations and has certified to the implementing agency that the system will perform within design specifications for that system under the type of operation proposed at the remote station, including provisions for overnight storage, minimizing temperature fluctuations between storage and operating environments, transportation procedures, and electrical supply;

(9) the manufacturer continues to warrant the EIS; and

(10) the I/M station meets applicable requirements of this chapter whenever I/M tests are performed by a certified mechanic at the remote station, including the requirements regarding a dedicated phone line for the EIS, certified mechanics, tools, equipment and reference materials. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/98, Register 144; am 1/1/2000, Register 152)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.527. PRESCREENING PROHIBITED. Prescreening is prohibited. (Eff. 6/24/94, Register 130; am 1/1/98, Register 144; am 1/1/2000, Register 152)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.530. PRELIMINARY INSPECTION. (a) Unless provided otherwise in this section, and after a motorist accepts a certified station's cost quotation, the station shall inspect all vehicles subject to inspection under this chapter.

(b) A certified station shall first determine whether a vehicle is subject to this chapter. The owner or operator of the certified station, or a certified mechanic employed by the station shall inform the motorist that an inspection is not required for a vehicle

(1) that is exempt under 18 AAC 52.005(f);

(2) with a registration renewal date more than 90 days in the future;

(3) Repealed 1/1/98; and

(4) with a registration renewal due the next year, unless the renewal date is 90 days or less in the future.

(c) Unless the implementing agency provides otherwise, the owner or operator of the station, or a certified mechanic employed by the station, shall refer the following vehicles to the referee facility or the implementing agency for an I/M test or to verify qualification for a waiver under 18 AAC 52.060:

(1) a diesel-fueled vehicle;

(2) a grey market vehicle;

(3) a vehicle designed or modified to run on an alternate fuel; the referee facility or a certified station that has been approved by the department to test dual-fuel vehicles will inspect a dual-fuel vehicle in this category to ensure that all required equipment is present and operable; the referee facility or a certified station that has been approved by the department to test dual-fuel vehicles will perform one I/M test on the vehicle in the gasoline mode and one I/M test while the vehicle is in the alternate-fuel mode to ensure that tailpipe emission levels that are measured by both tests meet the standards in 18 AAC 52.050; a vehicle using an oxygenated fuel blend approved for use under 18 AAC 53 may be tested at any certified station;

(4) a vehicle equipped with an engine other than the engine originally installed in the vehicle, except that

(A) a vehicle with a label affixed to it by the referee facility may be I/M-tested to the specifications stipulated on the label;

(B) an engine of the same size remanufactured for the correct application is not considered a different engine for purposes of this paragraph, and a vehicle containing such an engine may be I/M-tested; and

(C) repealed 1/4/95;

(5) a vehicle with its odometer reading obscured or unreadable for any reason, unless the motorist authorizes its repair;

(6) a used vehicle that was purchased from a person engaged in the business of selling used vehicles and that requires a transfer of ownership under AS 45.45.400(a); for a vehicle described in this paragraph, the certified mechanic or station shall refer the motorist to the dealer who sold the vehicle; and

(7) a vehicle that causes the EIS to abort the I/M test due to incompatibility between the vehicle and the EIS.

(d) After determining that a vehicle is subject to an I/M test, a certified mechanic or station shall conduct, at no charge to the motorist, a preliminary safety inspection before testing. With the implementing agency's approval, the preliminary inspection may be included as part of the I/M test. The mechanic or station shall reject for testing, or abort the test on, any vehicle found to be unsafe. The following are examples of situations that could preclude proper completion of an inspection or test:

- (1) major oil system leak;
- (2) major transmission leak;
- (3) major coolant system leak;
- (4) fuel system leak;
- (5) excessive exhaust system leak;
- (6) unable to hold steady engine RPM;
- (7) unusual engine noises;
- (8) engine warning light on;
- (9) Repealed 1/1/98; and

(10) any other safety problem on the vehicle that makes the vehicle unsafe for testing.

(e) After a certified mechanic determines that a vehicle needs an I/M test and that any defect listed in (d) of this section has been repaired as required by 18 AAC 52.060, the certified mechanic shall perform a complete I/M test

(1) as required by this chapter; or

(2) if requested by the motorist. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/4/95, Register 133; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.535. TEST ABORT CONDITIONS. (a) If a vehicle becomes untestable during an I/M test, the certified mechanic may abort the I/M test. The EIS must allow the operator to abort during the data entry or the I/M test. The EIS must request the reason for aborting the I/M test and print a vehicle inspection report (VIR) that the mechanic shall give to the motorist.

(b) The station may not charge the motorist for an aborted test unless the customer requests the test for purposes other than obtaining a certificate of inspection.

(c) If the condition that caused an I/M test to abort is due to the incompatibility of a vehicle and the EIS, the mechanic shall refer the motorist to the referee facility. (Eff. 2/1/94, Register 129; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

Editor's note: 18 AAC 52.535 took effect 2/1/94 as an emergency regulation. Due to technical corrections made by the regulations attorney in reviewing the "permanent" regulation for filing, the permanent regulation as it was published in Register 130, July 1994, differed from the emergency regulation even though the section's history note did not reflect an amendment to that section.

18 AAC 52.540. OFFICIAL I/M TESTING. (a) A certified mechanic shall perform official I/M testing as required in Part IV of the program manual. Before providing the motorist with an itemized estimate of repairs, the certified mechanic shall confirm that all parts are available for each repair, subject to the repair cost minimum. A certified mechanic may not begin a repair until all parts for that repair are available at the station. If parts are unavailable for one or more repairs, the certified mechanic shall provide the documentation listed in 18 AAC 52.070(e)(17).

(b) The certified station shall issue to the motorist a VIR for each vehicle inspected at that station that indicates whether the vehicle passed or failed its I/M test.

(c) The certified mechanic who conducts the I/M test shall

(1) calibrate and maintain each EIS and test equipment in accordance with the calibration and quality control procedures adopted by reference in 18 AAC 52.035(c)(1);

(2) measure the concentration of hydrocarbons, carbon monoxide, carbon dioxide, and oxygen at the tailpipe of a warmed-up vehicle at curb idle and at 2,500 rpm in accordance with test procedures adopted by reference in 18 AAC 52.035(c)(2) or, for non-exempt 1996 and newer model year vehicles, perform the OBDII portion of the I/M test;

(3) use an EIS that has been certified by the department under 18 AAC 52.420 and install and maintain a separate, dedicated telephone line for each EIS as required in the program manual;

(4) compare measured emissions of carbon monoxide and hydrocarbons to the emissions standards in 18 AAC 52.050 or the alternative standards established under 18 AAC 52.055 or, for 1996 and newer model year vehicles not exempted under 18 AAC 52.050(a)(1), perform the OBDII portion of the I/M test;

(5) perform visual inspection and functional tests on 1975 through 1995 model year vehicles and, as required by the implementing agency, on model year 1996 and newer vehicles for the presence and proper operation of the following emissions-related parts:

(A) positive crankcase ventilation (PCV) valve;

(B) air injection system;

(C) vacuum hoses and wiring;

(D) catalytic converter;

(E) emissions control system warning lights;

(F) oxygen sensor;

(G) major vacuum leaks;

(H) manifolds and ignition;

(I) intake air heater;

- (J) carburetor or fuel injection system;
- (K) early fuel evaporation (EFE) system;
- (L) exhaust gas recirculation (EGR) system; and
- (M) fuel evaporative control system;

(6) test exhaust emissions at curb idle and 2500 rpm of all vehicles subject to the I/M program, as determined by the implementing agency under 18 AAC 52.035(b); and

(7) test the on-board diagnostic system on those vehicles subject to OBDII testing as provided in Part I of the program manual. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.545. PARTS ON ORDER. (a) If, as part of an I/M test performed under 18 AAC 52.540(a), a certified mechanic determines that necessary repairs cannot be made before a vehicle's registration expires, the mechanic or station personnel shall complete an I/M estimate and determine parts availability. If the required parts are available locally, and the certified mechanic can complete the repairs in less than two weeks, the motorist shall have the vehicle repaired and tested before it is certified regardless of the date when the vehicle's registration expires.

(b) If the certified station cannot complete the necessary repairs because required parts must be ordered, the certified station shall provide the motorist with the documentation that the implementing agency requires the motorist to submit to the implementing agency or the referee facility along with the vehicle and the vehicle registration. The implementing agency may require the station to provide the documentation listed in 18 AAC 52.070(e)(16).

(c) If the certified station where the failing I/M test was performed cannot complete the necessary repairs because the required parts must be ordered, the implementing agency or referee facility may issue the motorist a temporary permit allowing the vehicle to be driven while parts are procured. The cost of parts and labor to repair the vehicle must be paid before a temporary permit may be issued under this subsection. A temporary permit may not be issued to a vehicle that is registered with a seasonal-use waiver between November 1 and March 31. A temporary permit issued under this subsection is valid for 30 days.

(d) The certified station shall advise the motorist to keep the information listed in (c) of this section with the vehicle registration and to take the information along with the vehicle to the referee facility for a temporary permit. The referee facility or the implementing agency will

monitor the temporary permit until the required parts are available and the required repairs are complete.

(e) A certified station may not perform a partial repair of an emission control system and may begin a repair only when all required parts for that repair are available at the station. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/98, Register 144)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.546. UNAVAILABLE PARTS. (a) If, as part of an I/M test performed under 18 AAC 52.540(a), a certified mechanic determines under 18 AAC 52.540(a) that parts are unavailable for one or more repairs, has completed any repair for which all parts are available, and cannot make further repairs to meet the repair cost minimum, the mechanic shall

(1) refer the motorist to the referee station for an unavailable parts waiver under 18 AAC 52.060(a)(8); and

(2) provide the motorist with the documentation listed in 18 AAC 52.070(e)(17).

(b) A referee facility may approve a waiver under this section and issue a certificate of inspection for a vehicle that cannot be repaired because of unavailability of parts after ensuring that the proof submitted under 18 AAC 52.070(e)(17) is adequate and after inspecting the vehicle to verify the need for each repair. (Eff. 1/1/98, Register 144)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.550. RECORDKEEPING REQUIREMENTS. The owner or operator of a certified station shall

(1) maintain at the station legible copies of all work orders, repair estimates, vehicle inspection reports, invoices used to document repairs and inspections, and any other document related to the I/M program;

(2) ensure that records are kept for at least two years after the date of the repair or inspection unless collected by the implementing agency;

(3) make the records available for inspection by the implementing agency or another law enforcement official; and

(4) keep and maintain the records so that they are immediately accessible by using information recorded on the VIR prepared for each vehicle. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

ARTICLE 9. GENERAL PROVISIONS.

Section

990. Definitions

18 AAC 52.990. DEFINITIONS. In this chapter, unless the context requires otherwise

(1) "aftermarket part" means a part that is not manufactured by the original equipment manufacturer;

(2) "after-repair test" or "'A' test" means an I/M test performed after an I/M repair;

(3) "alternate fuel" means a fuel other than gasoline or diesel fuel used to power a motor vehicle; "alternate fuel" does not include an oxygenated fuel approved for use under 18 AAC 53;

(4) "BAR" means California Bureau of Automotive Repair;

(5) "CARB" means the California Air Resources Board;

(6) "centralized inspection program" means an I/M program under which an I/M test is conducted at a centralized test-only inspection facility operated by the implementing agency or its contractor; only inspections, not repairs, of motor vehicles are permitted at a test-only inspection facility;

(7) "certificate of inspection" and "certificate" mean the windshield sticker described in 18 AAC 52.020(d)

(8) "certified mechanic" means a mechanic certified under this chapter for the performance of I/M tests and other inspections and repairs subject to this chapter;

(9) "certified mechanic or station" means a certified mechanic or a certified station, as applicable;

(10) "certified station" means a facility certified under this chapter for the performance of I/M tests and other inspections and repairs subject to this chapter;

(11) "commute" means to travel between a motorist's residence and an I/M area, a nonattainment area, or a maintenance area for purposes of work or school;

(12) "compliance rate" means the number of vehicles that obtain certificates under an I/M program during one year, divided by the estimated number of vehicles that should have been inspected during that year;

(13) "covert performance review" means an investigation conducted by the department, the department's contractor, an implementing agency, or an implementing agency's contractor to evaluate the performance of a certified mechanic or station without the knowledge of the mechanic or station;

(14) "curb idle" means the manufacturer's suggested engine operating speed in revolutions per minute when the vehicle transmission is placed in either the neutral or park position and the engine has reached its normal operating temperature;

(15) "custom-manufactured vehicle" means a vehicle that has not been certified by the EPA as meeting federal motor vehicle emissions standards or by the CARB as meeting California motor vehicle emissions standards;

(16) "decentralized inspection program" means an I/M program under which a certified mechanic conducts emissions testing at a privately owned and operated certified station;

(17) "department" means the Alaska Department of Environmental Conservation;

(18) "documented vehicle" means a vehicle for which a referee facility has verified the state of the emissions control system repair and which is taken by the department, the department's contractor, an implementing agency, or an implementing agency's contractor to a certified mechanic or station for an overt or covert performance review of the mechanic or station;

(19) repealed 3/27/2002;

(20) "dual-fuel vehicle" means a vehicle that is capable of operating on gasoline as well as on propane or some other fuel;

(21) "economic hardship" means a finding under this chapter that a person does not have sufficient assets, credit, or other means to pay for an emissions-related repair required by this chapter;

(22) "EIS" or "emissions inspection system" means the system, including exhaust gas sampling, and analysis equipment and computer control for that equipment, used at a certified station to measure and record vehicle exhaust emissions;

(23) "emissions control system" means any element of either a motor vehicle's air pollution control system or another mechanism of a motor vehicle that affects the vehicle's release of air pollutants into the atmosphere;

(24) "emissions-related adjustments" means idle mixture setting, curb idle speed setting, fast idle speed setting, ignition dwell angle (if applicable), spark advance setting, choke setting, and any other motor vehicle adjustment that affects a motor vehicle's release of air pollutants into the atmosphere;

(25) "emissions-related part" means a motor vehicle part that affects the vehicle's release of air pollutants into the atmosphere, including

(A) fuel metering system components, such as the carburetor or fuel injection system and internal parts, air/fuel ratio feedback and control system including exhaust oxygen sensor, and cold start air/fuel ratio enrichment system;

(B) air induction system components, such as the controlled hot air intake system, intake manifold, heat riser valve and assembly, and turbocharger systems;

(C) ignition system components, such as the distributor and internal parts, spark advance or retard system, spark plugs, ignition coil or control module, and ignition wires;

(D) evaporative control system components, such as the vapor storage canister, vapor-liquid separator, fuel tank and filler cap, positive crankcase ventilation (PCV) system, PCV valve, and oil filler cap;

(E) exhaust gas recirculation (EGR) system components, such as the EGR valve body and carburetor spacer, and EGR rate feedback and control system;

(F) air injection system components, such as the air pump or air aspirator, valves affecting distribution of air flow, and air distribution manifold;

(G) catalyst or thermal reactor system components, such as catalytic converters, thermal reactors, exhaust manifold, and exhaust port liners or double walled exhaust pipe;

(H) basic engine parts, such as the camshaft, pistons, and cylinder heads;
and

(I) miscellaneous items used in the systems listed in (A) - (H) of this paragraph, such as

- (i) hoses, clamps, fittings, and tubing;
- (ii) sealing gaskets or devices;
- (iii) mounting hardware, pulleys, belts, idlers, and electronic controls; and
- (iv) vacuum, temperature, and time-sensitive valves and switches;

(26) "emissions-related repair" means a motor vehicle repair that affects a vehicle's emissions and that is made to correct or prevent an automotive exhaust emissions problem;

(27) "EPA" means the United States Environmental Protection Agency;

(28) "failure rate" means the rate determined by comparing the annual number of vehicles that fail an initial I/M test performed under this chapter with the annual number of initial inspections;

(29) "fleet operator" means the owner of 10 or more vehicles that are subject to this chapter;

(30) "FTP" or "federal test procedure" means the emissions testing procedure used by the EPA to certify new motor vehicles as meeting applicable federal emissions standards;

(31) "grey market vehicle" means a vehicle manufactured for use outside of, and imported into, the United States;

(32) "GVWR" means gross vehicle weight rating;

(33) "I/M" means inspection and maintenance;

(34) "I/M area" means

(A) an area in the state listed in 18 AAC 52.005(g); and

(B) an emissions inspection and maintenance area when ownership of a vehicle is transferred under AS 28.10.271(d);

(35) "I/M office" means the office within the department that is responsible for the administration and enforcement of all aspects of the I/M program;

(36) "I/M program" means a motor vehicle emissions inspection and maintenance program approved or administered by the department under this chapter, the purposes of which are to determine whether a motor vehicle emissions control system has been properly maintained and to otherwise carry out the requirements of this chapter;

(37) "I/M repair" means maintenance of and repair to a motor vehicle performed to meet the requirements of this chapter;

(38) "I/M test" means a vehicle emissions inspection, performed at a certified station, which may include a visual and functional inspection of the emissions control system and the measurement of tailpipe emissions concentrations or evaluating a vehicle's OBDII system;

(39) "implementing agency" means either the department, a municipality or a borough that implements an I/M program;

(40) "initial inspection" or "I test" means the first I/M test performed on a vehicle at a certified station in each inspection cycle;

(41) "inspection cycle" means the two-year period between I/M tests;

(42) "kit car" or "vehicle assembled by a private party" means a vehicle assembled from a kit for the personal use of the motorist who assembles it and that has not been certified by the EPA as meeting federal motor vehicle emissions standards or by the CARB as meeting California motor vehicle emissions standards;

(43) "lessee" means a person who enters into either a lease or a lease-purchase agreement for a motor vehicle;

(44) "loaded mode" means a type of emissions test procedure in which a chassis dynamometer subjects a vehicle's engine to an increased load simulating the vehicle's performance under actual operating conditions;

(45) "local I/M administrator" means the person in charge of an implementing agency;

(46) "maintenance area" means an area that has been redesignated by the EPA from a designation of "nonattainment" to a designation of "attainment" and that is subject to a

maintenance plan submitted as required by 42 U.S.C. 7505a(a) (commonly referred to as sec. 175A(a), Clean Air Act), as amended through November 26, 1996;

(47) "model year" means the year identified in the vehicle identification number (VIN) located near the windshield on the driver's side of the instrument panel; for 1975 - 1980, the sixth digit of the vehicle identification number indicates the model year of the vehicle; for 1981-2009, the 10th digit of the vehicle identification number indicates the model year; the model year code from the vehicle identification number is as follows:

(A) 1979 – “9”;

(B) 1980 – “A”, with each subsequent year assigned the next letter of the alphabet and excluding the letters “I”, “O”, “Q”, “U” or “Z”;

(C) 2001-“1”, with each subsequent year assigned the next cardinal number;

(48) "motorist" means

(A) the owner or lessee of a motor vehicle that is registered in this state or that is required to be registered in this state;

(B) a department, agency, or instrumentality of the federal government;
or

(C) the owner or lessee of a vehicle registered in another state who is described in 18 AAC 52.005(d) and whose vehicle is not required to be registered in this state under AS 28.10.011;

(49) "motor vehicle" or “vehicle” has the meaning given “motor vehicle” in AS 28.40.100;

(50) "motor vehicle dealer" has the meaning given in AS 08.66.350;

(51) "nonattainment area" means an area that does not meet the national ambient air quality standard for carbon monoxide;

(52) "nonconforming vehicle" means a vehicle, including a kit car, that was not certified by the EPA as conforming to applicable federal motor vehicle emissions standards or by the CARB as meeting California motor vehicle emissions standards;

(53) "OBDII" means the on-board diagnostics system (phase II) required under 40 C.F.R. 51.352 to be inspected in 1996 and newer model year light-duty vehicles and light-duty trucks;

(54) "overt performance review" means an investigation conducted by the department, the department's contractor, an implementing agency, or an implementing agency's contractor to evaluate the performance of a certified mechanic or station during which the mechanic or the station owner is told about the investigation;

(55) "pattern failure" means a failure of an I/M test by a class of vehicles that is due to certain design characteristics that cause repeated failures of the I/M test and is recognized by the EPA;

(56) "prescreening" means to visually or otherwise inspect a vehicle before an I/M test without recording the results of the inspection or submitting those results to the implementing agency;

(57) "principally located or operated" means to use, locate, or operate a vehicle, including a leased vehicle, regardless of the place where the vehicle is registered, within an I/M area for more than 30 days during an inspection cycle;

(58) "program administrator" means the person in charge of the department's I/M office;

(59) "program manual" means the department publication entitled *Alaska I/M Program Manual*, adopted by reference in 18 AAC 52.005;

(60) "repair cost minimum" means the minimum required expenditure to complete necessary emissions-related repairs to a motor vehicle as required by 18 AAC 52.065 for each inspection cycle;

(61) "repair necessary to correct safety problems" means a repair

(A) that is required to correct a safety-related defect, such as a fuel system leak, and that, until completed, prevents a vehicle from being safely inspected; or

(B) that, under 18 AAC 52.530(d), requires rejection of a vehicle for testing;

(62) "residential address" means,

(A) for a noncommercial vehicle that is owned or leased by a motorist, the address, legal description, or physical description of the motorist's principal place of residence; for purposes of this subparagraph,

(i) "principal place of residence" means the place where the motorist is registered to vote, usually resides, resides the majority of the time, or returns to after periods of temporary absence;

(ii) if the vehicle is jointly owned or leased by motorists or persons having different residential addresses or different principal places of residence, the residential address to be applied to the vehicle is that one residential address that best identifies where the vehicle is principally located or operated; or

(B) for a commercial vehicle that is owned or leased by a motorist in conjunction with a business, the address where the business to which the vehicle is registered is principally located or operated;

(63) "resides in an I/M area" means has a residential address in an I/M area;

(64) "steady-state" means a type of loaded mode emissions test cycle in which the vehicle engine is subjected to a constant dynamometer load;

(65) "stoichiometric" means, as applied to a motor vehicle, the air-to fuel ratio in a vehicle that is necessary to achieve complete fuel combustion; in a motor vehicle, if calculated by the weight of air and fuel, the air-to-fuel ratio should be approximately 14.7:1 (that is, 14.7 pounds of air to one pound of fuel for gasoline that contains neither alcohol nor oxygenate);

(66) "tampering" means

(A) using leaded gasoline in a vehicle originally equipped with a catalytic converter;

(B) failing to maintain a vehicle's emissions control system or emissions-related part according to the manufacturer's specifications, including the failure to maintain a part, the malfunction of which causes an emissions-related part to fail; or

(C) removing, bypassing, defeating, disconnecting, rendering inoperative or modifying any emissions control system or emissions-related part

(i) repealed 02/18/2006;

(ii) that causes the vehicle to differ from its EPA-certified configuration;

(67) "transient loaded mode" means a type of loaded mode emissions test cycle in which a vehicle engine is subjected to a varying dynamometer load;

(68) "unauthorized or illegal modification" means

(A) tampering;

(B) the use of an aftermarket emissions-related part that is not functionally identical to the original equipment part being replaced; or

(C) the use of any added part or system unless that part or system has been specifically approved for use by the EPA, the CARB, the program administrator, or the local I/M administrator;

(69) "vehicle type" means the class or category of vehicle, based on gross vehicle weight, or type of fuel used;

(70) "VIR" or "vehicle inspection report" means the computer-generated results of an I/M test that is given to each motorist whose vehicle is tested under this chapter;

(71) "waiver" means a conditional exemption to one or more of the requirements of this chapter;

(72) "waiver rate" means the rate determined by comparing the annual number of vehicles that received repair cost minimum waivers with the annual number of vehicles that failed an initial I/M test;

(73) "windshield sticker" or "sticker" means the certificate of inspection that is affixed to a vehicle's windshield by the certified mechanic upon passage of the I/M test or the visual identification of a program waiver, new vehicle, or exemption from the requirements of this chapter;

(74) "light-duty" means a vehicle with a gross vehicle weight of 8,500 pounds or less;

(75) "MIL" means a malfunction indicator lamp located on the instrument panel

of a vehicle that illuminates if a diagnostic trouble code (DTC) in the memory of an OBDII system is set as a result of an emission related component or monitor failure;

(76) “certificate holder” means a clear plastic device

(A) for the purpose of displaying a seasonal waiver issued under 18 AAC 52.060 through the windshield of a show, classic, or collector vehicle; and

(B) that is issued and certified by the implementing agency and identified with a serial number;

(77) “show, classic, or collector vehicle” means a vehicle that

(A) has been issued a seasonal waiver under 18 AAC 52.060;

(B) is not driven more than 2,500 miles per calendar year;

(C) is 25 or more years old;

(D) because of limited production or exceptionally fine workmanship is a rarity of historic interest; and

(E) has been restored, maintained, or preserved.

(78) “new vehicle” means a vehicle

(A) that is a 2006 model year vehicle or newer; and

(B) with a model year number that is no lower than the number of the current calendar year minus six.

(Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 12/30/2000, Register 156; am 3/27/2002, Register 161; am 02/18/2006, Register 177; 11/4/2009, Register 192)

Authority: AS 46.03.010 AS 46.14.030 AS 46.14.510
AS 46.03.020

Editor's note: Lists of approved parts and systems referred to in this section's definition of "unauthorized or illegal modification" may be found in the State Air Quality Plan, Volume III, adopted by reference in 18 AAC 50.030 and at Part V of the program manual adopted by

reference in 18 AAC 52.005. Both the air quality plan and the program manual may be reviewed at or obtained from the implementing agency or the department's Anchorage, Fairbanks, or Juneau offices.