

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 729

An Act to amend and reenact §§ 46.2-1177, 46.2-1180, and 46.2-1183 of the Code of Virginia, relating to emissions inspection program; exemption.

[S 312]

Approved April 5, 2006

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1177, 46.2-1180, and 46.2-1183 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1177. Emissions inspection program.

The Director shall administer an emissions inspection program. Such program shall require biennial inspections of motor vehicles at official emissions inspection stations in accordance with this article and may require additional inspections of motor vehicles that have been shown by on-road testing to exceed emissions standards established by the Board.

The emissions inspections required in § 46.2-1178 shall not apply to any:

1. Vehicle powered by a clean special fuel as defined in § 46.2-749.3, provided provisions of the federal Clean Air Act permit such exemption for vehicles powered by a clean special fuel;
2. Motorcycle;
3. Vehicle which, at the time of its manufacture was not designed to meet emissions standards set or approved by the federal government;
4. Antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730; ~~or~~
5. Vehicle for which no testing standards have been adopted by the Board; *or*
6. *Vehicle manufactured for the current model year or any of the three immediately preceding model years unless identified by the remote sensing program as violating the emissions standards established for that program.*

§ 46.2-1180. Board to adopt regulations; exemption of certain motor vehicles.

A. The Board is authorized to adopt such regulations for purposes of implementation, administration, and regulation as may be necessary to carry out the provisions of this article. Such regulations shall include but not necessarily be limited to requirements for the following:

1. The collection of data and maintenance of records of emissions inspection test results and vehicle repairs under this article and the inspection results of the air pollution control systems or devices in accordance with § 46.2-1048 and regulations of the Board.
2. The calibration of emissions testing equipment by emissions inspection stations to ensure conformance with the standards adopted by the Board.
3. The establishment of appropriate referee stations.
4. The permitting of emissions inspection stations and fleet emissions inspection stations and the licensing of emissions inspectors, including the suspension or revocation of such permit or license.
5. The protection of consumer interests in accordance with regulations of the Board concerning, but not limited to: (i) the number of inspection facilities and inspection lanes relative to population density, (ii) the proximity of inspection facilities to motor vehicle owners, (iii) the time spent waiting for inspections, and (iv) the days and hours of operation of inspection facilities.
6. The prohibition of any manufacturer or distributor of emissions testing equipment from directly or indirectly owning or operating any emissions testing facility or having any direct or indirect financial interest in any such facility other than the leasing of or providing financing for equipment related to emissions testing.
7. The certification of motor vehicle emissions repair technicians and emissions repair facilities, including the suspension or revocation of such certification. The regulations shall apply to emissions repair technicians and emissions repair facilities that conduct emissions-related repairs for vehicles that have failed a motor vehicle emissions test according to regulations adopted by the Board.

The Director shall administer these regulations and seek compliance with conditions of any contractual arrangements which the Commonwealth may make for inspection services related to air pollution control.

B. Motor vehicles being titled for the first time may be registered for up to ~~two~~ four years without being subject to an emissions inspection, and the four immediately preceding model years being held in a motor vehicle dealer's inventory for resale may be registered in the localities mentioned in subsection C of § 46.2-1178 for up to one year without being subject to an emissions inspection, provided that the dealer states in writing that the emissions equipment on the motor vehicle was operating in accordance with the manufacturer's or distributor's warranty at the time of resale.

C. No motor vehicle for which the Board has not adopted emissions inspection standards shall be

subject to an emissions inspection.

D. The Director may enter into bilateral agreements with other states providing for assistance in enforcing each state's statutes and regulations relating to motor vehicle emissions and motor vehicle emissions programs as to vehicles registered in one state and operated in another. Subject to such bilateral agreement, owners of motor vehicles registered in other states and operated in Virginia shall be subject to the on-road testing provisions of § 46.2-1178.1, and shall be notified of test results and assessment of civil charges for noncompliance with emissions standards adopted by the Board. Such notification shall also be provided to the appropriate motor vehicle agency in the state of registration.

§ 46.2-1183. Emissions inspection required prior to registration of certain vehicles; records.

No vehicle subject to the provisions of this article shall be registered or reregistered until it has passed an emissions inspection or has been issued an emissions inspection waiver. Any (i) proof of compliance with emissions standards and emissions inspection requirements and (ii) emissions inspection waiver issued for any motor vehicle shall be valid for two years from the end of the month in which it is issued, regardless of any sale or trade of the motor vehicle for which either document was issued during that time, unless such motor vehicle has failed on-road testing pursuant to § 46.2-1178.1 and has not subsequently passed an emissions inspection or received a waiver. Motor vehicles being titled for the first time shall be considered to have valid emissions inspection certificates for a period of ~~two~~ *four* years from the month of first titling. The Commissioner of Motor Vehicles may enter into an agreement with the Director whereby the Department of Motor Vehicles may refuse to register or reregister those motor vehicles subject to emissions inspection programs set forth in this article if the registration period for such vehicles exceeds the valid emissions inspection period by a period of time to be determined by the Director in consultation with the Department of Motor Vehicles and the Commissioner.

Owners of motor vehicles that are not registered with the Department of Motor Vehicles shall maintain such records pertaining to all vehicles located or operated in the areas specified in § 46.2-1178 as the Board may by regulation require. Such records shall contain proof of compliance with this article and be made available to the Department of Environmental Quality upon the Department's request.

2. That the provisions of this act shall become effective upon approval by the Environmental Protection Agency of Virginia's State Implementation Plan for areas of the Commonwealth covered by the vehicle emissions inspection program established pursuant to Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of Title 46.2 of the Code of Virginia, that does not include credit for emissions reductions achieved from testing motor vehicles that are less than four years of age.