

LD5147280

HOUSE BILL NO. 2321

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Roads and Internal Navigation
on February 4, 1995)

(Patron Prior to Substitute—Delegate Harris)

A BILL to amend and reenact §§ 46.2-1176, 46.2-1177, 46.2-1178, 46.2-1179, 46.2-1180, 46.2-1181, 46.2-1182, 46.2-1182.1, 46.2-1183 and 46.2-1187.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-1178.1, relating to motor vehicle emissions inspections.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1176, 46.2-1177, 46.2-1178, 46.2-1179, 46.2-1180, 46.2-1181, 46.2-1182, 46.2-1182.1, 46.2-1183 and 46.2-1187.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-1178.1 as follows:

§ 46.2-1176. Definitions.

The following words and phrases when used in this article shall have the following meanings except where the context clearly indicates a different meaning:

"Basic, test and repair program" means a motor vehicle emissions inspection system established by regulations of the Board which shall designate the use of a BAR-90, designed so it may be upgraded in the future to ASM 50-15 (acceleration simulation mode or method) equipment approvable for motor vehicle manufacturers' warranty repairs as the only authorized testing equipment. Only those computer software programs and emissions testing procedures necessary to comply with the applicable provisions of Title 1 of the Clean Air Act shall be included.

"Board" means the State Air Pollution Control Board.

"Certificate of emissions inspection" means a document, device, or symbol, prescribed by the Director and issued pursuant to this article, which indicates that (i) a motor vehicle has satisfactorily complied with the emissions standards and passed the emissions inspection provided for in this article; (ii) the requirement of compliance with such emissions standards has been waived; or (iii) the motor vehicle has failed such emissions inspection.

"Director" means the Director of the Department of Environmental Quality.

"Emissions inspection station" means any facility or portion of a facility which has obtained an emissions inspection station permit from the Director authorizing the facility to perform emissions inspections in accordance with this article.

"Enhanced emissions inspection program" means a motor vehicle emissions inspection system established by regulations of the Board which shall include selection of the most cost effective equipment to perform test procedures which meet emissions standards established by the Board to reduce air pollution from motor vehicles as required by applicable provisions of Title 1 of the Clean Air Act designate the use of the ASM 50-15 (acceleration simulation mode or method) equipment approvable for motor vehicle manufacturers' warranty repairs as the only authorized testing equipment. Only those computer software programs and emissions testing procedures necessary to comply with applicable provisions of Title 1 of the Clean Air Act shall be included.

"Fleet emissions inspection station" means any inspection facility operated under a permit issued to a qualified fleet owner or lessee as determined by the Director.

"Motor vehicle" means any vehicle which:

- 1. Was manufactured for the 1968 model year or a more recent model year;
2. Is designed for the transportation of persons or property; and
3. Is more than one year old, calculated from the date such motor vehicle was first titled; and
4. Is powered by an internal combustion engine.

The term "motor vehicle" does not include any:

- 1. Vehicle powered by a diesel engine or powered by a clean special fuel as defined in § 58.1-2101, providing provisions of the 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; or
4. Any antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730.

"On-road testing" means tests of motor vehicle emissions or emissions control devices by means of roadside pullovers or remote sensing devices.

"Referee station" means an inspection facility operated or used by the Department of Environmental Quality (i) to determine program effectiveness, (ii) to resolve emissions inspection conflicts between

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60 motor vehicle owners and emissions inspection stations, and (iii) to provide such other technical support  
61 and information, as appropriate, to emissions inspection stations and vehicle owners.

62 *"Remote sensing" means the measurement of motor vehicle emissions through electronic or*  
63 *light-sensing equipment from a remote location such as the roadside. Remote sensing equipment may*  
64 *include devices to detect and record the vehicle's registration or other identification numbers.*

65 *"Test and repair" means motor vehicle emissions inspection facilities that perform official motor*  
66 *vehicle emissions inspections and may also perform vehicle repairs. No regulation of the Board*  
67 *pertaining to test and repair shall bar inspection facilities from also performing vehicle repairs.*

68 *"Test only" means motor vehicle emissions inspection facilities that perform only official motor*  
69 *vehicle emissions inspections and such other procedures and functions as permitted by regulations of the*  
70 *Board.*

71 § 46.2-1177. Emissions inspection program.

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

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

77 1. *Vehicle powered by a clean special fuel as defined in § 58.1-2101, provided provisions of the*  
78 *federal Clean Air Act permit such exemption for vehicles powered by a clean special fuel;*

79 2. *Motorcycle;*

80 3. *Vehicle which, at the time of its manufacture was not designed to meet emissions standards set or*  
81 *approved by the federal government;*

82 4. *Antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730; or*

83 5. *Vehicle for which no testing standards have been adopted by the Board.*

84 § 46.2-1178. Administration and scope of emissions inspection program.

85 A. Except as otherwise provided in this section, the emissions inspection program provided for in  
86 this article shall apply to motor vehicles having actual gross weights of 8,500 pounds or less that are  
87 registered in the Counties of Arlington, Fairfax, and Prince William, and the Cities of Alexandria,  
88 Fairfax, Falls Church, Manassas, and Manassas Park. The provisions of this subsection shall expire when  
89 the provisions of subsection C of this section become effective.

90 B. An emissions inspection program as required by regulations adopted by the Board under this  
91 article shall apply to motor vehicles that have actual gross weights of 8,500 pounds or less and are  
92 registered or operated primarily, as defined by the Board in accordance with the provisions of the  
93 *Administrative Process Act* (§ 9-6.14:1 et seq.), in the Counties of Chesterfield, Hanover, and Henrico  
94 and the Cities of Colonial Heights, Hopewell, and Richmond. Such emissions inspection program shall  
95 be a basic, test and repair program with the greatest number of inspection facilities consistent with the  
96 consumer protection and fee provisions herein as consistent with the Clean Air Act.

97 ~~The same emissions inspections program required for motor vehicles registered in any locality~~  
98 ~~specified in this subsection shall also apply to Virginia-registered motor vehicles that are not registered~~  
99 ~~in that locality, but have a base of operations in that locality.~~ The provisions of this subsection shall  
100 apply but not necessarily be limited to (i) motor vehicles owned by governmental entities, (ii) motor  
101 vehicles owned by military personnel residing in those localities, and (iii) motor vehicles owned by  
102 leasing or rental companies, and (iv) motor vehicles owned or leased by employees of the federal  
103 government and operated on a federal installation. The provisions of this subsection shall become  
104 effective July 1, 1994 1995. The Board may promulgate regulations to implement the provisions of this  
105 article, but such regulations shall not require inspections in the localities mentioned in this subsection  
106 prior to the later of: (i) July 1, 1995 1996; or (ii) the date on which the Federal Environmental  
107 Protection Agency, pursuant to the Clean Air Act, formally and in writing disapproves the redesignation  
108 request for such localities submitted on November 15, 1992 approves this program for such localities or  
109 on such later date as may be provided by regulations of the Board. If the Governor shall determine in  
110 writing that expedited promulgation of such regulations is in the best interest of the Commonwealth,  
111 such determination shall constitute an "emergency situation" pursuant to § 9-6.14:4.1 C 5 and the  
112 Governor may at his discretion authorize the Board to promulgate the regulations as emergency  
113 regulations in accordance with that section.

114 C. The emissions inspection program provided for in this subsection shall be a test and repair  
115 enhanced emissions inspection program with the greatest number of inspection facilities consistent with  
116 the consumer protection and fee provisions herein and may include ~~road~~ on- road testing and remote  
117 sensing devices. Any enhanced emissions inspection program provided for in this article shall apply to  
118 motor vehicles that have actual gross weights of ~~26,000~~ 10,000 pounds or less and are registered or  
119 operated primarily, as defined by the Board in accordance with the provisions of the *Administrative*  
120 *Process Act* (§ 9-6.14:1 et seq.) in the Counties of Arlington, Fairfax, Fauquier, Loudoun, Prince  
121 William, and Stafford and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

122 The same test and repair enhanced emissions inspection program or an equivalent program required  
 123 for motor vehicles registered in any locality specified in this subsection shall also apply to  
 124 Virginia-registered motor vehicles that are not registered in that locality, but have base of operations in  
 125 that locality. The provisions of this subsection shall apply but not necessarily be limited to (i) motor  
 126 vehicles owned by governmental entities, (ii) motor vehicles owned by military personnel residing in  
 127 those localities, and (iii) vehicles owned by leasing or rental companies, and (iv) motor vehicles owned  
 128 or leased by employees of the federal government and operated on a federal installation.

129 The provisions of this subsection shall be effective January 1, 1995 1996, or on such later date as  
 130 may be provided by regulations of the Board. The Director shall not enter into any agreements or  
 131 contracts to implement the provisions of this section prior to February 1, 1994. However, the provisions  
 132 of this subsection may become effective immediately provided that (i) the federal Environmental  
 133 Protection Agency, pursuant to the Clean Air Act, formally and in writing approves the program for  
 134 such localities, (ii) the Governor determines in writing that expedited promulgation of such regulations  
 135 is in the best interest of the Commonwealth, determining that such shall constitute an "emergency  
 136 situation" pursuant to § 9-6.14:4.1, and (iii) the Governor authorizes the Board to promulgate the  
 137 resolutions as emergency regulations in accordance with this section.

138 D. Notwithstanding any other provision of this section, the Governor may at any time determine in  
 139 writing that the requirements of federal law or regulation or changes in emissions by motor vehicles or  
 140 other sources of air pollution in the localities mentioned in subsection C of this section warrant the  
 141 adoption of an enhanced test only emissions inspection program consistent with regulations promulgated  
 142 in accordance with Title I of the federal Clean Air Act. In that event, he shall direct the Board pursuant  
 143 to its authority under this section and §§ 46.2-1179 and 46.2-1180 to adopt regulations to implement a  
 144 test only program for those localities to replace any test and repair programs adopted hereunder. Such  
 145 test only program shall be implemented as soon as practicable and economically feasible following  
 146 submission by the Governor of the State Implementation Plan.

147 Any emissions inspection program regulations in effect at the time the 1994 1995 amendments to this  
 148 section become effective shall remain in effect until the Board promulgates new regulations or amends  
 149 or repeals existing regulations in accordance with this section.

150 § 46.2-1178.1. On-road testing of motor vehicle emissions; authority to adopt regulations; civil  
 151 charges.

152 A. The emissions inspection program authorized by § 46.2-1177 and provided for in § 46.2-1178  
 153 shall include on-road testing of motor vehicle emissions. The Board may promulgate regulations  
 154 establishing on-road testing requirements including, but not limited to, collecting of data and  
 155 information necessary to comply with the federal Clean Air Act Amendments of 1990, random testing of  
 156 motor vehicle emissions, procedures to notify owners of test results, and assessment of civil charges for  
 157 noncompliance with emissions standards adopted by the Board.

158 B. If an emissions test performed pursuant to this section indicates that a motor vehicle does not  
 159 meet emissions standards established by the Board, the Board may collect from the owner of the vehicle  
 160 a civil charge based on actual emissions. The Board shall establish a schedule of civil charges to be  
 161 collected pursuant to this section. Such civil penalties shall not exceed \$450 using 1990 as the base  
 162 year and adjusted annually by the Consumer Price Index. The schedule of charges and their assessment  
 163 shall be established by regulations promulgated to be in accordance with the provisions of the  
 164 Administrative Process Act (§ 9-6.14:1 et seq.).

165 C. Civil charges assessed pursuant to this section shall be waived by the Board if, within ninety days  
 166 of notice of the violation, the vehicle's owner provides proof that the vehicle (i) since the date of the  
 167 violation, has passed a vehicle emissions test as provided in § 46.2-1178, (ii) qualifies for an emissions  
 168 inspection waiver as provided in § 46.2-1181, or (iii) has qualified for an emissions inspection waiver as  
 169 provided in § 46.2-1181 within the twelve months prior to the violation.

170 D. Civil charges collected pursuant to this section shall be paid into the state treasury and deposited  
 171 by the State Treasurer into the Vehicle Emissions Inspection Program Fund pursuant to § 46.2-1182.2.

172 § 46.2-1179. Board to adopt emissions standards.- The Board shall adopt emissions standards  
 173 necessary to implement the enhanced emissions inspection programs provided for in this article.

174 § 46.2-1180. Board to adopt regulations; exemption of certain motor vehicles.

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

178 1. The collection of data and maintenance of records of emissions inspection test results and vehicle  
 179 repairs under this article and the inspection results of the air pollution control systems or devices in  
 180 accordance with § 46.2-1048 and regulations of the Board.

181 2. The calibration of emissions testing equipment by emissions inspection stations to ensure  
 182 conformance with the standards adopted by the Board.

183 3. The establishment of appropriate referee stations.

184 4. The permitting of emissions inspection stations and fleet emissions inspection stations and the  
185 licensing of ~~station personnel~~ *emissions inspectors, including the suspension or revocation of such*  
186 *permit or license.*

187 5. The protection of consumer interests in accordance with regulations of the Board concerning, but  
188 not limited to: (i) the number of inspection facilities and inspection lanes relative to population density,  
189 (ii) the proximity of inspection facilities to motor vehicle owners, (iii) the time spent waiting for  
190 inspections, and (iv) the days and hours of operation of inspection facilities.

191 6. The prohibition of any manufacturer or distributor of emissions testing equipment from directly or  
192 indirectly owning or operating any emissions testing facility or having any direct or indirect financial  
193 interest in any such facility other than the leasing of or providing financing for equipment related to  
194 emissions testing.

195 7. *The certification of motor vehicle emissions repair technicians and emissions repair facilities,*  
196 *including the suspension or revocation of such certification. The regulations shall apply to emissions*  
197 *repair technicians and emissions repair facilities that conduct emissions-related repairs for vehicles that*  
198 *have failed a motor vehicle emissions test according to regulations adopted by the Board.*

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

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

208 C. No motor vehicle for which the Board has not adopted emissions inspection standards shall be  
209 subject to an emissions inspection.

210 § 46.2-1181. Emissions inspection; cost of repairs; waivers.

211 A. A motor vehicle shall qualify for an emissions inspection waiver in the event that such vehicle  
212 has failed an initial inspection and subsequently failed a reinspection if the owner provides written proof  
213 that (i) ~~since the initial inspection~~ at least the amount specified in ~~subsection C~~ of this section has been  
214 spent by the owner on the maintenance and repair of the vehicle's engine and emission control system  
215 and related equipment and (ii) any emission control system or part thereof which has been removed,  
216 damaged, or rendered inoperable by any act enumerated in § 46.2-1048 has been replaced and restored  
217 to operating condition.

218 B. The Director shall establish and revise, as necessary, specifications and procedures for motor  
219 vehicle maintenance and repair of pollution control devices and systems.

220 C. For the purposes of subsection A of this section:

221 For motor vehicles subject to emissions inspections under subsection A of § 46.2-1178, cost  
222 limitations on repairs under the emissions inspection program, including parts and labor, but excluding  
223 costs of repairs covered by warranties shall be: *\$75 for pre-1981 model vehicles and \$200 for 1981 and*  
224 *newer vehicles.*

225 1. ~~\$60 for pre-1972 model vehicles;~~

226 2. ~~\$125 for 1972 through 1974 model vehicles;~~

227 3. ~~\$175 for 1975 through 1979 model vehicles; and~~

228 4. ~~\$200 for 1980 and newer model vehicles.~~

229 For motor vehicles subject to emissions inspections under subsection C of § 46.2-1178, the cost  
230 limitations shall be: *a base amount of \$450 per vehicle using 1990, or a later date if allowed by federal*  
231 *regulations and approved by the Board, as the base year and annually adjusted by the Consumer Price*  
232 *Index. The Board may phase in waiver amounts.*

233 1. ~~\$200 for pre-1986 model vehicles; and~~

234 2. ~~\$350 for 1986 and newer model vehicles.~~

235 However, beginning January 1, 1995, the cost limitations shall be a base amount of \$450 per vehicle,  
236 using 1990 as the base year and annually adjusted by the Consumer Price Index. *Repairs credited*  
237 *toward this waiver must be done by a repair technician certified in accordance with § 46.2-1180.*  
238 *Repairs shall include parts and labor.*

239 D. For the purposes of subsection A of this section, for motor vehicles subject to emissions  
240 inspections under subsection B of § 46.2-1178, the cost limitations on repairs under the emissions  
241 inspection program, including parts and labor but excluding costs of repairs covered by warranties, shall  
242 be:

243 1. \$75 for pre-1981 vehicles; and

244 2. \$200 for 1981 and newer vehicles.

245 § 46.2-1182. Emissions inspection fees; exemption.

246 Emissions inspection stations performing emissions inspections under subsection A of § 46.2-1178  
 247 may charge ~~\$13.50~~ *\$11.40* for each emissions inspection, but such charge shall not be mandatory. Any  
 248 such fee shall be paid to the emissions inspection station. ~~Within thirty days following the end of each~~  
 249 ~~calendar quarter each official emissions inspection station shall remit to the Department of~~  
 250 ~~Environmental Quality \$2.10 for each emissions inspection approval and each emissions inspection~~  
 251 ~~waiver issued by that station under this article during that quarter. Such funds shall be forwarded to the~~  
 252 ~~Department of Environmental Quality to be disposed of pursuant to this section.~~

253 Beginning July 1, 1994, each emissions inspection station performing emissions inspections under  
 254 subsection B of § 46.2-1178 may charge for each emissions inspection an amount to be determined by  
 255 the Board, not to exceed \$17.00. Any such fee shall be paid to and retained by the emissions inspection  
 256 station. *Each emissions inspection station performing emissions inspections under subsection B of*  
 257 *§ 46.2-1178 may charge for each emissions inspection an amount not to exceed \$17.00. Any such fee*  
 258 *shall be paid to and retained by the emissions inspection station.*

259 From July 1, 1994, through December 31, 1994, or such later date as authorized by the Board, each  
 260 emissions inspection station performing emissions inspections under subsection C of § 46.2-1178 may  
 261 charge ~~\$11.40~~ for each emissions inspection. Thereafter, such inspection stations may charge an amount  
 262 determined by the Board, not to exceed \$20. Any such fee shall be paid to and retained by the  
 263 emissions inspection station. *Beginning at such date upon which the program becomes an enhanced*  
 264 *emissions program, each emissions inspection station performing emissions inspections under subsection*  
 265 *C of § 46.2-1178 may charge an amount not to exceed \$20.00 for each emissions inspection. Any such*  
 266 *fee shall be paid to and retained by the emissions inspection station.*

267 Within fourteen days of an initial failure of an emissions inspection, the vehicle's owner shall be  
 268 entitled to one free reinspection at the station that conducted the original inspection.

269 Local governments, governmental units, and state agencies with their own means of inspection shall  
 270 be exempt from the payment of fees to the Department of Environmental Quality under this section.

271 § 46.2-1182.1. Additional registration fee; exemption.

272 Beginning July 1, 1994, in addition to any other fees imposed, at the time of registration by the  
 273 Department of Motor Vehicles, the owner of any motor vehicle subject to registration in Virginia and  
 274 subject to the program provided for in this article by virtue of the locality in which it is registered shall  
 275 pay two dollars per year.

276 Beginning July 1, 1994 1995, or later if required by regulation of the Board, owners of motor  
 277 vehicles which are subject to the program by virtue of the location of their base of operation *or the*  
 278 *location where they are primarily operated* shall remit a fee of two dollars per vehicle per year to the  
 279 Department of Environmental Quality. Payment shall be made according to procedures and on a  
 280 schedule prescribed by the Department of Environmental Quality. State and local governmental units and  
 281 agencies shall be exempt from the payment of fees to the Department of Environmental Quality under  
 282 this subsection.

283 § 46.2-1183. Emissions inspection required prior to registration of certain vehicles; records.

284 No vehicle subject to the provisions of this article shall be registered or reregistered until it has  
 285 passed an emissions inspection or has been issued an emissions inspection waiver. Any (i) proof of  
 286 compliance with emissions standards and emissions inspection requirements and (ii) emissions inspection  
 287 waiver issued for any motor vehicle shall be valid for two years *from the end of the month in which it*  
 288 *is issued*, regardless of any sale or trade of the motor vehicle for which either document was issued  
 289 during that time. *Motor vehicles being titled for the first time shall be considered to have valid*  
 290 *emissions inspection certificates for a period of two years from the month of first titling. The*  
 291 *Commissioner of Motor Vehicles may enter into an agreement with the Director whereby the*  
 292 *Department of Motor Vehicles may refuse to register or reregister those motor vehicles subject to*  
 293 *emissions inspection programs set forth in this article if the registration period for such vehicles exceeds*  
 294 *the valid emissions inspection period by a period of time to be determined by the Director in*  
 295 *consultation with the Department of Motor Vehicles and the Commissioner.*

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

300 § 46.2-1187.2. Compelling compliance with regulations and order of Board; penalty.

301 Any emissions inspection station owner violating or failing, neglecting, or refusing to obey any  
 302 regulation or order of the Board may be compelled to comply by injunction, mandamus, or other  
 303 appropriate remedy.

304 Without limiting the remedies which may be obtained under the foregoing provisions of this section,  
 305 any emissions inspection station owner violating or failing, neglecting, or refusing to obey any

306 regulation or order of the Board or any provision of this article, shall, in the discretion of the court, be  
307 subject to a civil penalty of no more than \$25,000 for each violation. Each day of violation shall  
308 constitute a separate offense. In determining the amount of any civil penalty to be assessed, the court  
309 shall consider, in addition to such other factors as it may deem appropriate, the size of the emissions  
310 inspection station owner's business, the severity of the economic impact of the penalty on that business,  
311 and the seriousness of the violation. Such civil penalties may, in the discretion of the court, be directed  
312 to be paid into the treasury of the county, city, or town in which the violation occurred to be used to  
313 abate environmental pollution in whatever manner the court, by order, may direct. However, where the  
314 emissions inspection station owner is the county, city, or town or an agent thereof, the court shall direct  
315 the penalty to be paid into the state treasury.

316 With the consent of the emissions inspection station owner who has violated or failed, neglected, or  
317 refused to obey any regulation or order of the Board or any provision of this article, the Board may, in  
318 any order issued by the Board against such owner, provide for the payment of civil charges in specific  
319 sums, not to exceed the limit in the foregoing provisions of this section. Such civil charges shall be in  
320 lieu of any civil penalty which could be imposed under the foregoing provisions of this section.

321 *Any penalty provided for in this section to which an emissions inspection station owner is subject*  
322 *shall apply to any emissions inspector or certified emissions repair mechanic employed by or at that*  
323 *station.*

324 *As to emissions inspection station owners, emissions inspectors, and certified emissions repair*  
325 *mechanics, minor violations as set forth in Board regulations may be punishable by letters of reprimand*  
326 *from the Department. Major violations as set forth in Board regulations may be punishable by*  
327 *probation, suspension and/or license or certificate revocation, depending on the nature and type of*  
328 *violation. Civil penalties may be imposed only for major types of violations.*

329 *The Board shall provide by regulation a process whereby emissions inspection station owners,*  
330 *emissions inspectors and certified emissions repair mechanics may appeal penalties for violations. Such*  
331 *regulations regarding the process to appeal penalties for violations shall provide that the penalty*  
332 *imposition process shall be handled by a person other than the Program Manager for the applicable*  
333 *emissions program or one of his regional employees.*