

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 17. TRANSPORTATION

#### CHAPTER 1. DEPARTMENT OF TRANSPORTATION - ADMINISTRATION

#### PREAMBLE

**1. Sections affected:**

R17-1-302  
R17-1-307  
R17-1-310  
R17-1-311  
R17-1-312  
R17-1-313  
R17-1-314  
R17-1-315  
R17-1-320  
R17-1-321  
R17-1-331  
R17-1-332  
R17-1-334  
R17-1-335  
R17-1-336  
R17-1-337

**Rulemaking Action:**

Repeal  
Repeal  
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Repeal

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

Authorizing statute: A.R.S. § 28-366

Implementing statutes: A.R.S. §§ 28-101, 28-5610, 28-5618, 28-5619, 28-5625, 28-5708, 28-5852, 28-5856, and 28-5857

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 7 A.A.R. 3396, August 3, 2001

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

Name: Kathleen Morley  
Address: Department of Transportation Financial Management Services, Mail Drop 200B  
206 S. 17th Avenue, Room 200  
Phoenix, AZ 85007  
Telephone: (602) 712-7441  
Fax: (602) 712-6672  
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Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters:  
[www.dot.state.az.us/about/rules](http://www.dot.state.az.us/about/rules).

- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**  
In this rulemaking action, the agency is repealing obsolete, unenforced rules. This rulemaking relates to the five-year rule review (F-99-0501) approved by G.R.R.C. on May 4, 1999.
- 6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**  
None
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**  
Since the proposed repeal decreases regulation, this rulemaking is exempt from economic impact statement requirements under A.R.S. § 41-1055(D).
- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**  
Please direct any economic impact questions to the officer listed in item #4.
- 10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**  
The agency has not scheduled a public hearing in this rulemaking. A request for a hearing may be submitted to the agency official listed in item #4. If no hearing is requested, this rulemaking will close at 5:00 p.m. on October 31, 2001.
- 11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
None
- 12. Incorporations by reference and their location in the rules:**  
None
- 13. The full text of the rules follows:**

**TITLE 17. TRANSPORTATION**

**CHAPTER 1. DEPARTMENT OF TRANSPORTATION - ADMINISTRATION**

**ARTICLE 3. TAXES**

Section

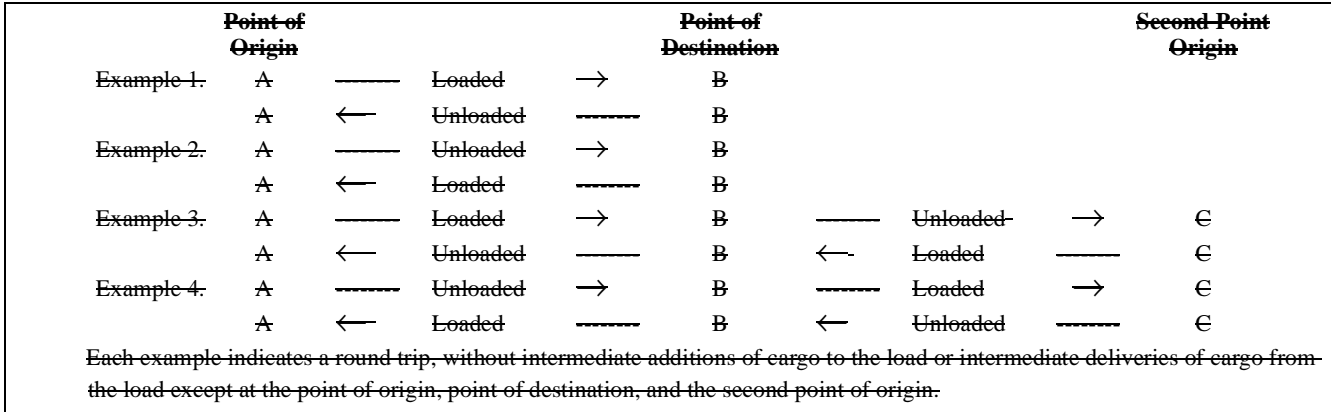
R17-1-302.	<del>Defining one-way haul for purposes of A.R.S. § 28-1599.13</del> <u>Repealed</u>
R17-1-307.	<del>Motor vehicle distributor records</del> <u>Repealed</u>
R17-1-310.	<del>Motor vehicle fuel distributor report forms</del> <u>Repealed</u>
R17-1-311.	<del>Motor vehicle fuel reports from non-distributors</del> <u>Repealed</u>
R17-1-312.	<del>Motor vehicle fuel tax on miscellaneous petroleum products</del> <u>Repealed</u>
R17-1-313.	<del>Motor vehicle fuel tax application to specialty products</del> <u>Repealed</u>
R17-1-314.	<del>Motor vehicle fuel form numbering system</del> <u>Repealed</u>
R17-1-315.	<del>Motor vehicle fuel interstate shipments</del> <u>Repealed</u>
R17-1-320.	<del>Motor vehicle fuel tax exempt to U.S. military forces</del> <u>Repealed</u>
R17-1-321.	<del>Motor vehicle fuel relief agencies</del> <u>Repealed</u>
R17-1-331.	<del>General requirements; invoice preparation; specific invoice information required</del> <u>Repealed</u>
R17-1-332.	<del>Vendor self-consumption of use fuel in use class and light class vehicles</del> <u>Repealed</u>
R17-1-334.	<del>Retention of voided invoices</del> <u>Repealed</u>
R17-1-335.	<del>Licensing</del> <u>Repealed</u>
R17-1-336.	<del>Return and payment of tax</del> <u>Repealed</u>
R17-1-337.	<del>Use fuel and motor carrier bonding process</del> <u>Repealed</u>

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**ARTICLE 3. TAXES**

**R17-1-302. Defining one-way haul for purposes of A.R.S. § 28-1599.13 Repealed**

For purposes of A.R.S. § 28-1599.13, "one-way haul" means the transportation of cargo by a motor vehicle in one of the sequences shown in the diagrams set forth below:



**R17-1-307. Motor vehicle fuel distributor records Repealed**

**A.** That pursuant to the provisions of Section 1673, Revised Statutes of Arizona, 1928, every distributor shall keep a record of motor vehicle fuel produced or compounded, sold, delivered, exported or otherwise dealt in or with by said distributor, which shall show:

1. Number of gallons produced or compounded by distributor and dispensed or used from all agencies or sources other than distributor's own service stations, including fuel acquired from others, purchased, used or distributed, and the number of gallons of imported fuel sold in original package or container or other than in original package or container, including fuel sold in other states for export to Arizona, showing name and address of purchaser and number of gallons purchased.
2. Number of gallons of return sales or recoveries account of sales previously reported. In such case the original sales voucher or tag must be taken up and kept on file for inspection.
3. Number of gallons brought into Arizona by distributor and sold wholesale ex tax in unbroken original package or container, showing name and address and number of gallons delivered ex tax, in each case.
4. Number of gallons exported by distributor. Under this heading there shall be shown the date, place of delivery or sale, and name of person to whom sale or delivery was made, for each individual sale or delivery.
5. Number of gallons sold to United States Government (not including gallonage shown under item (7)).
6. Number of gallons delivered to own service stations.
7. Number of gallons delivered from service station to United States Government and included item (6).
8. The county in which sale or delivery is completed.

**B.** That on or before the 15th day of each month, every distributor shall make up and file with the Superintendent of Division of Motor Vehicles, at his office in the Highway Building, in the City of Phoenix, County of Maricopa, State of Arizona, verified statement showing for the immediately preceding calendar month all data required to be kept upon said record, which statement shall be upon forms prepared and furnished by the Division of Motor Vehicles and designated as Form No. 70-3308.

**R17-1-310. Motor vehicle fuel distributor report forms Repealed**

To all distributors of Motor Vehicle Fuels: Under authority of Section 1673c RC 1928, as amended by Chapter 16, L.31, 1st S.S., and Chapter 70, L.35, R.S.,

1. Form 70-3308
2. Form 70-3309
3. Form 70-3310
4. Form 70-3314
5. Form 70-3311
6. Form 70-3312
7. Form 70-3313
8. Form MVF-US-433

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are hereby prescribed as the forms to be used by distributors in making reports to the vehicle superintendent required in the above mentioned section of the laws of this state. Instructions appearing on reverse side of Form 70-3308 shall be fully complied with beginning with reports for the month of July 1935. Distributors shall take an actual physical inventory at the close of business in June 1935 as provided in instructions.

**R17-1-311. ~~Motor vehicle fuel—reports from non-distributors~~ Repealed**

Pursuant to provisions of Senate Bill 157, Chapter 70, Twelfth Legislature, Regular Session, Laws of Arizona, amending Sections 1673e "Reports of Distributors", 1674e "Reports from Persons not Distributors", and 1675 "Reports from Carriers", requiring immediate reports to the Vehicle Superintendent on forms prescribed by him, of shipments of motor vehicle fuel from a point without the State to a point within this State:

1. Forms MVF 70-3307 and MVF 438 (Import Report) are hereby prescribed by the Vehicle Superintendent for use in making required reports.
2. On and after July 1st, 1935, these forms shall be used in reporting each and every such shipment irrespective of quantity or method of transportation.
3. Prior to July 1st, 1935, each Distributor shall supply the above mentioned forms through the Motor Vehicle Division to refiners and other consignors whom he authorizes to consign motor vehicle fuel into Arizona, and thereafter each Distributor shall, through the Motor Vehicle Division, maintain adequate supplies of the above mentioned forms in the hands of such refiners and other consignors. Each distributor shall require compliance on and after July 1st, 1935, by such refiners and other consignors with instructions set forth on page one of these forms, and each Distributor shall identify each imported acquisition on his tax return by the consecutive number of the "Import Report" and each sales invoice or stock transfer, connected with a direct import shipment, shall bear the consecutive number of the "Import Report".
4. On and after July 1st, 1935, each motor carrier transporting such motor vehicle fuel to any one point within this state shall comply with instructions on page two of form 70-3307, but if shipment is delivered at more than one point in this state he shall comply with instructions on page 3A, form 70-3307.
5. On and after July 1st, 1935, each person who receives such shipment shall comply with instructions on page three of form MVF 70-3307, or if he received only part of such shipment he shall comply with instructions on form MVF 70-3307.

**R17-1-312. ~~Motor vehicle fuel tax on miscellaneous petroleum products~~ Repealed**

**A.** Certain liquid petroleum products generally known as specialty products but specifically known by the trade names, viz:

Light solvent	TS16 solvent
Rubber solvent	Rubber solvent "A" TS 13
Thinner 300	TS 11 solvent
Thinner 200	Lacquer diluent "B" TS3
Thinner 410	Lacquer diluent "A" TS2
Stoddard Solvent	Solvent TS1
Paint Thinner 350	Insecticide Base Oil
Mineral spirits	Kleanize
Cleaners naphtha	Salvasal cleaner
Petroleum ether	Thinner No. 7
Eocene	(Paint Thinner) Mineral Spirits
TS28 solvent	Union benzine
Paint base spirits TS27	Cleaning solvent
P & V thinner TS27	Cleaning naphtha

have been taxed on acquisition in this state, unless imported in sealed containers not to exceed one gallon in capacity.

- B.** Taxation of these products and refund of taxes on proof of non-use in motor vehicles has caused confusion and may possibly result in the refund of the tax on a considerable gallonage on which the tax has not been collected.
- C.** The amount of tax collected is probably exceeded by the cost of collection and refund.
- D.** After test in the State Highway Department Laboratory and after consideration of the wholesale and retail prices at which these products are sold it was decided that the use of same as motor vehicle fuels would not be feasible except by blending.
- E.** The division will still require reports on acquisition by import of these products and will note any abnormal increase in acquisitions.
- F.** The Attorney General holds that the tax may be legally waived on these products.
- G.** Effective on and after July 1, 1939, until further notice:
  1. The five-cent per gallon license tax on the above-listed products will be exempted.
  2. Such products shall be sold less five-cents per gallon license tax.

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- 3: Each distributor and reseller having a supply of these products on hand shall submit a sworn inventory of the same as of June 30, 1939, to the vehicle superintendent.
- 4: A refund of the license taxes paid on such inventory will be made on proof of quantities and tax payment satisfactory to the vehicle superintendent.
- 5: Acquisitions by import of such products shall continue to be made on regular MVD form 70-3307, the same as provided for Motor Vehicle Fuel Imports.

**R17-1-313. Motor vehicle fuel tax application to specialty products Repealed**

~~Specialty Products (the base of which is a motor vehicle fuel) compounded or blended IN ANOTHER STATE with some other product or substance other than motor vehicle fuel and not intended for use in a motor vehicle, shall not be considered as taxable under the provisions providing for a tax on motor vehicle fuels upon importation into this state, and sales of such Specialty Products shall be made without the collection of such tax.~~

1. ~~Distributors importing such Specialty Products shall report such importations on Form 70-3307 "Motor Vehicle Fuel Import to Arizona".~~
2. ~~Distributors shall immediately file with this Division a list of such Specialty Products compounded or blended by such distributors.~~
3. ~~No refund will be made to any claimant for refund of motor vehicle fuel tax on invoices for such Specialty Products dated after the effective date of this Order.~~
4. ~~Distributors will be held strictly accountable for the motor vehicle fuel tax on any sales made by such distributors for use of such Specialty Products in a motor vehicle.~~

**R17-1-314. Motor vehicle fuel form numbering system Repealed**

~~Order assigning new numbers to forms referred to in previously filed general orders~~

1. ~~The Superintendent of Motor Vehicles has under the provisions of A.R.S., Title 41, Chapter 6, filed in the Office of the Secretary of State, General Orders Nos. 24, 25, 36, 39, 43, 54, and 61, wherein is prescribed the use of certain forms, which forms are referred to in the orders by a form number, and~~
2. ~~The Department of Transportation for administrative purpose finds it desirable to adopt a new numbering system for all forms prescribed by the Superintendent.~~
3. ~~That at such time as the present supply of forms is exhausted, a new form number as prescribed below will be used to identify the forms referred to in the above numbered orders.~~

	Form as specified
New Form Number assigned to in orders above	Form Number at immediate left
MVF 425	AHD 70-3307
MVF 438	AHD 70-3315
MVF 1-426	AHD 70-3308
MVF 2-427	AHD 70-3309
MVF 3-428	AHD 70-3310
MVF 5-430	AHD 70-3311
MVF 6-431	AHD 70-3312
MVF 7-432	AHD 70-3313
MVF US 433	AHD 70-3314
577	AHD 70-3304

**R17-1-315. Motor vehicle fuel interstate shipments Repealed**

~~Rules and procedures applicable when a distributor acquires motor vehicle fuel outside the state and transports same in his own equipment through the state to a destination outside the state:~~

1. ~~A.R.S. § 28-1519 provides, "motor vehicle fuel moving interstate or foreign commerce, not destined or diverted to a point within this ... shall not be subject to the payment of license taxes required by this Article".~~
2. ~~Some distributors as private carriers transport in one continuous trip their own motor vehicle fuel in their own equipment from a point without the state, through the state to a point without the state, which motor vehicle fuel being transported is not subject to the license tax because of the provisions of A.R.S. § 28-1519.~~
3. ~~A.R.S. § 28-1503 provides that every distributor shall file with the superintendent on forms prescribed and furnished by the superintendent a true and verified statement showing the total number of gallons of motor vehicle fuel acquired during the preceding calendar month and other and further data or information the superintendent requires.~~
4. ~~The following rules and procedures will govern when a distributor acquires motor vehicle fuel outside the state and transports the same through the state for delivery to a point outside the state.~~

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- a. Motor Vehicle Division Form 70-3307 will be executed and handled in the same manner as is required in connection with motor vehicle fuel imported into the state. The point of destination to be shown on the form will be the place outside the state where the fuel is to be delivered.
- b. When the vehicle transporting motor vehicle fuel leaves the state through a motor vehicle checking station located at not more than 400 yards from the state line, the carrier will surrender Page three of Form 70-3307 (Consignee Report) to the officer on duty at the checking Station. The officer will make proper notation on the form indicating that the shipment covered by the form was transported to a point outside the state and then forward same to the office of the Motor Vehicle Division.
- c. When a motor vehicle transporting motor vehicle fuel leaves the state at a point other than that referred to in paragraph (b) above for a destination in another state, the distributor will attach to Page three of Form 70-3307 satisfactory proof that the motor vehicle fuel was transported out of the state.
- d. When a motor vehicle transporting motor vehicle fuel leaves the state for a destination in Mexico at a point other than that referred to in paragraph (b) above, the distributor will attach to Page three of Form 70-3307 a Proof of Export Form certified by the Collector of Customs or, in lieu thereof, may have the Collector of Customs indicate on said Page three of Form 70-3307 that the motor vehicle fuel was exported into Mexico.
- e. As a part of the regular monthly report, the distributor will submit on a separate sheet of Schedule 3 (Form MVF 3-428) the required information concerning all Forms 70-3307 covering shipments of a type dealt with in this order. It should be indicated on this particular Schedule 3 that the motor vehicle fuel is exempt from the Arizona license tax because of the provisions of A.R.S. § 28-1519. The distributor shall not include the gallons on this particular Schedule 3 in the total gallonage shown on line 3 of Schedule 1 (Form 70-3308) of the monthly report.

**R17-1-320. ~~Motor vehicle fuel—tax exempt to U.S. military forces~~ Repealed**

- A.** Section 1. Section 66-318, Arizona Code of 1939, is amended to read: Section 66-318. LICENSE TAX EXEMPTIONS. Motor vehicle fuel in interstate or foreign commerce, not destined or diverted to a point within this state or motor vehicle fuel sold to the United States Armed Forces for use in ships or aircraft, or for use outside this state shall not be subject to the payment of license taxes required in this Article.
  - 1. The above law became effective 26 June 1952.
  - 2. Under the provisions of the above law, as amended, no exemption of motor vehicle fuel tax will be allowed on purchases by the United States except as stated in the law.
- B.** Effective 26 June 1952, claims for exemption of tax by reason of sale to the Armed Forces of the United States for the purposes specified will be supported by certificates of the purchasing agency that the motor vehicle fuel is purchased by the United States Armed Forces for the purposes covered in the above law. U.S. Standard Forms 1094 (U.S. Government Tax Exemption Certificate) will not be acceptable.
  - 1. The certificate may be in the following form:

<b>ARIZONA MOTOR VEHICLE FUEL GAS EXEMPTION ON SALES TO THE UNITED STATES ARMED FORCES</b>	
City or Station: Date:	
I certify that the motor vehicle fuel described below is purchased for the exclusive use of the United States (designation of Armed Force) for use (in ships, aircraft, outside Arizona). It is understood and agreed that if the motor vehicle fuel purchased under this exemption certificate at prices exclusive of the Arizona motor vehicle fuel tax is used otherwise than as designated above, or is resold to employees or others, the Arizona motor vehicle fuel tax on such gallonage diverted from designated use will be transmitted to the Arizona Division of Motor Vehicles under the provisions of Section 10 of the Act of 16 June 1936 (Pub law No. 686, 74th Congress) as amended.	
<b>THIS CERTIFICATE COVERS</b>	
Brand Acquired from (Name of vendor) as evidenced by Arizona form AHD 70-3307 (old Form 425) Contract No. Serial No. of aircraft	Gallons  _____ Signature Title and Rank of Officer

- 2. The above form may be reproduced locally or copies will be furnished by this Division upon request.
- C.** Common or contract motor carriers transporting motor vehicle fuel for the Armed Forces of the United States into Arizona (purchased by the United States Armed Forces F.O.B. out of state) must carry copy of the U.S. Government bill of lading, as well as Arizona Form AHD 70-3307 (old Form 425) showing the following:
  - 1. Name of Armed Service to which delivery is being made.
  - 2. Number of U.S. Government bill of lading covering the shipment.

**R17-1-321. ~~Motor vehicle fuel—relief agencies~~ Repealed**

- A.** Federal Emergency Relief Administration grants become state monies as soon as they are receipted for by the Governor.

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- B.** The following relief agencies and organizations are not exempt from the payment of the Arizona Motor Vehicle Fuel Tax:
1. Public Relief Agencies created by the legislature of this state, such as state and County Boards of Public Welfare;
  2. Federal Emergency Relief Administration of Arizona;
  3. All other relief agencies or organizations depending upon allotments of funds from the Federal Emergency Relief Administration.
- C.** All distributors are directed to observe the provisions of this order.

**R17-1-331. ~~General requirements; invoice preparation; specific invoice information required~~ Repealed**

- A.** Except as otherwise provided in subsection (B) of this rule, all vendors shall, upon each sale or transfer of use fuel in any manner, record on the invoice required by A.A.C. R17-1-330 the date of sale and the number of gallons sold and mark the applicable spaces in the information block
- B.** Sales of use fuel delivered into the fuel tank(s) of light class motor vehicles, as defined in A.R.S. § 28-1551(7), need not be recorded upon such an invoice unless specifically requested by the purchaser, subject to the provisions of R17-1-334(B).
- C.** In addition to the requirements of subsection (A) of this rule,
1. If the use fuel is delivered into the fuel tank of a use class motor vehicle, as defined in A.R.S. § 28-1551(13), and the use fuel tax is collected by the vendor, the vendor shall include on the invoice the name of the purchaser and Arizona use fuel tax account number as reflected on the purchaser's valid Arizona use fuel cab card as defined in A.R.S. § 28-1558. If, however, a use fuel tax account number is not presented when placing use fuel license plate number and state of registration of the vehicle into which the fuel was delivered must be recorded by the vendor on the invoice, and, if available, the name of the purchaser or the name of any operating entity as may be displayed on the exterior of the vehicle.
  2. If the use fuel is delivered into the fuel tank of a use class motor vehicle, and the use fuel tax is not collected by the vendor, then the invoice must reflect the name and use fuel tax account number of the purchaser as reflected on the purchaser's use fuel cab card. If the name and account number of the purchaser as reflected on the use fuel cab card is not recorded on the invoice, then the vendor will be presumed liable for the use fuel tax relating to that sale; or, if in the event the use fuel was sold without the fuel tax being collected on the basis of a use fuel single trip permit pursuant to A.R.S. §§ 28-1555(B) and 28-1559(B), the pink copy of that use fuel single trip permit must be attached to the vendor's file copy of the invoice. In addition to the requirements of R17-1-330, the invoice must be cross-referenced to the single trip permit by indicating the permit number instead of, and in place of the use fuel tax license number, in that area of the invoice reserved for the purchaser's use fuel tax license number, or the vendor will be presumed liable for the use fuel tax relating to that sale. If the use fuel is sold and delivered into any receptacle other than a vehicle fuel tank, the use fuel tax is not to be collected by the vendor however, the approved invoice must reflect the purchaser's name and use fuel tax account number if applicable, and the type of receptacle into which the fuel was sold or delivered must be reflected in section "C" of the "Arizona Use Fuel Tax Information Block" on the invoice, or the vendor will be presumed liable for the use fuel tax relating to that sale.

**R17-1-332. ~~Vendor self-consumption of use fuel in use class and light class vehicles~~ Repealed**

- A.** When a vendor delivers use fuel into a use class motor vehicle for which the vendor holds a valid use fuel cab card, an invoice must be completed as a tax collected sale.
- B.** A vendor who owns or operates a light class motor vehicle must transfer title to any use fuel intended to be placed into such light class motor vehicle to the restricted vendor's entity, as defined in A.R.S. § 28-1551(10), prior to such placement, and recording the transfer on the invoice provided in A.A.C. R 17-1-330 as a bulk withdrawal sold to the restricted vendor's entity.

**R17-1-334. ~~Retention of voided invoices~~ Repealed**

If an invoice is voided because of an error in recording the required information, the vendor shall retain the original and all copies of the voided invoice for audit purposes for not less than three years following the date of the voided invoice, or until an audit has been made encompassing the voided invoice, whichever comes first.

**R17-1-335. ~~Licensing~~ Repealed**

- A.** A carrier operating a motor vehicle that is a tractor, a road tractor, a truck tractor, a truck having more than two axles, or a passenger carrying vehicle designed to seat more than 20 occupants that is powered by use fuel and is registering in this State or accorded proportional registration or registration reciprocity with this state for the motor vehicles must, except as provided in subsection (C), obtain a use fuel tax license and cab card prior to operating on Arizona public highways.
- B.** A carrier operating motor vehicles in excess of 26,000 pounds declared gross vehicle weight and registering in this state or accorded proportional registration or registration reciprocity with this state for the motor vehicles and who are also subject to the weight fee under A.R.S. § 28-206 must, except as provided in subsection (C), obtain a motor carrier tax license and cab card prior to operating on Arizona public highways.

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- ~~C.~~ Any carrier or person who operates a motor vehicle and obtains a non-resident single trip permit under A.R.S. § 28-501.01, or a 30-, 60- or 90-day permit pursuant to A.R.S. § 28-501 (B) may purchase a use fuel and/or motor carrier tax trip permit for each trip in this State instead of licensing with the Director.
- ~~D.~~ Application for each use fuel and/or motor carrier license shall be made to the Department in writing upon forms prescribed and furnished by the Department, incorporated herein by reference and on file in the Office of the Secretary of State. All information required on the application shall be completed and shall be submitted with a \$10.00 non-refundable filing fee for each use fuel and/or motor carrier license to the Arizona Department of Transportation, Motor Vehicle Division, P.O. Box 2100, Mail Drop 234M, Phoenix, Arizona 85001.
- ~~E.~~ The Department shall issue a cab card to qualified licensed carriers. The cab card shall be applied for on the forms prescribed by the Department and shall be valid, unless canceled or revoked, for three calendar years. The cab card application form is incorporated herein by reference and on file in the Office of the Secretary of State. Any cab card issued after January 1 shall expire on December 31 of the expiration year. The enforcement date shall be established by the Director.

**R17-1-336. Return and payment of tax Repealed**

- ~~A.~~ Reporting period definitions. The carrier reporting period shall be related to the amount of the Use Fuel and/or Motor Carrier Tax liability and the compliance record of the licensee. Any licensee whose average monthly tax liability for Use Fuel or Motor Carrier Tax, computed over a twelve-month period, exceeds the filing limits of the licensee's current filing status shall be required to change its reporting period based on the new average monthly tax liability. Such change in the reporting period shall coincide with the beginning of a new reporting period. The carrier shall have the same reporting period for each tax. The report shall be made to the Department upon the forms prescribed and furnished by the Department, incorporated herein by reference, and on file in the Office of the Secretary of State. The reporting periods are:
  - 1. Monthly—for a calendar month.
  - 2. Quarterly—for calendar quarters beginning January 1st, April 1st, July 1st and October 1st.
  - 3. Semi-annually—for six (6) calendar months beginning January 1st, and July 1st.
  - 4. Annually—for twelve (12) calendar months beginning January 1st.
- ~~B.~~ Reporting period limits. The reporting period's tax liability limits for each tax are:
  - 1. To file monthly, an account must have \$1,000 or more average monthly tax liability.
  - 2. To file quarterly, an account must have at least \$200 but less than \$1,000 average monthly tax liability.
  - 3. To file semi-annually, an account must have less than \$200 average monthly tax liability.
  - 4. To file annually, an account must have less than \$10.00 average monthly tax liability.
  - 5. The reporting period shall be based on the tax account with the highest average monthly tax liability.Any licensee wishing to file on other than the reporting limits established by this subsection must first make an application in writing to the Director. If such licensee has complied with all applicable provisions of the Use Fuel and/or Motor Carrier Tax Act for the six months immediately preceding the application and shows good cause, then such licensee shall be allowed to file under the requested filing period.
- ~~C.~~ Failure to comply:
  - 1. If a licensee filing on other than a monthly basis fails to comply with the reporting requirements, the requirements for payment of tax, interest, penalty or other fees, or other requirements established under the Use Fuel and/or Motor Carrier Tax laws, without reasonable cause, such licensee may be required by the Director to file on a monthly basis. The Director shall notify the licensee of any such change in the filing requirements.
  - 2. Any licensee that has complied with all provisions of the Use Fuel and/or Motor Carrier Tax laws for a period of six (6) months after such licensee was required to file monthly, may make application to be allowed to file on other than a monthly basis.
- ~~D.~~ Failure to receive report form. If the licensee fails to receive an authorized report form, he must make a written report to the Department stating all information required on the prescribed form. The carrier shall file the report, together with a remittance payable to the Motor Vehicle Division for the amount of tax, penalty, interest or other fees due, on or before the due date of the return. The remittance and tax information will be accepted instead of a report on the prescribed form.

**R17-1-337. Use fuel and motor carrier bonding process Repealed**

- ~~A.~~ Bond amount calculation:
  - 1. The amount of bond required by the Department for each tax shall be calculated by determining the average monthly tax liability for the established reporting period and multiplying that average monthly tax liability by the following factors:
    - 3 times the average monthly tax liability for monthly reporting.
    - 5 times the average monthly tax liability for quarterly reporting.
    - 8 times the average monthly tax liability for semi-annual reporting.
    - 14 times the average monthly tax liability for annual reporting.The surety bond will be rounded to the nearest thousand dollars.



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~~EXAMPLE: An average monthly tax liability computed for twelve months is \$575. The average tax liability (\$575) is multiplied times five (for the quarterly factor) equaling \$2,875. The bond amount required would be \$3,000 (2,875 rounded to nearest thousand). The minimum bond amount for each tax shall be \$500. If the bond amount as computed under subsection (A), paragraph (1) of this Section is less than \$500, the bond amount required shall be \$500.~~

~~2. A carrier must provide continuous bond coverage for the period upon which an account may be subject to audit. Should a bond lapse, cash in an amount equal to the lapsed bond must be deposited with the Director until a new surety bond is issued to cover the lapsed period or until the period without bond has been audited or is no longer subject to audit.~~

~~B. Exceptions. The bond amount may be increased or decreased as necessary based upon the carrier's preceding report period, the reporting compliance record, or the payment history of the account. The Department will establish the new bond amount and notify the account in writing.~~

~~C. Average monthly tax liability. For the purposes of this Section, the average monthly tax liability of a licensee shall equal the tax due for a reporting period divided by the number of months in the report period.~~

~~EXAMPLE: \$1,575 tax due in a quarter divided by three months equals \$525 average monthly tax liability.~~

## NOTICE OF PROPOSED RULEMAKING

### TITLE 17. TRANSPORTATION

#### CHAPTER 4. DEPARTMENT OF TRANSPORTATION TITLE, REGISTRATION, AND DRIVER LICENCES

##### PREAMBLE

- 1. Sections Affected:** **Rulemaking Action:**  
R17-4-306 Amend
  
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 28-366  
Implementing statutes: A.R.S. §§ 28-2292 through 28-2295
  
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 6 A.A.R. 4201, November 3, 2000  
Notice of Recodification: 7 A.A.R. 3479, August 10, 2001
  
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Brent P. Heiss, Rules Analyst  
Address: Department of Transportation, Administrative Rules Unit, Mail Drop 507M  
3737 N. 7th Street, Suite 160  
Phoenix, AZ 85014-5017  
Telephone: (602) 712-8449  
Fax: (602) 241-1624  
E-mail: bheiss@dot.state.az.us
  
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**  
The rule regulates the nonresident daily commuter registration process and biennial \$8 fee that covers administrative costs of the program, as authorized under A.R.S. § 28-2294(D), and meets the requirements as described under A.R.S. § 41-1008. The current rule must be revised since the implementing statutes have been renumbered, as noted in the proposed agency action of the five-year review report (F-98-0401) and approved by the Governor's Regulatory Review Council on May 5, 1998. The agency is revising this Section to reflect current program requirements and publishing styles of G.R.R.C. and the Secretary of State.

Note: Since the initiation of rulemaking for this Section, the agency has recodified 17 A.A.C.

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This Section was formerly designated R17-4-222.

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

None

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

Not applicable

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

The rule serves to ensure that, since nonresident daily commuters are exempt from certain requirements applied to resident motor vehicle registration, the statutory requirements of A.R.S. §§ 28-2292 through 28-2295 are met for commuter-owned motor vehicles. The \$8 fee remains unchanged and covers a two-year registration period. Since the fee is minimal, businesses in the state's rural areas are able to supplement a limited labor force by drawing on manpower resources located within a 35-mile corridor in states immediately adjacent to Arizona. The prescribed nonresident daily commuter registration provides an opportunity for evaluation of nonresident commuter motor vehicles relative to air quality, impact to highway infrastructure and assists public safety enforcement through better identification of motor vehicles.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Questions concerning the economic impact statement in this rulemaking may be directed to the official listed in item #4.

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

No hearing is scheduled for this rulemaking. A request for a public hearing, and written or oral comments will be accepted Monday through Friday, 8:00 a.m. through 4:30 p.m. at the address listed in item #4. The public record on this rulemaking will close on October 19, 2001, at 4:30 p.m.

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

Not applicable

**12. Incorporations by reference and their location in the rules:**

None

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

**TITLE 17. TRANSPORTATION**

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION  
TITLE, REGISTRATION, AND DRIVER LICENSES**

**ARTICLE 3. VEHICLE REGISTRATION**

Section

R17-4-306. Nonresident Daily Commuter Fee

**ARTICLE 3. VEHICLE REGISTRATION**

**R17-4-306. Nonresident Daily Commuter Fee**

The Department shall charge any nonresident daily commuter, as defined in A.R.S. § 28-361, a fee of \$8.00 upon filing an application form, incorporated herein by reference and on file with the Secretary of State's Office, to recover the cost of administering the Article.

**A. This Section applies to a nonresident daily commuter as defined in A.R.S. § 28-2291 that:**

- 1. Owns a motor vehicle meeting requirements prescribed under A.R.S. §§ 28-2292 and 28-2294(B).**
- 2. Resides in a state contiguous to Arizona, no farther than 35 miles from the state boundary, as prescribed by A.R.S. § 28-2294(B)(3); and completes an application by providing information as prescribed under A.R.S. § 28-2293.**

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- B.** The Motor Vehicle Division shall issue two registration indicia to a nonresident daily commuter applicant:
1. A motor vehicle identification card as prescribed under A.R.S. § 28-2294; and
  2. A nonresident commuter motor vehicle tag, as prescribed under A.R.S. § 28-2295.
- C.** A nonresident daily commuter motor vehicle registration is valid for two years. A nonresident daily commuter shall pay an \$8 fee for each eligible motor vehicle as prescribed under A.R.S. § 28-2294 (D).
- D.** A nonresident daily commuter shall:
1. Carry a valid identification card in the commuter's motor vehicle at all times;
  2. Display the vehicle's nonresident commuter tag in a clearly visible manner, next to the vehicle's rear license plate as prescribed under A.R.S. § 28-2295; and
  3. Present the nonresident daily commuter motor vehicle registration card to any Arizona enforcement officer upon request, as prescribed under A.R.S. § 28 2295(B).

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL**

**PREAMBLE**

- 1. Sections Affected**
- |              |  |
|--------------|--|
| R18-2-715    | <b><u>Rulemaking Action</u></b><br>Amend |
| R18-2-715.01 | Amend                                    |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general and the statutes the rules are implementing (specific):**  
Authorizing and implementing statutes: A.R.S. §§ 49-104(A)(11), 49-404, 49-425, and 49-426
- 3. List of all previous notices appearing in the register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 7 A.A.R. 2776, June 29, 2001  
Notice of Rulemaking Docket Opening: 7 A.A.R. 4098, September 14, 2001
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- |            |  |
|------------|--|
| Name:      | Mark Lewandowski   |
| Address:   | Department of Environmental Quality<br>3033 N. Central Avenue<br>Phoenix, AZ 85012-2809                  |
| Telephone: | (602) 207-2230 (If you are outside the (602) area code dial 1(800) 234-5677, and ask for the extension.) |
| Fax:       | (602) 207-2366   |
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
- Summary.** The Arizona Department of Environmental Quality is proposing source-requested reductions in emission limits applicable to a copper smelter, located in San Manuel, which has been temporarily shut down and is now considering resuming operations. The smelter, currently owned and operated by BHP Billiton (BHP), has been maintained in a cold start-up (standby) mode since June 24, 1999, because of low copper prices.
- R18-2-411(A) requires major sulfur dioxide (SO<sub>2</sub>) sources that are located in SO<sub>2</sub> nonattainment areas and have not operated for more than 24 consecutive months to submit certain demonstrations and plans to the Director prior to resumption of operations. In order to resume operations, the source must first complete an air quality impact analysis demonstrating that the source will not cause or contribute to a violation of the national ambient air quality standards for SO<sub>2</sub>. BHP conducted an impact analysis at much lower emissions limits than that stated in the current rules. Subsequently, BHP has applied for a permit revision to incorporate these more stringent emission limits in their permit. The new limits require changes to R18-2-715 and R18-2-715.01. The revised rules must also be submitted to the U.S.

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Environmental Protection Agency as a State Implementation Plan revision for the San Manuel SO<sub>2</sub> nonattainment area.

Additional amendments to R18-2-715.01 are proposed to update references to current federal quality assurance procedures and to remove outdated requirements for submittal of compliance schedules by subject sources. These changes have no substantive impact on the regulated sources.

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

Not applicable

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

Not applicable

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

This rule is a source-specific rule that applies only to the smelter located in San Manuel, Pinal County. This facility is classified as a major source for sulfur dioxide and the area is designated as nonattainment for sulfur dioxide. Over the past two years the source has incurred maintenance costs to keep the facility in a start-up mode and comply with existing rules related to permit revisions and resumption of operations. This rule is not expected to result in significant additional costs. There are no other sources affected by this rulemaking.

The source has indicated to ADEQ that if the smelter were to resume operations, it could potentially create up to 1,000 jobs in the San Manuel area. This increase in jobs would have a positive impact on the area due directly to the employment and indirectly to income multipliers.

Additional benefit and cost information will be provided in the final EIS.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: David Lillie, Economist, Rule Development Section

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

Telephone: (602) 207-2295  
(Any extension may be reached in-state. Dial 1-800-234-5677 and ask for that extension.)

Fax: (602) 207-2366

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:**

Oral Proceeding: October 16, 2001, 1:30 p.m.

Location: BHP Conference Center  
111 5th Avenue  
San Manuel, AZ 85631

Nature: Public hearing with opportunity for formal comments on the record regarding the proposed rule and the submittal of the rule to the Environmental Protection Agency as a revision to the State Implementation Plan

Close of comment: 5:00 p.m., October 17, 2001

Call (602) 207-4795 for special accommodations pursuant to the Americans with Disabilities Act.

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

Not applicable

**12. Incorporations by reference and their location in the rules:**

None

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

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL**

**ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS**

Section

- R18-2-715. Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements  
 R18-2-715.01 Standards of Performance for Existing Primary Copper Smelters; Compliance and Monitoring

**ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS**

**R18-2-715. Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements**

- A. No change
- B. No change
- C. No change
- D. No change
- E. No change
- F. Except as provided in a consent decree or a delayed compliance order, no owner or operator of any primary copper smelter shall discharge or cause the discharge of sulfur dioxide into the atmosphere from any stack required to be monitored by R18-2-715.01(K) in excess of the following:
  1. For the copper smelter of ~~Magma Copper Company, San Manuel Division~~ located near San Manuel, Arizona at latitude 32°36'58"N and longitude 110°37'19"W:
    - a. Annual average emissions, as calculated pursuant to R18-2-715.01(C) ~~through R18-2-715.01(J)~~, shall not exceed ~~48,275~~ 1,742 pounds per hour.
    - b. The number of three-hour average emissions, as calculated pursuant to R18-2-715.01(C) ~~through R18-2-715.01(J)~~, shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period:

<u>n<sub>i</sub></u> <u>Cumulative Occurrences</u>	<u>E</u> <u>(lb/hr)</u>	<u>E<sub>i</sub></u> <u>(lb/hr)</u>
0	72,000	<u>9803</u>
1	<del>68,000</del>	<u>8253</u>
2	<del>64,000</del>	<u>7619</u>
4	<del>61,000</del>	<u>6072</u>
7	<del>57,800</del>	<u>5660</u>
12	<del>54,800</del>	<u>4922</u>
20	<del>52,000</del>	<u>4515</u>
32	<del>49,500</del>	<u>4272</u>
48	<del>47,500</del>	<u>3945</u>
68	<del>45,500</del>	<u>3727</u>
94	<del>43,500</del>	<u>3568</u>
130	<del>41,200</del>	<u>3419</u>
180	<del>39,200</del>	<u>3253</u>
245	<del>37,200</del>	<u>3101</u>
330	<del>35,200</del>	<u>2958</u>
435	<del>33,770</del>	<u>2831</u>

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560	32,000	<u>2712</u>
710	30,200	<u>2615</u>
890	28,700	<u>2525</u>
1100	27,200	<u>2440</u>
1340	25,700	<u>2366</u>
1610	24,500	<u>2290</u>
1910	23,000	<u>2216</u>
2240	21,700	<u>2142</u>

2. No change
3. No change
4. No change
5. No change
6. No change

**G.** Except as provided in a consent decree or a delayed compliance order, no owner or operator of any primary copper smelter shall discharge or cause the discharge of fugitive sulfur dioxide into the atmosphere in excess of the following:

1. For the copper smelter located near San Manuel, Arizona at latitude 32°36'58"N and longitude 110°37'19"W:
  - a. Annual average emissions, as calculated pursuant to R18-2-715.01(R) shall not exceed 715 pounds per hour for converter roof fugitive emissions.
  - b. The number of three-hour average emissions for converter roof fugitive emissions, as calculated pursuant to R18-2-715.01(R) shall not exceed n cumulative occurrences in excess of Ef, the emission level, shown in the following table in any compliance period:

<u>n,</u> <u>Cumulative Occurrences</u>	<u>Ef,</u> <u>(lb/hr)</u>
<u>0</u>	<u>4462</u>
<u>1</u>	<u>4299</u>
<u>2</u>	<u>4222</u>
<u>4</u>	<u>4017</u>
<u>7</u>	<u>3867</u>
<u>12</u>	<u>3460</u>
<u>20</u>	<u>3179</u>
<u>32</u>	<u>3000</u>
<u>48</u>	<u>2827</u>
<u>68</u>	<u>2649</u>
<u>94</u>	<u>2523</u>
<u>130</u>	<u>2361</u>
<u>180</u>	<u>2218</u>
<u>245</u>	<u>2072</u>
<u>330</u>	<u>1923</u>
<u>435</u>	<u>1785</u>
<u>560</u>	<u>1644</u>
<u>710</u>	<u>1517</u>

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<u>890</u>	<u>1402</u>
<u>1100</u>	<u>1300</u>
<u>1340</u>	<u>1208</u>
<u>1610</u>	<u>1121</u>
<u>1910</u>	<u>1039</u>
<u>2240</u>	<u>957</u>

2. Reserved

**R18-2-715.01. Standards of Performance for Existing Primary Copper Smelters; Compliance and Monitoring**

- A. The cumulative occurrence and emission limits specified in R18-2-715(F) shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.
- B. Periods of malfunction, startup, shutdown or other upset conditions shall not be excluded when determining compliance with the cumulative occurrence or annual average emission limits specified in R18-2-715(F) or (G).
- C. Compliance with the cumulative occurrence and emission limits contained in R18-2-715(F) shall be determined as follows:
1. Annual average emissions shall be calculated at the end of each day by averaging the emissions for all hours measured during the compliance period ending on that day. An annual emissions average in excess of the allowable annual average emission limit will be considered a violation if either:
    - a. The annual average is larger than the annual average computed for the preceding day; or
    - b. The annual averages computed for the five preceding days all exceed the allowable annual average emission limit.
  2. Three-hour emissions averages shall be calculated at the end of each clock hour by averaging the hourly emissions for the preceding three consecutive hours whenever each such hour was measured in accordance with the requirements contained in subsection (K) of this Section.
- D. For purposes of this Section, the compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986, except that the compliance date for the cumulative occurrence and emissions limits contained in R18-2-715(F)(1) and R18-2-715(G)(1) shall be (the effective date of this rule revision).
- E. For purposes of subsection (C) of this Section, a three-hour emissions average in excess of an emission level (E) will be considered to violate the associated cumulative occurrence limit (n) listed in R18-2-715(F) if both:
1. The number of all three-hour emissions averages ~~measured~~ calculated during the compliance period in excess of that emission level exceeds the cumulative occurrence limit associated with the emission level; and
  2. The average was ~~measured~~ calculated during the last operating day of the compliance period being reported
- F. A three-hour emissions average can only violate the cumulative occurrence limit (n) of an emission level (E) in the day containing the last hour in the average.
- G. Multiple violations of a cumulative occurrence limit in the same day and violations of different cumulative limits in the same day shall constitute a single violation of the requirements of R18-2-715(F).
- H. The violation of any cumulative occurrence limit and an annual average emission limit in the same day shall constitute only a single violation of the requirements of R18-2-715(F).
- I. Multiple violations of a cumulative occurrence limit by different three-hour emissions averages containing any common hour shall constitute a single violation of the requirements of R18-2-715(F).
- J. For purposes of determining compliance with subsections (C) through (I) of this Section, the compliance period shall consist of the 365 calendar days immediately preceding the end of each day of the month being reported unless that period includes less than 300 operating days. In such case the number of days preceding the last day of the compliance period shall be increased until the compliance period contains 300 operating days. Any day in which sulfur containing feed is introduced into the smelting process constitutes an operating day.
- K. For purposes of determining compliance with the cumulative occurrence and emission limits contained in R18-2-715(F), the owner or operator of any smelter subject to such limits shall install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations and stack gas volumetric flow rates in each stack which could emit five percent or more of the allowable annual average sulfur dioxide emissions from the smelter.
1. Such measurement system shall also continuously monitor sulfur dioxide concentrations and stack gas volumetric flow rates in the outlet of each piece of sulfur dioxide control equipment.

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2. Captured fugitive emissions shall be continuously monitored for sulfur dioxide concentrations and stack gas volumetric flow rates, and these emissions shall be included as part of total plant emissions when determining compliance with the cumulative occurrence and emission limits contained in R18-2-715(F).
3. If the owner or operator can demonstrate to the Director that measurement of stack gas volumetric flow in the outlet of any particular piece of sulfur dioxide control equipment would yield inaccurate results or would be technologically infeasible, then the Director may allow measurement of the flow rate at an alternative sampling point.
4. For purposes of this subsection, continuous monitoring means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack, outlet or other approved measurement location in each 15-minute period. An hour of smelter emissions shall be considered to have been continuously monitored if the emissions from all monitored stacks, outlets or other approved measurement locations are measured for at least 45 minutes of any hour in accordance with the requirements of this subsection.
5. The continuous monitoring system described in this subsection shall meet all of the following requirements:
  - a. ~~No later than 18 months prior to the compliance date and at such other times as the Director may specify, the stack gas volumetric flow rate measurement system~~ The sulfur dioxide continuous emission monitoring system installed and operated pursuant to this Section shall be demonstrated to meet the ~~performance specifications prescribed in 40 CFR 52, Appendix E~~ requirements of 40 CFR 60, Appendix B, Performance Specification 6.
  - b. ~~No later than 18 months prior to the compliance date and at such other times as the Director may specify, the sulfur dioxide concentration measurement system~~ continuous emission monitoring system installed and operated pursuant to this Section shall be demonstrated to meet the ~~measurement system performance specifications prescribed in 40 CFR 52, Appendix D, except that "maximum anticipated concentration" shall be substituted for "emission standard" in "Table I -- Performance Specifications"~~ quality assurance procedures of 40 CFR 60, Appendix F.
  - c. ~~The demonstrations of measurement systems performance required by subparagraphs (a) and (b) of this paragraph shall be conducted in accordance with the field test procedures prescribed by 40 CFR 52, Appendices D and E.~~ The Director shall be notified at least 30 days in advance of the start of the field tests.
  - d. Location of all sampling points for monitoring sulfur dioxide concentrations and stack gas volumetric flow rates shall be approved in writing by the Director prior to installation and operation of measurement instruments.
  - e. The measurement system installed and used pursuant to this subsection shall be subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.
- L. Failure of the owner or operator of a smelter subject to this Section to measure at least 95 percent of the hours during which emissions occurred in any month shall constitute a violation of this Section.
- M. Failure of the owner or operator of a smelter subject to this Section to measure any 12 consecutive hours of emissions in accordance with the requirements of subsection (K) or (S) of this Section shall constitute a violation of this Section.
- N. The owner or operator of any smelter subject to this Section shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate systems for the continuous monitoring equipment required by this Section to allow for the replacement within six hours of any monitoring equipment part which fails or malfunctions during operation.
- O. As a means of determining total overall emissions, the owner or operator of any smelter subject to this Section shall perform material balances for sulfur in accordance with the procedures prescribed by Appendix 8.
- P. The owner or operator of any smelter subject to this Section shall maintain a record of all average hourly emissions measurements required to be measured by this Section. The record of such emissions shall be retained for at least ~~two~~ five years following the date of measurement. All of the following measurement results shall be expressed as pounds per hour of sulfur dioxide and shall be summarized monthly and submitted to the Director within 20 days after the end of each month:
  1. For all periods described in subsection (C) and (R) of this Section, the annual average emissions (expressed in pounds per hour) as calculated at the end of each day of the month;
  2. The total number of hourly periods during the month in which measurements were not taken and the reason for loss of measurement for each period;
  3. The number of three-hour emissions averages which exceeded each of the applicable emissions levels listed in R18-2-715(F) and (G) for the compliance periods ending on each day of the month being reported;
  4. The date on which a cumulative occurrence limit listed in R18-2-715(F) or (G) was exceeded if such exceedance occurred during the month being reported.



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- ~~Q.~~ The owner or operator of a smelter subject to this Section shall submit a proposed compliance schedule to the Director which demonstrates that the emission limits of R18-2-715(F) will be achieved at the smelter as expeditiously as practicable, but no later than the compliance date.
- ~~R.~~ The schedule submitted pursuant to subsection (Q) of this Section shall include increments of progress and the date for achievement of such increments. The increments of progress shall include all of the following:
- ~~1.~~ No later than 30 months prior to the compliance date, submission to the Director of a final control plan for meeting the emission limits in R18-2-715(F);
  - ~~2.~~ No later than 28 months prior to the compliance date, letting of contracts or issuance of purchase orders for any process or control equipment necessary to accomplish the required emission control;
  - ~~3.~~ No later than 24 months prior to the compliance date, initiation of any necessary on-site construction or initiation of any necessary installation of emission control equipment or process modification;
  - ~~4.~~ No later than 24 months prior to the compliance date, submission of the fugitive emissions evaluation prescribed in R18-2-715.02(B) through (D), including a compliance plan for installation of any additional fugitive emission control equipment necessary to assure attainment and maintenance of the applicable ambient air quality standards in the vicinity of the smelter;
  - ~~5.~~ No later than 18 months prior to the compliance date, the initiation of the demonstrations of stack gas volumetric flow rate and sulfur dioxide concentration measurement systems required by subsections (K)(5)(a) and (b);
  - ~~6.~~ No later than three months prior to the compliance date, completion of any necessary on-site construction, or installation of emission control equipment or process modification; and
  - ~~7.~~ No later than the compliance date, achievement of compliance with the emission limits in R18-2-715(F).
- ~~S.~~ The owner or operator shall certify to the Director, within 15 days after the deadline for completion of each increment, whether the required increment of progress has been met.
- ~~T.Q.~~ At each point in the smelter facility where a means exists to bypass the sulfur removal equipment, such bypass shall be instrumented and monitored to detect and record all periods that the bypass is in operation. Each owner or operator of a copper smelter shall report to the Director, not later than the fifteenth day of each month, the information required to be recorded by this Section. Such report shall include an explanation for the necessity of the use of the bypass.
- ~~R.~~ Compliance with the cumulative occurrence and fugitive emission limits contained in R18-2-715(G) shall be determined as follows:
1. Annual average emissions shall be calculated at the end of each day by averaging the emissions for all hours measured during the compliance period ending on that day. An annual emissions average in excess of the allowable annual average emission limit will be considered a violation if either:
    - a. The annual average is larger than the annual average computed for the preceding day; or
    - b. The annual averages computed for the five preceding days all exceed the allowable annual average emission limit.
  2. Three-hour emissions averages shall be calculated at the end of each clock hour by averaging the hourly emissions for the preceding three consecutive hours whenever each such hour was measured in accordance with the requirements contained in subsection (S).
  3. For purposes of subsections (1) and (2), a three-hour emissions average in excess of an emission level (Ef) will be considered to violate the associated cumulative occurrence limit (n) listed in R18-2-715(G) if both:
    - a. The number of all three-hour emissions averages calculated during the compliance period in excess of that emission level exceeds the cumulative occurrence limit associated with the emission level; and
    - b. The average was calculated during the last operating day of the compliance period being reported.
  4. A three-hour emissions average can only violate the cumulative occurrence limit (n) of an emission level (Ef) in the day containing the last hour in the average.
  5. Multiple violations of a cumulative occurrence limit in the same day and violations of different cumulative limits in the same day shall constitute a single violation of the requirements of R18-2-715(G).
  6. The violation of any cumulative occurrence limit and an annual average emission limit in the same day shall constitute only a single violation of the requirements of R18-2-715(G).
  7. Multiple violations of a cumulative occurrence limit by different three-hour emissions averages containing any common hour shall constitute a single violation of the requirements of R18-2-715(G).
  8. For purposes of determining compliance with subsections (1) through (7), the compliance period shall consist of the 365 calendar days immediately preceding the end of each day of the month being reported unless that period includes less than 300 operating days. In such case the number of days preceding the last day of the compliance period shall be increased until the compliance period contains 300 operating days. Any day in which sulfur containing feed is introduced into the smelting process constitutes an operating day.
- ~~S.~~ For purposes of determining compliance with the cumulative occurrence and fugitive emission limits contained in R18-2-715(G), the owner or operator of any smelter subject to such limits shall install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations of the converter roof fugitive emissions.

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1. For purposes of this subsection, continuous monitoring means the taking and recording of at least one measurement of sulfur dioxide concentration from an approved measurement location in each 15-minute period. An hour of smelter emissions shall be considered to have been continuously monitored if the emissions from all approved measurement locations are measured for at least 45 minutes of any hour in accordance with the requirements of this subsection.
2. The owner or operator of a smelter subject to the requirements of this subsection shall conduct quality assurance procedures on the continuous monitoring system in accordance with the methods in 40 CFR 60, Appendix F.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL**

**PREAMBLE**

**1. Sections Affected**

	<b><u>Rulemaking Action</u></b>
R18-2-1001	Amend
R18-2-1003	Amend
R18-2-1005	Amend
R18-2-1006	Amend
R18-2-1007	Amend
R18-2-1009	Amend
R18-2-1010	Amend
R18-2-1011	Amend
R18-2-1012	Amend
R18-2-1014	Repeal
R18-2-1015	Repeal
R18-2-1016	Amend
R18-2-1017	Amend
R18-2-1018	Amend
R18-2-1019	Amend
R18-2-1020	Amend
R18-2-1025	Amend
R18-2-1027	Amend
Table 2	Amend
Table 3	Amend
Table 6	Repeal

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

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

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

**3. List of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Docket Opening, 7 A.A.R. 4098, September 14, 2001

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

Name: Mark Lewandowski

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

Telephone: (602) 207-2230 (Or dial 1-800-234-5677 and ask for the extension.)

Fax: (602) 207-2366

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

**Summary.** The Arizona Department of Environmental Quality (ADEQ) is proposing changes to its vehicle emissions rules in order to implement OBD (On-Board Diagnostics) testing for 1996 and newer light-duty vehicles in

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Areas A and B. Areas A and B are defined in A.R.S. § 49-541. In addition, ADEQ is proposing other minor technical changes to the vehicle emissions rules.

**OBD.** OBD testing was 'required' in the Clean Air Act Amendments of 1990 and was promulgated in an EPA rule on August 6, 1996. OBD is an element of vehicle inspection and maintenance (I/M) programs required for both basic and enhanced programs as part of the mandatory, periodic inspection. Ongoing studies, dialog with manufacturers, and real world experience with OBD testing caused EPA to amend the I/M rule in 1998, and again in 2001. In the 2001 rule, EPA extended the deadlines for I/M programs to adopt OBD from January 1, 2001 to January 1, 2002. (66 FR 18156, April 5, 2001) That rule also contains some flexibility for states to delay implementation of OBD for one year.

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

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

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

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

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

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

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

ADEQ is proposing this rule now to have it effective by the desired implementation date of January 1, 2002. OBD testing would take place biennially in Phoenix, where it replaces the biennial IM147 test, and annually in Tucson,

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where it replaces the annual loaded cruise test. ADEQ is not proposing any change to waiver procedures for OBD. As with all other vehicles, only one waiver per vehicle lifetime is allowed.

**Other Changes:**

In a number of sections, the “evaporative integrity test” is being renamed the “evaporative pressure test”, so as to conform to EPA guidance and regulation. The test procedure itself remains unchanged.

Alternative fuel vehicle test procedures are being clarified at R18-2-1003(B)(10)(b) and R18-2-1006(D) to conform recent statutory changes at A.R.S. §§ 49-542(J)(2) and 49-542.05 (SB 1004, 7th Sp. Session, 2000).

R18-2-1014 and R18-2-1015 are being repealed since the programs have been discontinued and the statutory authority no longer exists.

**Table 2.** The format of Table 2 is being changed to make it easier to read. None of the values in the table are changed.

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

None

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

Not applicable

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

The proposed rule would allow implementation of a new emissions test in both area A and area B. ADEQ believes that OBD testing will be somewhat quicker and cheaper for the contractor to implement and should alleviate the need for added infrastructure and higher fees in the future as more and more vehicles are subject to OBD testing. In CY 2002, it is estimated that 180,000 MY '96 and '97 vehicles will be tested with OBD instead of IM147 in area A. This is about 22% of the total IM147 vehicle base. In area B in CY 2002, a similar but undetermined number of MY 96 or 97 vehicles will be tested with OBD instead of the loaded cruise test.

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

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Mark Lewandowski or David Lillie  
Address: Department of Environmental Quality  
3033 N. Central Avenue  
Phoenix, AZ 85012-2809  
Telephone: (602) 207-2230 or 2295 (Or dial 1-800-234-5677 and ask for the extension)  
Fax: (602) 207-2366

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:**

Date: October 15, 2001  
Time: 1:30 p.m.  
Location: Department of Environmental Quality, Room 1706  
3033 N. Central Avenue  
Phoenix, AZ 85012-2809

Date: October 16, 2001  
Time: 1:30 p.m.

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Location: Department of Environmental Quality, Room 446  
400 W. Congress St.  
Tucson, AZ

Nature: Public hearings on the proposed rule

Close of comment: October 17, 2001

(Call 602-207-4795 for special accommodations pursuant to the Americans with Disabilities Act.)

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

Not applicable

**12. Incorporations by reference and their locations in the rules:**

New incorporation by reference

Locations

“Performing Onboard Diagnostic System Checks as Part  
of a Vehicle Inspection and Maintenance Program”

EPA420-R-01-015, EPA, June 2001

R18-2-1006(E)(3)(b)

R18-2-1006(F)(3)(b)

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

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 2. AIR POLLUTION CONTROL**

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

Section

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

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

**R18-2-1001. Definitions**

In this Article, unless the context otherwise requires:

1. Abbreviations and symbols are as follows:
  - a. “A/F” means air/fuel.
  - b. ~~“CID” means cubic inches displacement.~~
  - e-b. “CO” means carbon monoxide.

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- ~~d.c.~~ “CO<sub>2</sub>” means carbon dioxide.
- e.d. “EGR” means exhaust gas recirculation.
- f.e. “GVWR” means gross vehicle weight rating.
- ~~g.f.~~ “HC” means hydrocarbon.
- ~~h.g.~~ “HP” means horsepower.
- i.h. “LNG” means liquefied natural gas.
- j.i. “LPG” means liquid petroleum gas.
- k. ~~“LVW” means loaded vehicle weight.~~
- j. “MIL” means Malfunction Indicator Lamp.
- ~~l.k.~~ “MPH” means miles per hour.
- ~~m.l.~~ “MVD” means the Motor Vehicle Division of the Arizona Department of Transportation.
- ~~n.m.~~ “NDIR” means nondispersive infrared.
- ~~o.n.~~ “NO<sub>x</sub>” means the sum of nitrogen oxide and nitrogen dioxide.
- ~~p.o.~~ “%” means percent.
- ~~q.p.~~ “OEM” means original equipment manufacturer.
- q. “OBD” means On-Board Diagnostics.
- r. ~~“PROM” means programmable read only memory.~~
- ~~s.r.~~ “PCV” means positive crankcase ventilation.
- ~~t.s.~~ “PPM” means parts per million by volume.
- ~~u.t.~~ “RPM” means revolutions per minute.
- ~~v.u.~~ “VIN” means vehicle identification number.
- w. ~~“VIR” means vehicle inspection report.~~
2. “Annual test” means any vehicle emissions test that is not a biennial test.
  3. “Apportioned vehicle” means a vehicle that is subject to the proportional registration provisions of A.R.S. § 28-2233.
  4. “Area A” has the same meaning as in A.R.S. § 49-541.
  5. “Area A vehicle” means a motor vehicle subject to emission inspection and that is:
    - a. Registered or to be registered within area A;
    - b. Owned by or leased to a person having a valid fleet permit and customarily kept in area A;
    - c. A government vehicle customarily kept in area A;
    - d. Used to commute to the driver's principal place of employment located in area A; or
    - e. Parked, will be parked, or is the subject of a parking permit application at an institution located in area A and subject to the requirements of A.R.S. §§ 15-1444(C) or 15-1627(G).
  6. “Area B” has the same meaning as in A.R.S. § 49-541.
  7. “Area B vehicle” means a motor vehicle subject to emission inspection and that is:
    - a. Registered or to be registered within area B;
    - b. Owned by or leased to a person having a valid fleet permit and customarily kept in area B;
    - c. A government vehicle customarily kept in area B;
    - d. Used to commute to the driver's principal place of employment located in area B; or
    - e. Parked, will be parked, or is the subject of a parking permit application at an institution located in area B and subject to the requirements of A.R.S. §§ 15-1444(C) or 15-1627(G).
  8. “Biennial test” means the transient loaded emission test and evaporative system tests required under R18-2-1006(E)(2), or the OBD test for area A vehicles under R18-1006(E)(3).
  9. “Calibration gas” means a gas with assigned concentrations of CO, hexane, or CO<sub>2</sub> that is used by a state inspector to check the accuracy of emissions analyzers.
  10. “Certificate of compliance” means a serially numbered document issued by a state station at the time of a vehicle inspection indicating that the vehicle has met the emissions standards.
  11. “Certificate of exemption” means a serially numbered certificate issued by the Director exempting a vehicle that is not available within the state for an inspection during the 90 days before the emissions compliance expiration date.
  12. “Certificate of inspection” means a serially numbered document issued by the Director indicating that a vehicle has been inspected under A.R.S. § 49-546 and has passed inspection.
  13. “Certificate of waiver” means a serially numbered document issued by the Department or a fleet inspector other than an auto dealer licensed to sell used motor vehicles under A.R.S. Title 28 of the Arizona Revised Statutes, indicating that the requirement of passing reinspection has been waived for a vehicle under A.R.S. § 49-542.
  14. “Conditioning mode” means either a fast idle condition or a loaded condition as defined in this Section.
  15. “Constant four-wheel drive vehicle” means any four-wheel drive vehicle with four wheels and that cannot be converted to two-wheel drive except by disconnecting one of the vehicle's drive shafts.

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16. "Constant volume sampler" means a system that dilutes engine exhaust to be sampled with ambient air so that the total combined flow rate of exhaust and dilution air mix is nearly constant for all engine operating conditions.
17. "Contractor" means a person, business, firm, partnership, or corporation with whom the Director has a contract that provides for the operation of one or more official emissions inspection stations.
18. "Curb idle test" means an exhaust emissions test conducted with the engine of the vehicle running at the manufacturer's idle speed  $\pm$  100 RPM but without pressure exerted on the accelerator.
19. "Curb weight" means a vehicle's unloaded weight without fuel and oil plus 300 pounds.
20. "Dealer" means a person or organization licensed by the Arizona Department of Transportation as a new motor vehicle dealer, used motor vehicle dealer, or motorcycle dealer.
21. "Department" means the Department of Environmental Quality.
22. "Director" means the Director of the Department of Environmental Quality.
23. "Director's certificate" means a serially numbered document issued by the Director in special circumstances that the Director deems inappropriate for the vehicle to show evidence of meeting the minimum standards for registration or reregistration under R18-2-1019 or R18-2-1022.
24. "Electrically-powered vehicle" means a vehicle that both uses electricity as the means of propulsion and does not require the combustion of fossil fuel within the confines of the vehicle in order to generate electricity.
25. "Emissions compliance expiration date" means:
  - a. Each registration expiration date for vehicles subject to annual tests; and
  - b. The registration expiration date in the second year after the initial biennial test required under this Article or R18-2-1005(B) for vehicles subject to biennial tests.
26. "Emissions inspection station permit" means a certificate issued by the Director authorizing the holder to perform vehicle inspections under this Article.
27. "Exhaust emissions" means products of combustion emitted into the atmosphere from any opening downstream of the exhaust ports of a motor vehicle engine.
28. "Exhaust pipe" means the pipe that attaches to the muffler and exits the vehicle.
29. "Fast idle condition" means to operate a vehicle by running the engine at 2,500 RPM,  $\pm$  300 RPM, for up to 30 seconds, with the transmission in neutral, to prepare the vehicle for a subsequent curb idle test.
30. "Fast pass or fast fail algorithm" means a procedure in a vehicle emission testing system that logically determines whether a vehicle will pass or fail the ~~biennial~~ transient loaded emission test under R18-2-1006(E)(2) before the test is over.
31. "Fleet emissions inspection station" or "fleet station" means any inspection facility operated under a permit issued under A.R.S. § 49-546.
32. "Fuel" means any material that is burned within the confines of a vehicle to propel the vehicle.
33. "Four-stroke vehicle" means a vehicle equipped with an engine that requires two revolutions of the crankshaft for each piston power stroke.
34. "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, has an unladen weight less than 1,300 pounds, is designed to be and is operated at not more than 15 MPH, and is designed to carry golf equipment and persons.
35. "Government vehicle" means a registered motor vehicle exempt from the payment of a registration fee, or a federally owned or leased vehicle.
36. "Gross vehicle weight rating" (GVWR) means the maximum vehicle weight that the vehicle is designed for as established by the manufacturer.
37. "Inspection" means the mandatory vehicle emissions inspection including the tampering inspection.
38. "Inspection sticker" means a self-adhesive, serially numbered rectangular sticker indicating a government vehicle has met Arizona emissions inspection requirements.
39. "Loaded condition" means to condition a vehicle by running the vehicle on a chassis dynamometer at a specified speed and load for no more than 30 seconds to prepare the vehicle for a subsequent curb idle test.
40. "Loaded cruise test" means an exhaust emissions test conducted on a chassis dynamometer under R18-2-1006(E)(1)(a) and (F)(2)(a).
41. "Mass emission measurement" means measurement of a vehicle's exhaust in mass units such as grams.
42. "Model year" means the date of manufacture of the original vehicle within the annual production period of the vehicle as designated by the manufacturer or, if a reconstructed vehicle, the 1st year of titling.
43. "MOL %" means the %, by volume, that a particular gas occupies in a mixture of gases at a uniform temperature.
44. "Motorcycle" means a motor vehicle, other than a tractor, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground.
45. "Motorhome" means a vehicle built on a truck or bus chassis and equipped as a self-contained traveling home.
46. "New aftermarket catalytic converter" or "new aftermarket converter" means a catalytic converter, except for an OEM, that meets the standards under 40 CFR 86.

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47. "Official emissions inspection station" means an inspection facility, other than a fleet emissions inspection station, whether placed in a permanent structure or in a mobile unit for conveyance to various locations within the state, for the purpose of conducting inspections under A.R.S. § 49-542.
48. "On-Board Diagnostics Test" means a method of emissions testing using the on-board computer systems of 1996 and newer vehicles, to diagnose and report on the status of engine emission systems by connecting to vehicle's diagnostic link connector.
- ~~48-49.~~ "Opacity" means the degree of absorption of transmitted light.
- ~~49-50.~~ "Operational air pump" means an air injection system (AIS) to supply additional oxygen (air) into the exhaust system to promote further oxidation of HC and CO gases and to assist in catalytic reaction.
- ~~50-51.~~ "Person" means the federal government, state, or any federal or state agency or institution, any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.
- ~~51-52.~~ "Reconditioned OEM catalytic converter" or "reconditioned OEM converter" means a used OEM reconditioned equivalent or an OEM converter that has had the pellets replaced with new or used OEM equivalent pellets and that also meets the standards under 40 CFR 86.
- ~~52-53.~~ "Recognized repair facility" means a business with an Arizona transaction privilege (sales) tax license whose primary purpose is vehicle repair, and having at least one employee with a nationally recognized certification for emissions-related diagnosis and repair.
- ~~53-54.~~ "Reconstructed vehicle" means:
- a. A reconstructed special as identified by the code letters "SP" on the section of the vehicle's Arizona registration card or Arizona certificate of title reserved for identification of the vehicle's style; or
  - b. A vehicle in which the vehicle style is not shown on the Arizona registration card or certificate of title, and the original manufacturer of the complete vehicle cannot be identified from the body.
- ~~54-55.~~ "Standard gases" means gases maintained as a primary standard for determining the composition of working gases, calibration gases, or the accuracy of emissions analyzers.
- ~~55-56.~~ "State inspector" means an employee of the Department designated to perform quality assurance or waiver functions under this Article.
- ~~56-57.~~ "State station" means an official emissions inspection station operated by a contractor.
- ~~57-58.~~ "Tampering" means removing, defeating, or altering an emissions control device installed at the time the vehicle was manufactured. For the purposes of this Article, defeating includes failure to repair any malfunctioning emission control system or device.
- ~~58-59.~~ "Two-stroke vehicle" means a vehicle equipped with an engine that requires one revolution of the crankshaft for each power stroke.
- ~~59-60.~~ "Unloaded fast idle test" means an exhaust emissions test conducted with the engine of the vehicle running at 2,500 RPM.
- ~~60-61.~~ "Vehicle" means any automobile, truck, truck tractor, motor bus, or self-propelled or motor-driven vehicle registered or to be registered in this state and used upon the public highways of this state for the purpose of transporting persons or property, except implements of husbandry, roadrollers, or road machinery temporarily operated upon the highway.
- ~~61-62.~~ "Vehicle emissions inspector" means an individual who is licensed by the Director to perform vehicle emissions inspections under this Article.
- ~~62-63.~~ "Working gases" means gases maintained to perform periodic calibration of emissions analyzers.

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

- A. The following vehicles shall be inspected according to this Article at a state station or a fleet station unless exempted by subsection (B):
1. A vehicle to be registered or reregistered within area A or area B for highway use. For the purposes of this Article, registration or reregistration within area A or area B shall be determined by the vehicle owner's permanent and actual residence. The permanent address in the MVD database shall be presumed to be the owner's permanent and actual residence. A post office box address listed on a title or registration document under A.R.S. § 28-2051(C) is not evidence of the owner's permanent and actual residence;
  2. Each vehicle delivered to retail purchasers by a dealer licensed to sell used motor vehicles for highway use under A.R.S. Title 28 and whose place of business is located in area A or area B;
  3. Each vehicle registered outside area A and area B but used to commute to the driver's principal place of employment located within area A or area B;
  4. Each vehicle owned by a person who is subject to A.R.S. §§ 15-1444(C) or 15-1627(G); and
  5. An area A or area B vehicle located out-of-state for more than 90 days before vehicle registration expiration shall be emissions tested at an official emissions inspection testing center in the area where it is located. If no official



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emission testing program is available in the area for that vehicle, the vehicle shall meet the testing requirements under this Article within 15 calendar days of returning to Arizona.

- B.** The following vehicles are exempt from the inspection requirements of this Article:
1. A vehicle manufactured in or before the 1966 model year;
  2. A vehicle leased to a person residing outside area A and area B by a leasing company whose place of business is in area A or area B, except as provided in subsection (A)(3);
  3. A vehicle sold between motor vehicle dealers;
  4. An electrically-powered vehicle;
  5. An apportioned vehicle;
  6. A golf cart;
  7. A vehicle with an engine displacement of less than 90 cubic centimeters;
  8. A vehicle registered at the time of change of name of ownership except when:
    - a. The change in registration is accompanied by required fees for the year following expiration of the prior registration, or
    - b. The change results from the sale by a dealership whose place of business is located in area A or area B;
  9. A vehicle for which a current certificate of exemption or Director's certificate has been issued;
  - ~~10. A diesel-powered vehicle in area A applying for registration or reregistration 33 months or less after the date of initial registration as a new vehicle; and~~
  - ~~11. 10.~~ Vehicles of a model year the same as, or newer than, the current calendar year and vehicles of the prior four model years, except:
    - a. Reconstructed vehicles;
    - ~~b. Vehicles requiring emissions testing under R18-2-1015; and~~
    - b. Alternative fuel vehicles, as defined in A.R.S. § 43-1086, and
    - c. Vehicles failing an emissions inspection the owner chooses to have under A.R.S. § 49-543.
  11. Vehicles designed to operate exclusively on hydrogen, as defined in A.R.S. § 1-215.
- C.** Government vehicles operated in area A or area B and not exempted by this Article shall be emissions inspected according to R18-2-1017.

**R18-2-1005. Time of Inspection**

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

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- a. For vehicles not exempt under R18-2-1003(B)(10) ~~or (11)~~, within 12 months after acquisition by the operating entity, and biennially thereafter, on or before the anniversary date of the previous inspection; and
  - b. For vehicles temporarily exempt under R18-2-1003(B)(10) ~~or (11)~~, within 90 days after the vehicle becomes subject to testing, and biennially thereafter, on or before the anniversary date of the previous inspection.
  - c. The vehicle becomes subject to testing on the anniversary of its date of acquisition.
3. For vehicles owned by or leased to a person having a valid fleet station permit, at least once within each successive 24-month period following original registration.
  4. For vehicles registered outside area A but used to commute to the driver's principal place of work located in area A, upon vehicle registration and biennially thereafter.
  5. For vehicles owned by persons subject to A.R.S. §§ 15-1444(C) or 15-1627(G), within 30 days following the date of initial registration at the institution located in area A and biennially thereafter.
  6. For vehicles to be registered as area A vehicles under conditions not specified in subsections (1) through (5), upon initial registration and within 90 days before the vehicle's emissions compliance expiration date thereafter.
  7. For vehicles issued a certificate of exemption under R18-2-1023, within 15 calendar days after returning to Arizona unless an official emissions inspection document indicating compliance with the emissions requirements from the out-of-state emissions inspection station is submitted with the request for exemption.
- ~~C.~~ Vehicles registered in the portion of area A within Pinal County are exempt from the requirements of this Article until January 1, 2001.
- ~~D.C.~~ Unless exempted by R18-2-1003(B), a used vehicle not registered as an area A or area B vehicle shall be inspected according to this Article before registration as an area A or area B vehicle.
- ~~E.D.~~ An area B vehicle being registered in area A is subject to the appropriate annual or biennial test from area A before registration even if the emissions compliance period for area B has not yet expired.
- ~~F.E.~~ New vehicles that are temporarily exempt from emission testing under R18-2-1003(B) ~~(11)~~ (10), except alternative fuel vehicles as defined in A.R.S. § 43-1086, and subject to either an annual or biennial test, shall be tested before registration in the calendar year that exceeds the vehicle's model year by five years.
- ~~G.F.~~ Nothing in this Section shall be construed to waive a late registration fee because of failure to meet inspection requirements by the registration deadline, except that motor vehicles failing the initial or subsequent test shall not be subject to a penalty fee for late registration renewal if:
1. The initial test is accomplished before the emissions compliance expiration date, and
  2. The registration renewal is received by ~~the Arizona Department of Transportation Motor Vehicle Division~~ MVD within 30 days of the initial test.
- ~~H.G.~~ A vehicle subject to subsection (A)(1), (A)(6), (B)(1), or (B)(6) may be submitted for a voluntary inspection more than 90 days before the emissions compliance expiration date on payment of the inspection fee. A voluntary inspection is not compliance with the registration or reregistration testing requirement under R18-2-1003.

**R18-2-1006. Emissions Test Procedures**

- A.** Each vehicle inspected at a state station shall be visually inspected before the emissions test for the following unsafe or ~~unstable~~ untestable conditions:
1. A fuel leak that causes wetness or pooling of fuel;
  2. A continuous engine or transmission oil leak onto the floor;
  3. A continuous engine coolant leak onto the floor such that the engine has overheated or may overheat within a short time;
  4. The vehicle has a tire on a driving wheel with less than 2/32-inch tread, with metal protuberances, unmatched tire size, with obviously low tire pressure as determined by visual inspection, or any other condition that precludes a loaded test for reasons of personnel, equipment, or vehicle safety;
  5. An exhaust pipe that does not exit the rear or side of the vehicle to allow for safe exhaust probe insertion. An exhaust pipe on a diesel-powered vehicle that does not allow for safe exhaust probe insertion and attachment of opacity meter sensor units;
  6. Improperly operating brakes;
  7. Any vehicle modification, or mechanical condition that prevents dynamometer operation; and
  8. Any other condition deemed unsafe by the inspector, including loud internal engine noise or an obvious exhaust leak.
- B.** A vehicle emissions inspection shall not be performed by an official emissions inspection station on any vehicle towing a heavily loaded trailer, carrying a heavy load, loaded with explosives, or loaded with any hazardous material not used as fuel for the vehicle.
- C.** Any vehicle unsafe or otherwise untestable as determined by the visual inspection shall be rejected without an emissions test. Vehicle owners or drivers shall be notified of all unsafe conditions found on rejected vehicles. A fee shall not be charged if the vehicle is rejected at a state station. The emissions test shall not be conducted on a vehicle rejected for a safety reason or any other untestable condition until the cause for rejection is repaired.

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- D. When conducting the emissions test procedure required by this Section, ~~both~~ all of the following requirements shall be met:
1. All vehicles shall be tested in the condition presented, unless rejected under subsection (A), (B), or (C). The vehicle's engine shall be operating at normal temperature and not be overheating as indicated by a gauge, warning light, or boiling radiator. All of the vehicle's accessories shall be turned off during testing.
  2. Vehicles designed to operate with more than one fuel shall be tested on the fuel in use when the vehicle is presented for inspection; except alternative fuel vehicles, as defined in A.R.S. § 43-1086. The alternative fuel vehicle shall:
    - a. Be tested and pass on each fuel for which it is intended to operate, using appropriate emissions test procedure and standards for that vehicle;
    - b. Be operated a minimum of 30 seconds before testing, after switching fuels;
    - c. Be rejected if it is not able to operate on both fuels; and
    - d. Be rejected if the vehicle operator cannot switch fuels.
  3. Vehicles operated exclusively on propane or natural gas, as defined in A.R.S. § 1-215, shall be exempt from the gas cap and evaporative pressure testing described in subsection (E)(5)(b)(ii), (E)(6)(a), and (F)(6)(a).
- E. In area A, the inspection test procedures for all vehicles other than diesel-powered vehicles and vehicles held for resale by fleet-licensed motor vehicle dealers shall conform to the following:
1. Vehicles manufactured with a model year of 1967 through 1980, all nonexempt vehicles with a GVWR greater than 8,500 pounds, and all reconstructed vehicles, except motorcycles and constant four-wheel drive vehicles, are required to annually take and pass a loaded cruise test and a curb idle test, as follows:
    - a. Loaded cruise test. The vehicle's drive wheels shall be placed on a dynamometer and the vehicle shall be operated according to Table 1 of this Article, in drive for automatic transmission or second or higher gear for manual transmission. Overdrive shall not be used for testing. All vehicles shall be driven by the inspector during testing. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 90 seconds, whichever occurs first. After exhaust emissions have been recorded, engine speed shall be returned to idle for a curb idle test.
    - b. Curb idle test. The test shall be performed with the vehicle in neutral for 1981 and newer vehicles. For 1980 and older vehicles, the test shall be performed in neutral, except that if the vehicle has an automatic transmission, drive shall be used. Engine RPM shall be within  $\pm 100$  RPM of the manufacturer's specified idle RPM. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 90 seconds, whichever occurs first. A CO<sub>2</sub> plus CO reading of 6% or greater shall be registered to establish test validity. Except when tested at a fleet emissions inspection station, A ~~a~~ CO<sub>2</sub> plus CO reading of less than 6% shall be proof of exhaust sample dilution and the vehicle shall be rejected from further emissions inspection until repaired.
    - c. Exhaust sampling for vehicles required to take an annual emissions test under subsection (E)(1) shall comply with subsection (F)(7).
  2. Vehicles with a 1981 or newer model year and a GVWR of 8,500 pounds or less, except motorcycles, reconstructed vehicles, 1996 or newer OBD-equipped vehicles and ~~until January 1, 2002~~ constant 4-wheel drive vehicles, are required to biennially take and pass a transient loaded emissions test and an evaporative system ~~integrity~~ pressure test as follows:
    - a. The transient loaded emission test shall consist of 147 seconds of mass emission measurement using a constant volume sampler while the vehicle is driven by an inspector through a computer-monitored driving cycle on a dynamometer with inertial weight settings appropriate for the weight of the vehicle. The driving cycle shall include the acceleration, deceleration, and idle operating modes described in Table 4. The 147 second sequence may be ended earlier using fast pass or fast fail algorithms. A retest algorithm shall be used to determine if a test failure is due to insufficient vehicle preconditioning. As determined by the retest algorithm, up to two two additional tests may be performed on a failing vehicle. Drive shall be used for automatic transmissions and 1st gear shall be used to begin for manual transmissions. Exhaust emissions concentrations in grams per mile for HC, CO, NO<sub>x</sub> and CO<sub>2</sub> shall be recorded continuously beginning with the 1st second. The inspector shall reject from testing vehicles with audible or visible exhaust leaks.
    - b. The evaporative system ~~integrity~~ pressure test shall consist of the following steps in sequence:
      - i. Connect the test equipment to either the fuel tank vent hose at the canister or the fuel tank filler neck. The gas cap shall be checked to ensure that it is properly tightened, and shall be tightened if necessary determine that cap leakage does not exceed 60 cubic centimeters of air per minute at a pressure of 30 inches of water gauge.
      - ii. Pressurize the system to  $14 \pm 0.5$  inches of water without exceeding 26 inches of water system pressure.
      - iii. Close off the pressure source, seal the evaporative system, and monitor pressure decay for no more than two minutes.



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- indicators, is three or more for a model year 1996-2000 vehicle, or two or more for a model year 2001 and newer vehicle.
- iii. A vehicle taking an OBD retest (after OBD failure) shall be rejected if the number of unset readiness indicators, excluding continuous indicators, exceeds the number allowed in subsection (ii).
- iv. A vehicle fails the functional gas cap test if the gas cap does not comply with subsection (E)(6)(a).
- e-f. A vehicle exceeding the applicable emissions standards for the tests described in subsections (1) and (2)(a), or fails the test described in (E)(3), fail the emissions test and shall not be reinspected until a low-emissions tune-up is performed as described in R18-2-1010. A vehicle that fails the test described in subsection (2)(b) shall not be reinspected until repaired as required in R18-2-1010(D)(1) and (2). A vehicle that fails the test described in subsection (E)(3)(b) shall not be reinspected until repaired as required in R18-2-1009(B).
6. A ~~non-diesel~~ vehicle required to take an annual emission test in area A shall, at the time of the test, undergo a tampering inspection based on the original configuration of the vehicle as manufactured. The applicable emission system requirements shall be verified by the "VEHICLE EMISSION CONTROL INFORMATION" label ~~under the hood~~. Vehicles that fail any portion of the tampering inspection shall be repaired according to R18-2-1009 before reinspection or shall provide the written statement required in R18-2-1008(B). "Original configuration" for foreign manufactured vehicles means the design and construction of a vehicle produced by the manufacturer for original entry and sale in the United States. The tampering inspection shall consist of the following:
- a. All ~~non-diesel~~ vehicles emission tested, except those with ~~non-pressurized~~, vented fuel systems, shall have a functional test of the gas cap to determine that cap leakage does not exceed 60 cubic centimeters of air per minute at a pressure of 30 inches of water gauge. ~~Non-diesel~~ vehicles with ~~non-pressurized~~, vented fuel systems shall be checked for the presence of a properly fitting gas fuel cap.
  - b. For 1975 and newer model year vehicles:
    - i. A visual inspection to determine the presence of properly installed catalytic converters, if applicable;
    - ii. An examination to determine the presence of an operational air pump, if applicable; and
    - iii. A visual inspection to determine the presence of an operational positive crankcase ventilation system and evaporative control system, if applicable.
- F. In area B, the inspection test procedures for all vehicles other than diesel-powered vehicles shall consist of the following:
1. Area B vehicles with a model year of 1967 through 1980 shall take and pass only a curb idle test. The curb idle test shall be performed with the vehicle in drive for vehicles with automatic transmissions or in neutral for vehicles with manual transmissions. Engine RPM shall be within  $\pm 100$  RPM of the manufacturer's specified idle RPM. HC and CO exhaust emissions shall be recorded after readings have stabilized, or at the end of 30 seconds, whichever occurs first. A CO<sub>2</sub> plus CO reading of 6% or greater shall be registered to establish test validity. Except when tested at a fleet emissions inspection station, ~~A~~ a CO<sub>2</sub> plus CO reading less than six percent shall be proof of exhaust sample dilution and the vehicle shall be rejected from further emissions inspection until repaired. If the vehicle fails the curb idle test, and if permitted by the vehicle operator, the vehicle shall be conditioned according to one of the following conditioning procedures:
    - a. For the fast-idle conditioning procedure, the vehicle shall be conditioned by increasing engine speed to 2,500,  $\pm 300$  RPM, for up to 30 seconds with the transmission in neutral. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 30 seconds, whichever occurs first. The conditioning procedure standards in Table 2 are for diagnostic and advisory information only. After exhaust emissions are recorded, the engine speed shall be returned to curb idle for a second idle test. The fast idle conditioning procedure may be used on a vehicle at state stations instead of the loaded conditioning procedure if any of the following occurs:
      - i. The vehicle has a tire on a driving wheel with less than 2/32-inch tread, with metal protuberances, with visibly low tire pressure as determined by visual inspection, or any other condition that precludes loaded conditioning for reasons of personnel, equipment, or vehicle safety;
      - ii. The vehicle is driven by a person who, because of physical incapacity, is unable to yield the driver's seat to the vehicle emissions inspector;
      - iii. The driver refuses to yield the driver's seat to the vehicle emissions inspector; or
      - iv. The vehicle cannot be tested according to Table 1 because of the vehicle's inability to attain the speeds specified.
    - b. For the loaded conditioning procedure, for all vehicles other than motorcycles and constant four-wheel drive vehicles, the vehicle's drive wheels shall be placed on a dynamometer and the vehicle shall be operated according to Table 1, in drive for automatic transmission, or second or higher gear for manual transmission. All front wheel drive vehicles shall be driven by the inspector. HC and CO exhaust emissions concentrations shall be recorded after readings have stabilized, or at the end of 30 seconds, whichever occurs first. The condi-

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

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ously or flashes after the engine has been started; a diagnostic trouble code is present and the MIL status, as indicated by the scan tool, is commanded on.

ii. A vehicle taking an initial OBD test shall be rejected from the OBD test and required to take and pass a transient loaded test under subsection (F)(2) if the number of unset readiness indicators, excluding continuous indicators, is three or more for a model year 1996-2000 vehicle, or two or more for a model year 2001 and newer vehicle.

iii. A vehicle taking an OBD retest (after OBD failure) shall be rejected if the number of unset readiness indicators, excluding continuous indicators, exceeds the number allowed in subsection (ii).

iv. A vehicle fails the functional gas cap test if the gas cap does not comply with subsection (F)(6)(a).

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

a. All vehicles ~~Vehicles that have pressure holding gas caps~~ emissions tested, except those with vented fuel systems, shall have a functional test of the gas cap to determine that cap leakage does not exceed 60 cubic centimeters of air per minute at a pressure of 30 inches of water gauge. Vehicles with non-sealing gas caps shall be checked for the presence of a properly fitting gas cap.

b. For 1975 and newer model year vehicles:

- i. A visual inspection to determine the presence of properly installed catalytic converters, if applicable; and
- ii. An examination to determine the presence of an operational air pump, if applicable.

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

a. All CO and HC emission analyzers shall have water traps incorporated in the sampling lines. Sampling probes shall be capable of taking undiluted exhaust samples from a vehicle exhaust system.

b. All vehicles, other than diesel-powered vehicles, shall be inspected with NDIR analyzers capable of determining concentrations of CO and HC within the ranges and tolerances specified in Table 5.

c. Vehicles with multiple exhaust pipes shall be inspected by collecting and averaging samples by one of the following methods:

- i. Collect separate samples from each exhaust pipe and use the average concentration to determine the test result;
- ii. Use manifold exhaust probes to simultaneously sample approximately equal volumes from each pipe; or
- iii. Use manifold exhaust pipe adapters to collect approximately equal volume samples from each pipe.

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

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

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

1. A diesel-powered vehicle with a GVWR greater than 8,500 pounds shall be tested with a procedure that conforms to Society of Automotive Engineers standard J1667, February 1996, incorporated by reference and on file with the Department and the Secretary of State. This incorporation by reference contains no future editions or amendments. A copy of this referenced material may be obtained at: Society of Automotive Engineers, 400 Commonwealth Dr., Warrendale, PA 15096-0001. The procedure shall utilize the corrections for ambient test conditions in Appendix B of J1667 for all tests. The test results shall be reported as the percentage of smoke opacity. Emissions pass-fail determinations are as follows:

- a. Vehicles powered by a 1991 or later model year diesel engine fail if the J1667 final test result is greater than 40%, unless the engine family is exempted from the 40% standard under subsection (e);
- b. Vehicles powered by a pre-1991 model year diesel engine fail if the J1667 final test result is greater than 55%, unless the engine family is exempted from the 55% standard under subsection (e);
- c. The engine model year is determined by the emission control label. If the emission control label is missing, illegible, or incorrect, the test standard shall be 40%, unless a correct, legible emission control label replacement is attached to the vehicle within 30 days of the inspection;
- d. A vehicle that exceeds the opacity standard in subsection (a) or (b) fails the emission test. Before reinspection, the vehicle shall have a low emissions tune-up as described in R18-2-1010(G);

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- e. The Director shall exempt any engine family from the standards in subsections (a) or (b) if the engine manufacturer demonstrates either of the following:
    - i. The engine family exhibits smoke opacity greater than the standard when in good operating condition and adjusted to the manufacturer's specifications. The Director shall identify a technologically appropriate less stringent standard based on a review of data obtained from engines in good operating condition and adjusted to manufacturer's specifications; or
    - ii. The engine family is exempted from an equivalent standard based on J1667 by the executive officer of the California Air Resources Board (CARB). The Director shall allow the engine family to comply with any technologically appropriate less stringent standard identified by the executive officer of CARB; and
  - f. A demonstration under subsection (e)(i) shall be based on data from at least three vehicles. Data from official inspections under subsection (H)(1) showing that vehicles in the engine family meet the standard may be used to rebut the demonstration. The Director shall implement any new standard resulting from each exemption as soon as practicable for all subsequent tests and provide notice at all affected test stations and fleets.
2. A diesel-powered vehicle with a GVWR greater than 4,000 pounds and less than or equal to 8,500 pounds shall be tested by a loaded dynamometer test by applying a single load of 30 HP,  $\pm$  2 HP, while operated at 50 MPH. A diesel-powered vehicle with a GVWR of 4,000 pounds or less shall be tested by a loaded dynamometer test by applying a single load of between 6.4 - 8.4 HP while operated at 30 MPH. For all diesel-powered vehicles with a GVWR less than or equal to 8,500 pounds:
- a. The emissions pass-fail determination shall be made as follows:
    - i. The opacity reading for a period of 10 consecutive seconds with the engine under applicable loading shall be compared to the opacity standard in R18-2-1030(B). Vehicles that do not exceed the opacity standards in R18-2-1030(B) comply with the minimum emission standards.
    - ii. A vehicle that exceeds the appropriate standard fails the emission test. Before reinspection, the vehicle shall have a low emissions tune-up as described in R18-2-1010.
  - b. Exhaust sampling shall comply with the following:
    - i. For a diesel-powered vehicle equipped with multiple pipes, separate measurements shall be made on each exhaust pipe. The reading taken from the exhaust pipe that has the highest opacity reading shall be used for comparison with the appropriate emission standard.
    - ii. Vehicles shall be inspected with a full-flow, direct reading, continuous reading light extinction opacity meter using a collimated light source and photo-electric cell, accurate to a value within  $\pm$  5% of filter value. either a full-flow or sampling-type opacity meter. The opacity meter shall be a direct reading, continuous reading light extinction-type using a collimated light source and photo-electric cell, accurate to a value within  $\pm$  5% of filter value.
- I. In area B, the inspection test procedure for a diesel-powered vehicle is as follows:
- 1. A diesel-powered vehicle with a GVWR greater than 26,000 pounds or having tandem axles shall be tested according to one of the following methods:
    - a. The vehicle shall be tested on a chassis dynamometer beginning with no power absorption by selecting a gear ratio that produces a maximum vehicle speed of 30-35 MPH at governed or maximum rated RPM. If the vehicle has a manual transmission or an automatic transmission with individual gear selection, the engine shall be operated at governed or maximum rated engine RPM, at normal operating temperature under a power absorption load applied to the dynamometer until the loading reduces the engine RPM to 80% of the governed speed at wide-open throttle position. If the vehicle has an automatic transmission and automatic gear kickdown, the engine shall be loaded to a speed just above the kickdown speed or 80% of the governed speed, whichever is greater. If the chassis dynamometer does not have enough horsepower absorption capability to lug the engine down to these speeds, the vehicle's brakes may be used to assist the dynamometer.
    - b. If a chassis dynamometer is not available, the vehicle shall be tested by being lugged by its own brakes by selecting a gear ratio that produces a maximum speed of 10-15 MPH at governed engine RPM or maximum rated RPM and then loading the engine by applying the brakes until the engine RPM is lugged down to 80% of the governed or maximum rated RPM at wide-open throttle position. If the vehicle does not have a tachometer, the vehicle may be loaded to 80% of governed or maximum rated speed.
  - 2. A diesel-powered vehicle without tandem axles and having a GVWR greater than 10,500 pounds and less than or equal to 26,000 pounds shall be tested according to one of the following methods:
    - a. The vehicle shall be tested on a chassis dynamometer beginning with no power absorption by selecting a gear ratio that produces a maximum vehicle speed of 30-35 MPH at governed or maximum rated RPM. If the vehicle has a manual transmission or an automatic transmission with individual gear selection, the engine shall be operated at governed or maximum rated engine RPM, at normal operating temperature under a power absorption load applied to the dynamometer until such loading reduces the engine RPM to 80% of the governed speed at wide-open throttle position. If the vehicle has an automatic transmission and automatic gear kickdown, the engine shall be loaded to a speed just above the kickdown speed or 80% of governed speed, which-



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ever is greater. If the chassis dynamometer does not have enough horsepower absorption capability to lug the engine down to these speeds, the vehicle's brakes may be used to assist the dynamometer;

- b. The vehicle shall be tested by applying a single load of 30 HP,  $\pm$  2 HP, while operated at 50 MPH; or
  - c. The vehicle shall be tested by being lugged by its own brakes by selecting a gear ratio that produces a maximum speed of 10-15 MPH at governed engine RPM or maximum rated RPM and then loading the engine by applying the brakes until the engine RPM is lugged down to 80% of the governed or maximum rated RPM at wide-open throttle position. If the vehicle does not have a tachometer, the vehicle may be loaded to 80% of governed or maximum rated speed.
- 3. A diesel-powered vehicle with a GVWR of greater than 4,000 pounds and less than or equal to 10,500 pounds shall be tested by a loaded dynamometer test by applying a single load of 30 HP,  $\pm$  2 HP, while operated at 50 MPH.
  - 4. A diesel-powered vehicle with a GVWR of 4,000 pounds or less shall be tested by a loaded dynamometer test by applying a single load of between 6.4 - 8.4 HP while operated at 30 MPH.
  - 5. The emissions pass-fail determination shall be performed:
    - a. The opacity reading during a period of 10 consecutive seconds with the engine under applicable loading specified in subsections (1) through (4) shall be compared to the opacity standard specified in R18-2-1030(B). Vehicles that do not exceed the opacity standards in R18-2-1030(B) comply with the minimum emission standards.
    - b. A vehicle that exceeds the standard in R18-2-1030(B) fails the emission test. Before reinspection, the vehicle shall have a low emissions tune-up as described in R18-2-1010.
  - 6. Exhaust sampling shall comply with the following:
    - a. For a diesel-powered vehicle equipped with multiple exhaust pipes, separate measurements shall be made on each exhaust pipe. The reading taken from the exhaust pipe that has the highest opacity reading shall be used for comparison with the standard in R18-2-1030(B).
    - b. Vehicles shall be inspected with either a full-flow or sampling-type opacity meter. The opacity meter shall be a direct reading, continuous reading light extinction-type using a collimated light source and photo-electric cell, accurate to a value within  $\pm$  5% of filter value.

**J.** ~~All diesel-powered~~ Diesel-powered area A vehicles that are equipped with catalytic converters or PCV systems shall undergo a tampering inspection for those devices under subsection (E)(6).

~~**K.** Diesel-powered area B vehicles that are equipped with catalytic converters shall undergo a tampering inspection for those devices under subsection (F)(5).~~

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

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

**R18-2-1009. Tampering Repair Requirements**

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

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

- A. A low emissions tune-up on nondiesel-powered vehicles consists of the following procedures:
  - 1. Emissions Failure Diagnosis. For computer-controlled vehicles, the on-board-diagnostics shall be accessed and any stored trouble codes recorded. For vehicles utilizing OBD systems, a compatible scan tool shall be used to access and record diagnostic trouble codes. The following instruments or equipment are required to complete a low emissions tune-up: tachometer, timing light, or an engine analyzer or oscilloscope, and if specified by the manufacturer, a HC/CO NDIR analyzer to make final A/F adjustments. Final adjustment shall be made on the vehicle engine only after the engine is at normal operating temperature. All adjustments shall be made according to the manufacturer's specifications and procedures.

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2. Inspection of Air Cleaner, Choke, and Air Intake System. A dirty or plugged air cleaner, stuck choke, or restricted air intake system shall be replaced or repaired as required.
  3. Dwell and Basic Timing Check. Dwell and basic engine timing shall be checked and adjusted, if necessary, according to manufacturer's specifications.
  4. Inspection of PCV Valve. The PCV valve shall be checked to ensure that it is the type recommended by the manufacturer and is correctly operating. Free flow through the PCV system passages and hoses shall be verified. Repair or replace as required.
  5. Inspection of Vacuum Hoses. The vacuum hoses shall be inspected for leaks, obstruction, and proper routing and connection. Repair or replace as required.
  6. Perform a visual inspection for leaking fuel lines or system components. Repair or replace as required.
  7. Idle Speed and A/F Mixture Check. The idle speed and A/F mixture shall be checked and adjusted according to manufacturer's specifications and procedures. If the vehicle is equipped with a fuel injection system or an alternate fuel (LPG or LNG), the manufacturer's recommended adjustment procedure shall be followed.
- B.** A vehicle that fails reinspection does not qualify for a waiver unless a low emissions tune-up and diagnosis is performed on the vehicle.
- C.** If the maximum required repair cost in subsection (E) or (F) is not exceeded after a low emissions tune-up described in subsection (A), then the following procedures apply:
1. If a vehicle fails the CO only, the vehicle shall be checked for proper canister purge system operation, high float setting, leaky power valve, faulty or worn needles, seats, jets or improper jet size. If applicable, the following shall also be checked: computer, engine and computer sensors, engine solenoids, engine thermostats, engine switches, coolant switches, throttle body or port fuel injection system, fuel injectors, fuel lines (routing and integrity), air in fuel system (for example, line, pump), fuel return system, injection pump, fuel injection timing, routing of vacuum hoses and electrical connections. Repair or replace as required.
  2. If a vehicle fails HC, or HC and CO, the vehicle shall be checked for faulty spark plugs and faulty, open, crossed, or disconnected plug wires, distributor module, vacuum hose routing and electrical connections, distributor component malfunctions including vacuum advance, faulty points or condenser, and distributor cap crossfire, catalytic converter efficiency, and catalytic converter air supply, vacuum leaks at intake manifold, carburetor base gasket, EGR, and vacuum-operated components. Repair or replace as required.
  3. If a vehicle fails NO<sub>x</sub>, the vehicle shall be checked for removed, plugged, or malfunctioning EGR valve, exhaust gas ports, lines, and passages, EGR valve electrical and vacuum control circuitry, components, and computer control, as applicable, above normal engine operating temperature, proper air management, lean A/F mixture, catalytic converter efficiency and over advanced off-idle timing. Repair or replace as required.
  4. If the vehicle fails the OBD test, the vehicle shall be repaired for the item(s) indicated on the Vehicle Emissions Report as causing the failure. Failures resulting from Diagnostic Trouble Codes (DTCs) which have caused the Malfunction Indicator Lamp (MIL) to be illuminated must have the components or systems repaired or replaced which caused the DTCs to be set in the OBD computer. After repair of a DTC failure, and prior to reinspection, the vehicle shall be operated under conditions recommended by the vehicle manufacturer for the OBD computer to evaluate the repaired system.
- D.** For Evaporative System Failures, the following procedures apply:
1. If a vehicle fails the evaporative system integrity pressure test, the vehicle shall be checked for leaking or disconnected vapor hoses, line, gas cap, and fuel tank.
  2. If a vehicle fails a visual inspection of the evaporative system, the vehicle shall be checked for a missing or damaged canister, canister electrical and vacuum control circuits and components, disconnected, damaged, mis-routed or plugged hoses, and damaged or missing purge valves. Repair or replace as necessary.
- E.** The maximum required repair cost for a vehicle in area A, not including costs to repair the vehicle for failing an evaporative system integrity pressure test due to tampering, or other tampering repair costs, is:
1. For a diesel-powered vehicle with a GVWR greater than 26,000 pounds or a diesel-powered vehicle with tandem axles, \$500; and
  2. For a vehicle that is not a diesel-powered vehicle with a GVWR greater than 26,000 pounds and not a diesel-powered vehicle with tandem axles:
    - a. Two hundred dollars for a vehicle manufactured in or before the 1974 model year;
    - b. Three hundred dollars for a vehicle manufactured in the 1975 through 1979 model years; and
    - c. Four hundred and fifty dollars for a vehicle manufactured in or after the 1980 model year.
  3. Subsection (E) does not prevent a vehicle owner from authorizing or performing more than the required repairs. A vehicle operator who has a vehicle reinspected shall have repair receipts available when requesting a certificate of waiver.
- F.** The maximum required repair cost for vehicles in area B, not including tampering repair costs, is:

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

**R18-2-1011. Vehicle Inspection Report**

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

**R18-2-1012. Inspection Procedures and Fee**

- A.** A vehicle that is inspected by a state station must be accompanied by a document such as a registration renewal notice, registration, certificate of title, or bill of sale that identifies the vehicle by make, model year, identification number, and license plate if applicable.

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

**R18-2-1014. ~~Vehicle Repair Grants Repealed~~**

- ~~A. The Department shall pay one half of approved emissions related repairs up to the maximum amount in subsection (E) if:
  - 1. The vehicle owner is a food stamp recipient as described in subsection (B); or
  - 2. The vehicle received a waiver after January 1, 1997 and has not previously been provided a grant under this Section.~~
- ~~B. Vehicle repair grant eligibility for a food stamp recipient shall be determined as follows:
  - 1. The recipient is the owner of an area A vehicle that fails the annual, biennial, or remote sensing triggered emission test. Ownership shall be based on current title or registration information.
  - 2. Confirmation that the owner of the vehicle is a food stamp recipient shall be made by the Department or its authorized representative based on documentation provided by the Department of Economic Security (DES) identifying the vehicle owner as a current food stamp recipient.~~
- ~~C. Repair grant eligibility for a vehicle that has received a waiver after January 1, 1997 shall be determined by the following:
  - 1. The vehicle is an area A vehicle that fails the annual, biennial, or remote sensing triggered emission test.
  - 2. The vehicle has not previously been repaired through a grant under this Section.
  - 3. The application for assistance is made by the vehicle owner, based on current title or registration information.~~
- ~~D. To be eligible for a grant under this Section, an owner of a vehicle shall have:
  - 1. A recognized repair facility perform a low emissions tune-up and diagnosis according to R-18-2-1010(A), and provide an estimate of additional repairs needed, if any, to bring the vehicle into compliance. The diagnosis and cost estimate shall be on a repair invoice that describes the facility by name, address, and telephone number.
  - 2. Additional repairs necessary after the low emission tune-up and diagnosis confirmed and approved by a Department waiver facility before being performed.
  - 3. The recognized repair facility certify that the vehicle owner paid, or agreed to pay on terms acceptable to the facility, one half of the approved repairs incurred after the initial failure and necessary for the correction of the emission failure. Money paid for the low emission tune-up and diagnosis under R18-2-1010(A) shall be included. Money paid for correcting equipment tampering shall not be included.
  - 4. Approved repairs performed by the same recognized repair facility that performed the low emission tune-up and diagnosis.
  - 5. Repairs verified at a Department waiver facility during reinspection within seven days of completion of the repair.~~
- ~~E. The maximum grant amounts are:
  - 1. One hundred dollars for a 1967 through 1974 model year vehicle.
  - 2. One hundred fifty dollars for a 1975 through 1979 model year vehicle.
  - 3. Two hundred twenty five dollars for a 1980 and newer model year vehicle.~~

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

- ~~A. The Director shall operate an on-road testing program in area A as a supplement to annual, biennial, and motor vehicle dealer emissions testing. The program shall consist of mobile remote sensing units to identify high emitting vehicles under A.R.S. § 49-542.01. The Director may operate the program through one or more contractors.~~
- ~~B. For the purposes of this Section, identification of a vehicle exceeding emission standards shall consist of the following:
  - 1. The vehicle is registered in area A on the date of the identification based upon the permanent address of the vehicle owner in the MVD database, and
  - 2. The vehicle is identified exceeding an HC or CO emission standard in Table 6 and does not have a waiver allowing the vehicle to exceed a standard for that pollutant. Each exceedance shall be linked photographically to a license plate and shall be linked to a particular vehicle by the VIN of the vehicle registered with the license plate as shown in the MVD database on the date of the identification.~~

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- ~~C.~~ Notice sent by the Department to the vehicle's registered owner requiring an emissions test after an identification shall state whether the test may also be used for registration or reregistration for that vehicle under A.R.S. § 49-542(C). The notice shall indicate the time period within which the test must take place to be used for registration requirements.
- ~~D.~~ An emission test required after a remote sensing identification shall be performed at a state station or waiver station under R18-2-1006 and shall require payment of the applicable test fee. One reinspection shall be provided free of charge as specified in R18-2-1012(D). A vehicle identified under this Section that fails the required emission test shall be repaired and pass reinspection or receive a waiver from any emission standards not complied with within 30 days of the initial test to meet the requirements of A.R.S. § 49-542(B).

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

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

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

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

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

- A. No change
- B. No change
- C. No change
- D. No change
- E. Only a person who meets the requirements of R18-2-1019~~(D)(1)~~ (D)(4) is authorized to purchase certificates of inspection, certificates of waiver, or Government Vehicle Certificates of Inspection.

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

- A. The following requirements apply to issuance of fleet station permits:
1. An owner or lessee of a fleet of 25 or more nonexempt vehicles whose place of business is located in areas A or B may apply to the Director for a permit to establish a fleet station. A dealer's business inventory of vehicles held for resale, counted cumulatively over the previous 12 months at the time of application review by the Department shall be used to determine compliance with this subsection. Newly established dealers shall certify that they will comply with the 25 non-exempt vehicles requirement.
  2. Application forms for fleet station permits shall be obtained from the Department. All completed applications shall be submitted to the Department. Applications shall be considered "administratively complete" when:
    - a. The Department has received a completed application form and fleet agent designation form;
    - b. The applicant or designated employee successfully completes the fleet agent examination; and
    - c. The Department has conducted a site inspection.
  3. Before an application for a fleet station permit may be approved, an inspection of the premises to determine compliance with subsections (B) and (C) shall be made by a state inspector.
  4. A fleet station permit shall not expire.
  5. A fleet station permit shall only be applicable to the fleet's inspection facility located at the address shown on the fleet station permit. If a fleet owner or lessee requests a permit for inspection facilities at more than one address, the fleet owner or lessee shall apply for a permit for each facility.
  6. Fleet station permits issued by the Director are non-transferable.
  7. When a permit name or address change does not involve a change of ownership, the permit shall be returned to the Department for cancellation and a new permit application shall be submitted. The Director shall cancel the returned permit and issue a new permit.
  8. In the event of loss, destruction, or mutilation of the permit, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of loss, destruction, or mutilation. Any fleet that loses a fleet station permit issued by the Director, and, after obtaining a duplicate, finds the original, shall immediately surrender the original permit to the Department.
- B. A fleet station permit applicant or fleet station permit holder, or its employees, shall own or lease the following equipment for testing and repair of fleet vehicles, and maintain it in good working condition:
1. ~~If the permit is for the inspection of nondiesel-powered vehicles:~~
    - a. ~~Ignition timing light with timing advance tester;~~
    - b. ~~Ignition-operated tachometer;~~
    - e. ~~Dwell meter;~~
    - d. ~~Socket tool for replacing spark plugs;~~
    - e. ~~Spark plug gap setting tool;~~
    - f. ~~Tools for replacing or adjusting carburetors or fuel injection systems, distributors, fuel pumps, and ignition coils;~~
    - g. ~~At least one NDIR CO and HC emissions analyzer that complies with the requirements of R18-2-1006 to conduct the emissions inspections. Only the equipment necessary to test the types of vehicles in the fleet inventory is required at the fleet stations;~~
    - h. ~~Digital Volt/Ohm Meter;~~
    - i. ~~Scan Tool capable of communications with OBD data stream of the fleet vehicles; and~~
    - j. ~~Pressure test equipment for the gas cap integrity test.~~
  2. ~~If the permit is for the inspection of diesel-powered vehicles:~~
    - a. ~~Tools for removing fuel pumps and injectors;~~
    - b. ~~Fuel pressure gauge;~~
    - e. ~~Opacity meter. The meter shall meet J1667 specifications for vehicles with a GVWR greater than 8,500 lbs. in area A;~~
    - d. ~~Tools required by the vehicle manufacturer for field setting of fuel injectors, inlet and exhaust valve clearance, governors, and throttle controls; and~~
    - e. ~~A dynamometer for testing light duty diesel vehicles.~~
  3. ~~If the permit is for a non-dealer fleet in area A, in addition to the requirements in subsections (1) and (2):~~
    - a. ~~Equipment to perform a steady-state loaded emission test as required in R18-2-1006(E)(1)(a);~~
    - b. ~~Equipment to perform a transient loaded emission test as required in R18-2-1006(E)(2)(b);~~
    - e. ~~Equipment to perform the evaporative system integrity as required in R18-2-1006(E)(2)(c); and~~
    - d. ~~Equipment to perform the maintenance and quality control requirements of R18-2-1006(E)(2) and "IM240 and Evap Technical Guidance".~~
  1. If the permit is for the inspection of vehicles required to take an idle only, or an idle plus 2500 RPM unloaded test:
    - a. An NDIR CO and HC emissions analyzer that complies with the requirements of R18-2-1006(F)(7) to conduct the emissions inspections;



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3. Dealer fleet vehicles in area A held for resale with a model year of 1975 or newer and other than diesel-powered, shall be required to take and pass a tampering inspection as specified in R18-2-1006(E)(6).
  4. Dealer fleet vehicles in area B held for resale with a model year of 1975 or newer and other than diesel-powered, shall be required to take and pass a tampering inspection as specified in R18-2-1006(F)(~~5~~)(6).
  5. Consignment vehicles shall be tested at a state inspection station in accordance with R18-2-1005(A)(3).
- F. The vehicle emissions inspector shall complete and process the forms for vehicle inspection as follows, except government entity fleets shall issue and process government vehicle certificates of inspection under R18-2-1017:
1. Certificates of inspection shall be processed as follows:
    - a. A certificate of inspection shall be completed and signed by the vehicle emissions inspector performing the inspection at the time the vehicle passes inspection. ~~Only the~~ The vehicle emissions inspector performing who performed the inspection may sign a certificate of inspection and the inspector shall initial all corrections correct a certificate by drawing a single line through the mistake, writing the correct information directly above the mistake, and initialing and dating the correction. Certificates shall be issued in numerical order;
    - b. For all inspections that do not include a biennial test, the expiration date shall be one year from the date the vehicle passes the mandatory vehicle emissions inspection. For vehicles required to pass a biennial test, the expiration date shall be two years after the pass date;
    - c. All copies of a certificate of inspection shall be legible;
    - d. Unless inspection data is electronically transmitted under A.R.S. § 49-542(Q), the original completed certificate shall be presented to ~~the Arizona Department of Transportation Motor Vehicle Division~~ MVD for processing of the vehicle's application for title and registration or the Arizona registration card. ~~The Arizona Department of Transportation Motor Vehicle Division~~ MVD may accept a signed certificate of inspection as evidence that the vehicle is a fleet-inspected vehicle and meets the inspection requirements of this Article;
    - e. The vehicle emissions inspector shall forward the second copy of each completed certificate of inspection, along with the second copy of the "Fleet Vehicle Inspection Report/Monthly Summary", to the Department monthly, not later than two weeks after the last day of the month in which the inspection is conducted;
    - f. The third copy of each completed certificate of inspection, along with the original "Fleet Vehicle Inspection Report/Monthly Summary", shall be retained for two years from the date of inspection;
    - g. Vehicle emissions certificates shall be purchased from the Department in lots of 25. Excess certificates may be returned to the Department for refund or may be used in subsequent years;
    - h. The fee for a certificate of inspection shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated costs to the state of administering and enforcing the provisions of this article as they apply to issuance of certificates of inspections. Payment for certificates shall be included with an application for certificates. Checks shall be made payable to the Department of Environmental Quality.
    - i. Only the Department shall sell or otherwise transfer certificates of inspection. This subsection does not apply to the submission of a certificate of inspection to MVD for the purpose of vehicle registration;
    - j. The fleet station owner shall be responsible for the security and accountability of all the owner's certificates and fleet vehicle emissions inspection records. Certificates and fleet vehicle emissions inspection records shall be maintained at the fleet station and shall be made available for review by a state inspector during normal business hours of the fleet station;
    - k. If any certificates are discovered lost or stolen, the fleet station owner shall notify the Department in writing within 24 hours, indicating the number of certificates lost or stolen and the serial numbers. The Department may revoke a fleet station permit for refusal or failure to report lost or stolen certificates within 24 hours;
    - l. In the event of loss, destruction, or mutilation of an original completed certificate of inspection, a Director's certificate may be obtained from the Department by hand-delivery of the following:
      - i. The second or third copy of the lost, destroyed, or mutilated certificate of inspection;
      - ii. The original of the "Fleet Vehicle Inspection Report/Monthly Summary";
      - iii. A cover letter from the fleet agent explaining the situation that caused the loss, destruction, or mutilation of the original certificate of inspection; and
      - iv. Payment of a fee to cover the cost of issuance of the Director's certificate. The fee for a Director's certificate shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated costs to the state of administering and enforcing the provisions of this Article as they apply to issuance of Director's certificates. Checks shall be made payable to the Department of Environmental Quality; and
    - m. If an original certificate of inspection is voided by a fleet station, the original of the voided certificate shall be matched to the corresponding third copy of the certificate and retained at the fleet station for two years from the date of inspection.
  2. The fleet agent or vehicle emissions inspector shall obtain the "Fleet Vehicle Inspection Report/Monthly Summary" form from the Department. The vehicle emissions inspector performing the inspection shall record the following information on the form at the time of inspection:



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- a. The VIN of the vehicle passing inspection;
  - b. The vehicle's license number, if applicable;
  - c. The HC content of the undiluted exhaust recorded at idle, if applicable;
  - d. The CO content of the undiluted exhaust recorded at idle, if applicable;
  - e. The HC content of the undiluted exhaust recorded at 2,500 rpm, if applicable;
  - f. The CO content of the undiluted exhaust recorded at 2,500 rpm, if applicable;
  - g. If applicable, results of a tampering check;
  - h. The vehicle model year;
  - i. The vehicle make;
  - j. The GVWR (for vehicles certified under federal truck standards);
  - ~~j-k.~~ The date of inspection;
  - ~~k-l.~~ The license number of the vehicle emissions inspector conducting the inspection;
  - ~~l-m.~~ The signature of the inspector making the entry;
  - ~~m-n.~~ The serial number of the certificate of inspection, recorded in numerical order;
  - ~~n-o.~~ For vehicles required to take the transient loaded emission test, the inspector shall record the total HC, CO, CO<sub>2</sub> and NO<sub>x</sub> measured in grams/mile, and the evaporative system integrity pressure test result ~~rather than the items in (e) through (g)~~, if applicable;
  - ~~o-p.~~ The registration number of the registered analyzer or opacity meter used to perform the inspection.
  - ~~p-q.~~ For light duty diesel vehicles, the inspector shall record opacity rather than undiluted HC and CO;
  - ~~q-r.~~ For heavy duty diesel vehicles, instead of undiluted HC and CO:
    - i. The time of the inspection;
    - ii. The ambient temperature;
    - iii. The corrected barometric pressure;
    - iv. The relative humidity at the time of inspection;
    - v. The engine year and cubic inch or liter displacement;
    - vi. The GVWR;
    - vii. The diameter of the exhaust stack, and
    - viii. The corrected opacity reading.
  - s. For vehicles required to take an OBD test, the inspector shall record OBD results rather than HC, CO, and NO<sub>x</sub>.
3. A certificate of waiver may be issued by a fleet vehicle emissions inspector unless the fleet owner or lessee is an auto dealer licensed to sell used motor vehicles under Title 28 of the Arizona Revised Statutes. The certificate of waiver may be issued according to the following procedure if the requirements of R18-2-1008(A), R18-2-1009, and R18-2-1010 have been met:
- a. A certificate of waiver shall be completed and signed by the vehicle emissions inspector performing the inspection after completion of a fleet inspection waiver report. The report shall be forwarded to the Department within three business days from the date of issuance of the certificate of waiver. A fleet inspection waiver report shall be provided by the Department with the purchase of each certificate of waiver. The report shall contain a description of the vehicle, test results, and repairs performed.
  - b. The expiration date of the certificate of waiver shall be two years from the date that the waiver is issued for vehicles required to take the transient loaded emission test, and one year for all other vehicles.
  - c. All information required on the certificate of waiver shall be legible.
  - d. The vehicle emissions inspector issuing the certificate of waiver shall initial all corrections.
  - e. Only the vehicle emissions inspector performing the inspection may sign or initial a certificate of waiver.
  - f. Unless inspection data is electronically transmitted under A.R.S. § 49-542(Q), the original completed certificate shall be presented to the Arizona Department of Transportation Motor Vehicle Division for processing of either the vehicle's application for title and registration or the Arizona registration card. The Arizona Department of Transportation Motor Vehicle Division may accept the signed certificate of waiver as evidence that the vehicle is a fleet inspected vehicle and has met the inspection requirements of this Article if the certificate is complete and the expiration date has not passed.
  - g. The second copy of each completed certificate of waiver shall accompany the completed fleet inspection waiver report.
  - h. The third copy of each completed certificate of waiver, along with a copy of the fleet inspection waiver report, shall be retained by the fleet station owner for two years from the date of inspection.
  - i. The fee for a certificate of waiver shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated costs to the state of administering and enforcing the provisions of this Article as they apply to issuance of certificates of waivers. Payment for certificates shall be included with an application for certificates. Checks shall be made payable to the Department of Environmental Quality.

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

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employment change. The fleet station may resume fleet station operation after the permit applicant or other designated employee has taken and passed the examination required in subsection (D)(4), if the responsibility of the day-to-day operation of the fleet station and a fleet agent designation form has been filed with the department.

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

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

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

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

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

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

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

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**TABLE 2:  
 EMISSION STANDARDS-ANNUAL TESTS  
 MAXIMUM ALLOWABLE**

Vehicle Engine Type	Vehicle Model Year	Gross Vehicle Weight Rating (Pounds)	Number of Cylinders	Conditioning Mode		Curb-Idle Mode Test		Loaded Cruise- Mode Test	
				HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
4-stroke Motorcycles	All	All	All	500	5.00	1,800	5.50		
4-stroke	1981 and newer	8500 or less	All	100	0.50	220	1.20	220	1.20
4-stroke	1980	8500 or less	All	100	.50	220	1.20	220	1.20
4-stroke	1979	8500 or less	4-cylinders or less	120	1.00	220	2.20	220	1.65
4-stroke	1979	8500 or less	More than 4-cylinders	120	1.00	220	2.00	220	1.50
4-stroke	1981 and newer	Greater than 8500	All	300	3.00	300	4.00	300	3.00
4-stroke	1979 and 1980	Greater than 8500	All	300	3.00	300	4.00	300	3.00
4-stroke	1975-1978	6000 or less	4-cylinders or less	120	1.00	250	2.20	250	1.65
4-stroke	1975-1978	6000 or less	More than 4-cylinders	120	1.00	250	2.00	250	1.50
4-stroke	1975-1978	Greater than 6000	All	300	3.00	350	4.00	350	3.00
4-stroke	1972-1974	All	4-cylinders or less	380	3.50	400	5.50	400	4.20
4-stroke	1972-1974	All	More than 4-cylinders	300	3.00	400	5.00	400	3.75
4-stroke	1967-1971	All	4-cylinders or less	450	3.75	500	5.50	500	4.20
4-stroke	1967-1971	All	More than 4-cylinders	380	3.00	450	5.00	450	3.75
4-stroke	Reconstructed- 1981 and newer	All	All	700	5.25	1,200	7.50	700	5.25
4-stroke	Reconstructed- All 1980 and older	All	All	700	5.25	1,200	7.50	1,200	5.60
2-stroke	1981 and newer	All	All	18,000	5.00	18,000	5.00	18,000	5.00
2-stroke	1980 and older	All	All	18,000	5.00	18,000	5.00	18,000	5.00

Motorcycles

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

**Reconstructed Vehicles**

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

**Light Duty Vehicles**

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

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

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO%	HC PPM	CO%	HC PPM	CO%
2-Stroke	All	All	18.000	5.00	18.000	5.00	18.000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	4 or less	120	1.00	250	2.20	250	1.65

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4-Stroke	1975-1978	more than 4	120	1.00	250	2.00	250	1.50
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 and newer	All	100	0.50	220	1.20	220	1.20

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

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

**Heavy Duty Truck (8501 lbs or greater GVWR)**

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

**TABLE 3: EMISSION STANDARDS - ~~BIENNIAL~~ TRANSIENT LOADED EMISSION TESTS**

FINAL STANDARDS (Standards are in grams per mile)

(i) Light Duty Vehicles

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1981-1982	3.0	2.5	25.0	21.8	3.5	3.4
1983-1985	2.4	2.0	20.0	17.3	3.5	3.4
1986-1989	1.6	1.4	15.0	12.8	2.5	2.4
1990-1993	1.0	0.8	12.0	10.1	2.5	2.4
1994+	0.8	0.7	12.0	10.1	2.0	1.9

(ii) Light Duty Trucks 1 (less than 6000 pounds GVWR)

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1981-1985	4.0	3.4	40.0	35.3	5.5	5.4
1986-1989	3.0	2.5	25.0	21.8	4.5	4.4
1990-1993	2.0	1.7	20.0	17.3	4.0	3.9
1994+	1.6	1.4	20.0	17.3	3.0	2.9

(iii) Light Duty Trucks 2 (greater than 6000 pounds GVWR)

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1981-1985	4.4	3.7	48.0	42.5	7.0	6.9
1986-1987	4.0	3.4	40.0	35.3	5.5	5.4
1988-1989	3.0	2.5	25.0	21.8	5.5	5.4
1990-1993	3.0	2.5	25.0	21.8	5.0	4.9
1994+	2.4	2.0	25.0	21.8	4.0	3.9

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**TABLE 6:  
 EMISSION STANDARDS-REMOTE SENSING IDENTIFICATIONS REPEALED**

Vehicle Engine Type	Vehicle Model Year	Gross Vehicle Weight Rating (Pounds)	Number of Cylinders	Remote Sensing Standard CO %	Remote- Sensing Standard HC ppm
N/A	1991-9999	8500 or less	N/A	3.5	450
N/A	1983-1990	8500 or less	N/A	3.9	500
N/A	1981-1982	8500 or less	N/A	5.2	500
N/A	1991-1999	6000 or less	N/A	5.2	525
N/A	1988-1990	6000 or less	N/A	6	575
N/A	1984-1987	6000 or less	N/A	6	575
N/A	1981-1983	6000 or less	N/A	6.8	875
N/A	1991-9999	6000-8500	N/A	5.2	525
N/A	1988-1990	6000-8500	N/A	6	575
N/A	1984-1987	6000-8500	N/A	6	575
N/A	1981-1983	6000-8500	N/A	6.8	875
4-Stroke	1980+Newer	8500 or less	All	3.6	500
4-Stroke	1979+Newer	Greater than 8500	All	5.5	575
4-Stroke	1979	8500 or less	4 cylinders or less	4.1	500
4-Stroke	1979	8500 or less	More than 4 cylinders	3.9	500
4-Stroke	1975-1978	6000 or less	4 cylinders or less	4.1	550
4-Stroke	1975-1978	6000 or less	More than 4 cylinders	3.9	550
4-Stroke	1975-1978	Greater than 6000	All	5.5	600
4-Stroke	1972-1974	All	4 cylinders or less	6.7	650
4-Stroke	1972-1974	All	More than 4 cylinders	6.2	650
4-Stroke	1967-1971	All	4 cylinders or less	6.7	725
4-Stroke	1967-1971	All	More than 4 cylinders	6.2	675
4-Stroke	1981 and Newer, Recon- structed	All	All	7.8	875
4-Stroke	1980 and Older, Recon- structed	All	All	8.1	1225





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voluntary and owners and operators would incur no penalties for excessive smoke. State and local law enforcement agencies or MVD may experience increased revenues when private companies contract with them for testing assistance in anticipation of bidding on the permanent roadside diesel testing program under A.R.S. § 49-542.06.

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

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Mark Lewandowski or David Lillie  
Address: Department of Environmental Quality  
3033 N. Central Avenue  
Phoenix, AZ 85012-2809  
Telephone: (602) 207-2230 or 2295 (Or dial 1-800-234-5677 to reach extensions)  
Fax: (602) 207-2366

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:**

Date: October 15, 2001  
Time: 9:30 a.m.  
Location: Department of Environmental Quality, Room 1706  
3033 N. Central  
Phoenix, AZ  
Nature: Public hearing on the proposed rule  
Close of comment: October 16, 2001  
(Call 602-207-4795 for special accommodations pursuant to the Americans with Disabilities Act.)

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

Not applicable

**12. Incorporations by reference and their locations in the rule:**

None

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

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 2. AIR POLLUTION CONTROL**

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

Section

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

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

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

**A. Purpose. This rule:**

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

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- B.** Authority and Definitions. The Department or any person may contract with the Motor Vehicle Division, or any local or state law enforcement agency, to perform roadside diesel tests under this Section to determine excessive smoke under A.R.S. § 28-955(C). For the purposes of this Section:
1. “Excessive smoke” means smoke with an opacity that exceeds the applicable standard in R18-2-1006(H)(1), as measured by the procedures in that Section; and
  2. “Interested contractor” means a person, business firm, partnership, or corporation that has received a notice to proceed for roadside diesel testing under subsection (C)(2).
- C.** A pilot program is established to evaluate methods of determining excessive smoke under A.R.S. § 28-955. A person may participate in the pilot program if all of the following are true:
1. The person has submitted a letter of intent to the Department within 30 days after the effective date of this rule, demonstrating how the person will comply with subsection (D), and that contains all of the following:
    - a. Identification of the person, including a statement of qualifications describing technical capability, key personnel, past experience, and any other information the person believes is relevant to implementing the pilot program described in this Section;
    - b. Identification of any subcontractors the person plans to use, including a statement of qualifications as described in subsection (a);
    - c. The proposed methods, locations, and dates of testing;
    - d. Proposed methods of visually screening vehicles;
    - e. A copy of any agreement with enforcement agencies;
    - f. Proposed methods for communicating the nature and purpose of the pilot program and the right of test refusal to the operators of vehicles.
    - g. A statement by a responsible official that the person, with any subcontractor(s), has the equipment, personnel, and experience necessary to conduct testing and produce a report as required by this Section;
    - h. The following language: “To the extent permitted by A.R.S. § 41-621 and A.R.S. § 35-154, [name of company] agrees to indemnify and hold harmless the State of Arizona for its vicarious liability for incidents arising out of implementation of this letter of intent”;
    - i. Evidence of financial responsibility including evidence of an insurance policy that would cover incidents arising out of participation in the pilot program;
    - j. A description of proposed systems for data collection; and
    - k. A description of how the proposed pilot program will demonstrate a system that meets the requirements of A.R.S. §§ 49-542.06 and 49-542.07.
  2. The person has received a notice to proceed from the Department. The Department shall issue a notice to proceed to any person that has submitted a letter of intent that complies with subsection (1). However, the Department may add conditions to the notice to proceed that are different from the letter of intent with the written agreement of the person.
- D.** Pilot program requirements. Each interested contractor participating in the pilot program shall:
1. Not be paid a fee by the Department or by the operator of the vehicle.
  2. Conduct the pilot program consistent with the letter of intent and notice to proceed, except that the interested contractor may vary from the letter and notice with the advance written approval of the Department.
  3. Employ procedures and equipment conforming to Society of Automotive Engineers standard J1667, as incorporated by reference in R18-2-1006(H)(1);
  4. Not issue citations, however, motorist advisory information shall be provided;
  5. Shall test a sufficient number and variety of vehicles, including apportioned vehicles, with a GVWR greater than 10,000 pounds that are operated in areas A or B, to justify the evaluations in the report required under subsection (E);
  6. Conduct testing for a period of at least three weeks; and
  7. Retain ownership of any intellectual property rights it has or develops in the process of participating in the pilot program.
- E.** Pilot program report. An interested contractor that participates in the pilot program, shall submit a report to the Department by April 15, 2002, that contains the following:
1. A general description of what the interested contractor did, including any deviations from the letter of intent, and any instances of noncompliance with state or local law;
  2. A demonstration that the procedures and technology used are effective for screening potential polluters;
  3. A demonstration of the actual test times and testing volume capabilities of a system based on the pilot program used to implement a program under A.R.S. §§ 49-542.06 and 49-542.07;
  4. An evaluation of the use of various screening cut points, database management and recordkeeping procedures, including cooperation with the department of transportation;
  5. An evaluation of maximum allowable opacity cut points for each year of model vehicle covered; and
  6. An evaluation of the feasibility of a civil penalty system complying with A.R.S. § 49-542.07, including an enforcement database that tracks all citations, penalties, and payments by vehicle.

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- E.** A person may not participate in the procurement process for the diesel testing program under A.R.S. § 49-542.06 unless the person participated in the pilot program. In order for a person to have participated in the pilot program for the purpose of participating in the procurement process for the diesel testing program under A.R.S. § 49-542.06, the person shall have:
1. Received a notice to proceed under subsection (C)(2), and
  2. Submitted the report required under subsection (E).

**NOTICE OF PROPOSED RULEMAKING**

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

**CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

**PREAMBLE**

1. **Sections Affected** **Rulemaking Action**  
R20-5-601 Amend
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 23-405(4)  
Implementing statute: A.R.S. § 23-410
3. **A list of all previous notices appearing in the register addressing the Proposed Rule:**  
Notice of Rulemaking Docket Opening: 7 A.A.R. 3616, August 17, 2001
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Patrick Ryan, Assistant Director  
Address: Division of Occupational Safety and Health  
Industrial Commission of Arizona  
800 W. Washington Street, Suite 203  
Phoenix, AZ 85007  
Telephone: (602) 542-1695  
Fax: (602) 542-1614  
E-mail: pat.ryan@osha.gov
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**  
In order to conform to the Federal Occupational Safety and Health Standards as required by Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requiring State administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the U.S. Department of Labor, The Industrial Commission is amending R20-5-601 by adopting amendments for Subpart R, Safety Standards for Steel Erection, as published in 66 FR 5196-5280, January 18, 2001. Copies of the incorporated by reference material are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 W. Washington Street, Room 203, Phoenix, AZ 85007, and can be downloaded from the Federal OSHA web site (www.osha.gov).
6. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**  
None
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
8. **The preliminary summary of the economic, small business, and consumer impact:**  
The Federal Occupational Safety and Health Administration has determined that these amendments will have little impact for the construction sector as a whole and has determined the amendments to be economically feasible for all industries including small business. Cost and benefit analysis of these amendments is available for inspection,

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review, and copying at the Industrial Commission of Arizona, Division of Occupational Safety and Health, 800 W. Washington Street, Phoenix, AZ 85007.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Patrick Ryan, Assistant Director  
Address: Industrial Commission of Arizona  
Division of Occupational Safety and Health  
800 W. Washington Street  
Phoenix, AZ 85007  
Telephone: (602) 542-1695  
Fax: (602) 542-1614  
E-mail: pat.ryan@osha.gov

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:**

An oral proceeding has been scheduled as follows:

Date: October 16, 2001  
Time: 1:00 p.m.  
Location: Industrial Commission of Arizona, Third Floor Conference Room  
800 W. Washington Street  
Phoenix, AZ 85007

Written comments may be submitted on or before 1:00 p.m., October 16, 2001.

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

Not applicable

**12. Incorporation by reference and their location in the rules:**

29 CFR 1926, *Federal Occupational Safety and Health Standards for the Construction Industry*, with amendments as of January 18, 2001. This incorporation by reference will appear in A.A.C. R20-5-601.

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

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

**CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

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

Section

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

**ARTICLE 6. Occupational Safety and Health Construction Standards**

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

Each employer shall comply with the standards in the *Federal Occupational Safety and Health Standards for Construction*, as published in 29 CFR 1926, with amendments as of January 18, 2001 ~~December 1, 1998~~, incorporated by reference and on file with the Office of the Secretary of State. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to construction activity by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1926 published after January 18, 2001 ~~December 1, 1998~~.