ARTICLE 13. MOTOR VEHICLE EMISSION AND FUEL STANDARDS

NOTE: IC 13-1 and IC 13-7 were repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.

Rule 1. Motor Vehicle Inspection and Maintenance Requirements

326 IAC 13-1-1 Applicability and general requirements (Repealed)

Sec. 1. *(Repealed by Air Pollution Control Division; filed Nov 17, 1989, 5:00 p.m.: 13 IR 507)*

326 IAC 13-1-1.1 Applicability and general requirements (Repealed)

Sec. 1.1. *(Repealed by Air Pollution Control Division; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

326 IAC 13-1-2 Definitions (Repealed)

Sec. 2. *(Repealed by Air Pollution Control Division; filed Nov 17, 1989, 5:00 p.m.: 13 IR 507)*

326 IAC 13-1-2.1 Definitions (Repealed)

Sec. 2.1. *(Repealed by Air Pollution Control Division; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

326 IAC 13-1-3 Issuance and display of stickers; testing schedule (Repealed)

Sec. 3. *(Repealed by Air Pollution Control Division; filed Nov 17, 1989, 5:00 p.m.: 13 IR 507)*

326 IAC 13-1-3.1 Issuance of certificates of compliance; testing and inspection schedule (Repealed)

Sec. 3.1. *(Repealed by Air Pollution Control Division; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

326 IAC 13-1-4 Testing and inspection procedures (Repealed)

Sec. 4. *(Repealed by Air Pollution Control Division; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

326 IAC 13-1-5 Pass-fail limits for emissions testing (Repealed)

Sec. 5. *(Repealed by Air Pollution Control Division; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

326 IAC 13-1-6 Test reports; repair forms (Repealed)

Sec. 6. *(Repealed by Air Pollution Control Division; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

326 IAC 13-1-7 Emissions test and tampering inspection failures and waivers (Repealed)

Sec. 7. *(Repealed by Air Pollution Control Division; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

326 IAC 13-1-8 Facility and testing requirements (Repealed)

Sec. 8. *(Repealed by Air Pollution Control Division; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

326 IAC 13-1-9 Motor vehicle emission inspectors; certification (Repealed)

Sec. 9. *(Repealed by Air Pollution Control Division; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

326 IAC 13-1-10 Facility quality assurance program (Repealed)

Sec. 10. *(Repealed by Air Pollution Control Division; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

326 IAC 13-1-11 Fleet inspection procedures (Repealed)

Sec. 11. *(Repealed by Air Pollution Control Division; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2737)*

Rule 1.1. Motor Vehicle Inspection and Maintenance Requirements

326 IAC 13-1.1-1 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 9-13-2-3; IC 13-15; IC 13-17

Sec. 1. The following definitions apply throughout this rule:

(1) "Antique vehicle" means a vehicle that is at least twenty-five (25) years old and meets either of the following criteria:
- (A) The vehicle is insured under a collectible vehicle or classic automobile insurance policy.
- (B) The vehicle is presented at a clean air car check vehicle emission test site in accordance with the applicable test cycle to verify that the following requirements have been met:
  - (i) The vehicle has been driven a maximum of three thousand (3,000) miles per calendar year.
  - (ii) Federally required pollution control equipment for that make and model year vehicle is in place.

(2) "Basic inspection/maintenance (I/M)" means an I/M program that meets the requirements for a basic I/M program as defined in 40 CFR 51, Subpart S*.

(3) "Bureau" means the bureau of motor vehicles.

(4) "Centralized" means a vehicle emissions testing facility capable of performing enhanced I/M, OBDII, and basic I/M idle testing on motor vehicles.

(5) "Certificate of compliance" means a certificate issued to motor vehicle owners or operators:
- (A) passing the emissions test and tampering inspection; or
- (B) receiving a waiver pursuant to this rule, which must be presented to the bureau in order to receive a certificate of registration.

(6) "Certified configuration" means an engine or engine-chassis design that has been certified by the U.S. EPA under 40 CFR 86* prior to the production of vehicles with that design.

(7) "Certified inspection and maintenance (I/M) emissions repair technician" means a technician that has satisfactorily completed approved department certified I/M emission repair technician training.

(8) "Certified inspector" means a contracted employee that has satisfactorily completed approved department certified inspector training.

(9) "Contractor" means any:
- (A) offeror or organization selected as a result of the state procurement process to operate a vehicle emission testing program; and
- (B) employees of the offeror or organization in clause (A).

(10) "Dedicated alternative fuel vehicle" means a vehicle that is not capable of running on gasoline at any time.

(11) "Department" means the department of environmental management or its contractor.

(12) "Diagnostic trouble code" means a code number generated by a vehicle's on-board computer that corresponds to a specific vehicle component malfunction.

(13) "Dual fuel vehicle" means a vehicle capable of operating on either:
- (A) gasoline; or
- (B) one (1) of the fuels stated in section 4(b) of this rule.

(14) "Enhanced I/M" means an I/M program that meets the requirements for an enhanced I/M program as defined in 40 CFR 51, Subpart S*.
(15) "Facility" means a motor vehicle testing location, either mobile or stationary:
(A) operated by the contractor; and
(B) established in accordance with this rule.
(16) "Fleet" means a group of light-duty motor vehicles, medium-duty motor vehicles, or a combination thereof owned or operated by:
(A) an individual;
(B) a company;
(C) a corporation; or
(D) a federal, state, or local government unit.
(17) "Heavy-duty motor vehicle" means a motor vehicle with a gross vehicle weight rating (GVWR) greater than nine thousand (9,000) pounds.
(18) "Idle test" means a single speed idle test as described in 40 CFR 51, Subpart S, Appendix B*.
(19) "I/M" means inspection/maintenance.
(20) "I/M 240" means a transient emission test as described in 40 CFR 51, Subpart S, Appendix B*.
(21) "I/M 93" means a version of I/M 240 that:
(A) is shorter in duration by utilizing only phase I (ninety-three (93) second drive trace) of the I/M 240 driving cycle; and
(B) allows a second attempt to pass.
(22) "Light-duty motor vehicle" means a motor vehicle with a GVWR less than or equal to six thousand (6,000) pounds.
(23) "Medium-duty motor vehicle" means a motor vehicle with a GVWR of:
(A) six thousand one (6,001) pounds or greater; and
(B) less than or equal to nine thousand (9,000) pounds.
(24) "Motor vehicle" means a self-propelled vehicle used on the public roads.
(25) "Motor vehicle emission inspector" means an individual meeting the requirements of section 15 of this rule.
(26) "Motor vehicle model year" or "model year" means the date of manufacture of the original motor vehicle within the annual production period of the motor vehicle as designated by the manufacturer.
(27) "Motorcycle" means a motor vehicle:
(A) having a seat or saddle for the rider; and
(B) designed to travel on not more than three (3) wheels in contact with the ground.
(28) "OBDII" means second generation on-board diagnostics systems.
(29) "Pressure test" means a test that pressurizes the evaporative system to check for leakage as described in "IM240 & Evap Technical Guidance", EPA420-R-00-007, April 2000** and 40 CFR 51*.
(30) "Purge test" means a test that measures the total purge flow occurring in the vehicle's evaporative system during the transient dynamometer emission test as described in "IM240 & Evap Technical Guidance", EPA420-R-00-007, April 2000** and 40 CFR 51*.
(31) "Recall" means a voluntary emissions recall as described in 40 CFR 85.1902(d)*.
(32) "Show vehicle" means a vehicle that meets the following criteria:
(A) The vehicle must be exhibited at a car show at least twice a calendar year as verified through car show registration or entrance forms.
(B) The vehicle shall be restricted to the addition of three thousand (3,000) miles per calendar year to the vehicle.
(C) The condition of the vehicle must be show quality, indicated by the interior and exterior of the vehicle maintained in good condition.
(D) The vehicle must be presented at a clean air car check vehicle emission test site in accordance with the applicable test cycle to verify that it is still a show vehicle.
(33) "Tampering check" means a visual inspection of the following:
(A) Catalytic converters.
(B) Fuel filler caps.

(C) Positive crankcase ventilation (PCV) systems.

(D) Evaporative systems.

(34) "VIN" means vehicle identification number.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

**This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 13-1.1-1; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2730; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1463; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 76; filed Mar 20, 2008, 11:11 a.m.: 20080416-IR-326060284FRA; filed Mar 17, 2010, 3:58 p.m.: 20100414-IR-326080674FRA)*

326 IAC 13-1.1-2 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 2. (a) The following motor vehicles in Lake and Porter counties are subject to the requirements of this rule unless the vehicles are exempt or have received a waiver from the requirements as specified in section 10 of this rule:

(1) Vehicle model years 1976 and newer.

(2) Light-duty and medium-duty motor vehicles.

(3) Vehicles registered or reregistered for highway use.

(4) Fleets primarily operated within Lake County or Porter County.

(5) Leased vehicles that have the registration or titling in the name of the equity owner other than the lessee or user.

(6) Vehicles that are operated on federal installations located within Lake County or Porter County, regardless of whether the vehicles are registered with the federal installation or in Lake County or Porter County. This requirement applies to all employee-owned or leased vehicles, including vehicles owned, leased, or operated by civilian and military personnel on federal installations, and agency-owned or operated vehicles operated on the installation. This requirement shall not apply to visiting agency, employee, or military personnel vehicles as long as the visits do not exceed sixty (60) calendar days per year.

(b) Motor vehicles subject to this rule in Lake and Porter counties shall be tested under the parameters specified for I/M 93 found at section 7 of this rule.

(c) Light-duty and medium-duty motor vehicles in Lake and Porter counties of model year 1996 or newer are subject to the provisions of the OBDII check found at section 17.1 of this rule.

(d) The following motor vehicles are exempt from the testing requirements of this rule:

(1) Heavy-duty motor vehicles with a gross vehicle weight rating of nine thousand (9,000) pounds or more.

(2) Motorcycles.

(3) Motor vehicles with engine displacement less than two hundred (200) cubic centimeters.

(4) Farm tractors, farm trucks, and farm equipment used in connection with agricultural pursuits usual and normal to the user's primary operation.

(5) Motor vehicles registered as recreational vehicles (RV).

(6) Motor vehicles using diesel fuel.

(7) All motor vehicles with a chassis year and engine year prior to 1976 as identified by the:

(A) vehicle identification number; and

(B) engine identification number.

(8) Electric vehicles or vehicles that have been certified by the department as being electric.

(9) Off highway construction equipment.

(10) Antique vehicles.

(11) Show vehicles.

(e) Motor vehicles registered in Lake County or Porter County but operated in another I/M area shall be:

(1) tested where they are primarily operated; or

(2) given an extension by the department so that testing can occur when the vehicle is brought into the county of registration. The bureau may accept a certificate of compliance from another U.S. EPA approved I/M program.

(f) Model year vehicles 1996 and newer shall be tested beginning four (4) calendar years after the model year of the vehicle in order to demonstrate initial compliance. After the initial demonstration of compliance, model year vehicles 1996 and newer shall be tested in the calendar year that corresponds to the model year of the vehicle as specified at section 5 of this rule.

(g) Owners or operators of vehicles registered in a state other than Indiana who are subject to their state's I/M regulations may have their vehicles tested in Lake County or Porter County under either of the following conditions:

(1) The owner or operator of the vehicle has resided in Lake County or Porter County for a minimum of three (3) months of the previous twelve (12) month period as of the date the vehicle is presented for emissions testing.

(2) The owner or operator of the vehicle has operated the vehicle in Lake County or Porter County for a minimum of three

(3) months of the previous twelve (12) month period as of the date the vehicle is presented for emissions testing.

(Air Pollution Control Division; 326 IAC 13-1.1-2; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2731; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1464; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Apr 24, 2007, 3:09 p.m.: 20070523-IR-326060285FRA; filed Mar 20, 2008, 11:11 a.m.: 20080416-IR-326060284FRA)

326 IAC 13-1.1-3 General requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. (a) All owners and operators of motor vehicles subject to the provisions of this rule shall maintain their motor vehicles and any air pollution control equipment on the motor vehicles in good working order such that they meet the emission standards specified in this rule. Any such motor vehicle that fails to pass the emissions test and tampering inspection required under sections 8 through 9 of this rule or obtain a waiver in accordance with section 10 of this rule in order to obtain a certificate of compliance provided under section 5 of this rule shall not be registered by the commissioner of the bureau.

(b) Vehicles of model year 1981 and newer registered in Lake or Porter County shall be subject to the enhanced I/M test procedures and requirements. Unless stated otherwise, the requirements of this rule shall apply to both enhanced I/M and basic I/M. *(Air Pollution Control Division; 326 IAC 13-1.1-3; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2731; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Apr 24, 2007, 3:09 p.m.: 20070523-IR-326060285FRA)*

326 IAC 13-1.1-4 Alternative fuel vehicles

Authority: IC 13-1; IC 13-7-7-5
Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7

Sec. 4. (a) Dual fuel vehicles are subject to the requirements of this rule and shall be tested on gasoline.

(b) Dedicated alternative fuel vehicles which are operated exclusively on the following fuels are not subject to the requirements of this rule:

(1) Compressed natural gas.

(2) Liquified natural gas.

(3) Propane.

(4) Ethanol.

(5) Hydrogen.

(6) Methanol.

(c) The owner or operator of a vehicle meeting the requirements of subsection (b) must present the vehicle at a facility for inspection and verification of the vehicle's status as a dedicated alternative fuel vehicle. *(Air Pollution Control Division; 326 IAC 13-1.1-4; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2732; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

326 IAC 13-1.1-5 Issuance of certificates of compliance; testing and inspection schedule

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 5. (a) Effective January 1, 1990, an owner or operator of a motor vehicle subject to the testing and inspection requirements of this rule shall present the motor vehicle to a facility for an emissions test and tampering inspection during the month and year, or within three (3) months before the year, determined as follows:

(1) The month that corresponds to the registration month for the vehicle as determined by the bureau.

(2) The model year of the vehicle as follows:

(A) If the model year of the vehicle is an even number, the vehicle shall be tested in even-numbered calendar years.

(B) If the model year of the vehicle is an odd-numbered year, the vehicle shall be tested in odd-numbered calendar years.

(b) A certificate of compliance shall be issued to owners or operators of motor vehicles that pass the emissions test and tampering inspection and to motor vehicles that are granted a waiver in accordance with this rule. Upon successful completion of an I/M test, an electronic or paper based certificate of compliance shall be issued to the owner or operator and shall clearly indicate the certificate is for the purposes of registration. The certificate shall indicate the following:

(1) The expiration date of the certificate.

(2) Unambiguous vehicle identification information.

(3) Whether the vehicle passed or received a waiver.

Except as provided in section 2(f) of this rule, the certificate shall be presented to the bureau in order to obtain registration only during the year that testing is required based on the model year of the vehicle. The certificate of compliance shall be valid through the end of the month and year indicated on the certificate.

(c) The department may notify motorists in advance of the required test; however, each owner or operator of a motor vehicle subject to this rule is responsible for ensuring that the vehicle is tested. *(Air Pollution Control Division; 326 IAC 13-1.1-5; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2732; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1465; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Mar 20, 2008, 11:11 a.m.: 20080416-IR-326060284FRA)*

326 IAC 13-1.1-6 Network type

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 6. The basic and enhanced I/M programs shall be conducted at centralized, test-only facilities. Neither the contractor nor any employee of an official I/M test station shall engage either directly or indirectly in motor vehicle repair or service, motor vehicle parts sales, or motor vehicle sales and leasing. *(Air Pollution Control Division; 326 IAC 13-1.1-6; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2732; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1466; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

326 IAC 13-1.1-7 Test parameters

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 7. (a) The parameters for basic I/M are as follows:

Test Type	
Idle	1976 through 1980 model years
Fuel filler cap pressure	1976 and newer model years
Tampering check	1976 and newer model years
Items	Catalyst removals and damaged or missing fuel filler caps

(b) The parameters for I/M 93 are as follows:

Test Type	
I/M 93	1981 through 1995 model years

Hydrocarbon leak inspection	1976 through 1995 model years
Fuel filler cap pressure	1976 and newer model years
Tampering check	1976 and newer model years
Items	Catalyst removals and damaged or missing fuel filler caps
OBDII	1996 and newer model years

(Air Pollution Control Division; 326 IAC 13-1.1-7; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2732; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1466; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Mar 20, 2008, 11:11 a.m.: 20080416-IR-326060284FRA)

326 IAC 13-1.1-8 Testing procedures and standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 8. (a) Each motor vehicle shall be presented for testing and inspection at a facility with its certificate of registration or proof of ownership that identifies the motor vehicle by the following:

(1) Make.
(2) Model year.
(3) Vehicle identification number.
(4) License number.

(b) The contractor shall only test vehicles if all of the following conditions are met:

(1) The exhaust system is intact and without leaks.
(2) The vehicle is in safe condition for testing.
(3) For an I/M 93 test only, the motorist and any passengers have exited from the vehicle.

(c) All tests shall be performed by a certified inspector.

(d) Test procedures for I/M emission testing shall comply with "IM240 & Evap Technical Guidance", EPA420-R-00-007, April 2000*.

(e) Emission standards shall comply with "IM240 & Evap Technical Guidance", EPA420-R-00-007, April 2000*.

(f) Vehicles shall be retested after repair for any portion of the inspection that was failed. To the extent that repairs to correct a previous failure could lead to failure of another portion of the test, that portion shall also be retested. Evaporative system repairs shall trigger an exhaust emission retest. Exhaust emission retests shall not be conducted unless the owner or operator of the vehicle demonstrates that the vehicle has had appropriate repairs for the reason of failure. In the case of tampering failures, the owner or operator must demonstrate that the tampered condition or equipment has been repaired or replaced before a retest is performed.

(g) If the U.S. EPA has granted a waiver in accordance with Section 182(f) of the Clean Air Act* for any county or counties subject to this rule, the department may determine that during the period when the NO_x waiver is in effect, failure of the NO_x portion of the I/M test is not grounds for denial of a certificate of compliance for vehicles within that county or counties. Upon making such a determination, the department shall notify the contractor in writing indicating the effective dates of the determination.

*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 13-1.1-8; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2733; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1466; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 77; filed Mar 20, 2008, 11:11 a.m.: 20080416-IR-326060284FRA)*

326 IAC 13-1.1-9 Tampering inspection

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 9. (a) Each motor vehicle subject to the requirements of this rule shall be subjected to a visual tampering inspection at the facility. The motor vehicle shall be inspected for the presence and good operating condition of emission control devices included in the manufacturer's original design. At a minimum, emission control devices subject to inspection shall include the following:

(1) For I/M 93 emission testing:
(A) Catalytic converters.
(B) Fuel filler caps.
(2) For basic I/M emissions testing:
(A) Catalytic converters.
(B) Fuel filler caps.

If any emission control devices are found in a tampered condition, the devices shall be repaired or replaced prior to any initial testing, retesting, or reinspection as provided in section 8(f) of this rule.

(b) Alteration of a vehicle's chassis configuration from a certified to a noncertified configuration is prohibited. In the inspection process, vehicles that have been altered from their original, certified configuration are to be tested in the same manner as other subject vehicles as follows:

(1) Vehicles with engines other than the engine originally installed by the manufacturer or an identical replacement of the engine shall be subject to the inspection standards for the chassis type and model year for all parts that are part of the original or now-applicable certified configuration.

(2) Vehicles in which the engine of one (1) fuel type has been replaced or modified to an engine of a different fuel type that is subject to the I/M program, such as from a diesel engine to a gasoline engine, shall be subject to the following:
(A) The test procedures and standards for the current fuel type.
(B) The requirements in subdivision (1).

(3) Vehicles that are switched to a fuel type for which there is no certified configuration shall be tested according to the most stringent I/M gasoline emission standards established for that vehicle type and model year. Emission control device requirements may be waived if the department determines that the alternatively fueled vehicle configuration would meet the new vehicle standards for the model year without the devices.

(c) Mixing vehicle classes, such as light-duty with heavy-duty, and certification types, such as California with federal, within a single vehicle configuration shall be considered tampering.

(d) All vehicles must comply with 326 IAC 13-2.1. *(Air Pollution Control Division; 326 IAC 13-1.1-9; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2733; errata filed Sep 9, 1995, 9:00 a.m.: 19 IR 42; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1467; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Mar 20, 2008, 11:11 a.m.: 20080416-IR-326060284FRA)*

326 IAC 13-1.1-10 Waivers and compliance through diagnostic inspection

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 10. (a) A waiver of the requirement that a motor vehicle obtain a certificate of compliance may be issued only under the following conditions:

(1) A waiver shall be issued only after a vehicle has failed a retest performed after all emission-related repairs as described in subdivisions (3) through (5) have been completed. Vehicles that are subject to an emissions recall but have not had recall repairs shall not be eligible for a waiver until the repairs have been made.

(2) Waivers shall not be issued to vehicles for tampering-related repairs. The cost of tampering-related repairs shall not be applicable to the minimum expenditure in subdivision (5). The department may issue exemptions for tampering-related repairs if the motorist can verify that the part in question or one similar to it is no longer available for sale.

(3) Repairs shall be appropriate to the cause of the test failure, and a visual check shall be made at the time of retest to determine if repairs were actually made. Receipts shall be submitted for review at the test site to further verify that qualifying repairs were performed.

(4) Repairs shall be performed at a certified I/M emission repair facility. A certified I/M emission repair facility shall meet the following criteria:
(A) Employ at least one (1) certified I/M emission repair technician as defined in this rule.
(B) For all I/M emission testing, possess the following:
(i) Reference material.
(ii) Digital multimeter.

(iii) Vacuum and fuel pressure testing equipment.
(iv) Carbon/fuel injection cleaning equipment.
(v) Ignition scope with distributorless ignition (DIS) capability.
(vi) 2, 3, 4, or 5 gas analyzer.
(vii) Scan tool.
(viii) Digital storage oscilloscope (DSO).
(ix) OBDII scan tool.

The department may suspend, revoke, or deny renewal of a certification of a certified I/M emission repair facility if the facility fails to adhere to program requirements.

(5) In order to qualify for a waiver, repairs shall be performed by a certified I/M emission repair technician who:

(A) is certified and maintains current certification as an ASE L1 (Advanced Engine Performance) technician;
(B) has successfully completed the department approved emission and driveability training program;
(C) is professionally engaged in emission/driveability repair; and
(D) is employed at a certified I/M emission repair facility.

The department may suspend, revoke, or deny renewal of a certification of a certified I/M emission repair technician if the technician fails to adhere to program requirements.

(6) Repairs appropriate to the reason for the failure may be performed by nontechnicians, such as owners, to apply toward the waiver limit for model year vehicles 1976 through 1980.

(7) In order to qualify for a minimum expenditure waiver, motorists in Lake County or Porter County shall expend the following amounts in repairs at a certified emissions repair facility:

(A) For 1981 and newer model year vehicles, the following criteria shall be met:

(i) The vehicle must be at least eight (8) model years of age.
(ii) The vehicle must have been driven at least one hundred fifty thousand (150,000) miles.
(iii) The owner or operator of the vehicle must have spent at least four hundred fifty dollars ($450) for repairs at a certified emissions repair facility.

(B) For 1976 through 1980 model year vehicles, at least seventy-five dollars ($75).

(8) Vehicles subject to an enhanced I/M emission test at the cutpoints established in 40 CFR 51.351* may be issued a certificate of compliance without meeting the prescribed emission cutpoints if, after failing a retest, a complete, documented physical and functional diagnosis and inspection performed by the contractor shows no additional emission-related repairs are needed. Any such exemption policy and procedures shall be subject to EPA approval.

(9) After an initial I/M emission test failure, a vehicle may be retested up to four (4) additional times. A vehicle shall not be retested a fifth time until the type of repairs or modifications necessary has been fully evaluated by department and contractor personnel.

(10) Waivers shall be issued only by the test site manager or other employee specifically designated for this purpose.

(11) A waiver shall be valid for not more than one (1) test cycle.

(b) No vehicle in its lifetime shall receive more than one (1) waiver.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 13-1.1-10; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2734; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1468; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 78; filed Apr 24, 2007, 3:09 p.m.: 20070523-IR-326060285FRA; filed Mar 20, 2008, 11:11 a.m.: 20080416-IR-326060284FRA)*

326 IAC 13-1.1-11 Compliance with manufacturer's emissions recall notices

Authority: IC 13-1; IC 13-7-7-5
Affected: IC 13-1-1; IC 13-7-1

Sec. 11. A vehicle that is the subject of a manufacturer's emissions recall notice shall not be inspected unless the owner or

operator provides proof that the required repairs have been made. The vehicle inspection or registration record shall be modified (or supplemented with other VIN-linked records) to include the recall campaign numbers and dates repairs were performed. Documentation verifying required repairs shall include the following:

(1) The VIN, make, and model year of the vehicle.

(2) The recall campaign number and the date repairs were completed.

(Air Pollution Control Division; 326 IAC 13-1.1-11; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

326 IAC 13-1.1-12 On-road testing

Authority: IC 13-1; IC 13-7-7-5
Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7

Sec. 12. On-road testing shall be part of the enhanced emissions testing system, but is to be a complement to testing otherwise required as follows:

(1) On-road testing shall measure on-road emissions through the use of remote sensing devices or roadside pullovers, including tailpipe emissions testing. The department may require roadside pullover emissions testing of motor vehicles. Roadside pullover tailpipe emission testing shall consist of either idle or two (2) speed testing.

(2) If a violation is detected through on-road testing, the motorist shall be notified that the vehicle is required to pass an out-of-cycle follow-up inspection at a facility. For remote on-road testing, notification of results may be made to the motorist by mail or immediate notification.

(3) Motorists shall comply with on-road testing and, upon notification that a follow-up inspection is required, shall present the vehicle for inspection within thirty (30) days of the date of the notification. Motorists are required to make the necessary repairs to pass a reinspection. The penalty for noncompliance with this requirement shall be suspension of the motorist's vehicle registration.

(Air Pollution Control Division; 326 IAC 13-1.1-12; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

326 IAC 13-1.1-13 Test reports; repair forms

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 13. (a) Each owner of a motor vehicle tested at a facility shall be provided a test report which shall include, but is not limited to, the following information:

(1) The owner's name.

(2) The license plate or temporary plate number.

(3) The type of motor vehicle.

(4) The motor vehicle identification number (VIN).

(5) The model year.

(6) The make of motor vehicle.

(7) The emission standards applicable to the motor vehicle.

(8) The emission measurements obtained by the test.

(9) The final result of the emissions test, evaporative system, and tampering inspection.

(10) Date and time of inspection.

(11) The report serial number.

(12) The facility and lane identification number.

(13) The odometer reading.

(14) The identification number of the inspector performing the test.

(15) The type of tests performed, such as emissions test, visual checks for the presence of emission control components, and evaporative system checks.

(16) A statement indicating the availability of warranty coverage as required in Section 207 of the Clean Air Act*.

(17) The certification that the tests were performed in accordance with the regulations.

(18) For vehicles that fail the tailpipe emission test, information on the possible causes of the specific pattern of high emission levels found during the test.

(b) Owners or operators of failing vehicles shall be provided with the results of repair effectiveness data for all repair facilities operating in the area. The vehicle owner also shall receive a blank repair form.

(c) A repair form, completed by the vehicle owner or person responsible for repairs prior to retest of the motor vehicle, shall contain the following information:

(1) The exact repairs or adjustments made to the motor vehicle since the initial test.

(2) The itemized cost of repairs or adjustments made.

(3) The name and location of the repair facility where the repairs or adjustments were made.

(4) The printed name and signature of the person making the repairs or adjustments. If the repairs or adjustments are performed by:

(A) a repair shop, the federal tax identification number shall be provided in the repair form; or

(B) an Indiana certified emission technician, the certification number shall be provided in the repair form.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 13-1.1-13; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1469; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 79)*

326 IAC 13-1.1-14 Facility and testing requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 14. (a) The contractor shall collect data and maintain records of tests and facility operations as required by the department. The contractor shall gather test data to link specific test results to a specific vehicle, I/M program registrant, test site, and inspector, and to determine whether or not the correct testing parameters were observed for the specific vehicle in question. At a minimum, the contractor shall collect the following with respect to each test conducted:

(1) Test record number.

(2) Inspection station and inspector numbers.

(3) Test system number.

(4) Date of test.

(5) Emission test start time and time final emission scores are determined.

(6) Vehicle identification number (VIN).

(7) License plate number.

(8) Test certificate number.

(9) Gross vehicle weight rating (GVWR).

(10) Vehicle model year, make, and type.

(11) Number of cylinders or engine displacement.

(12) Transmission type.

(13) Odometer reading.

(14) Category of test performed (such as initial test, first retest, or subsequent retest).

(15) Fuel type of the vehicle (such as gas, compressed natural gas (CNG), or other fuel).

(16) Type of vehicle preconditioning performed, if any.

(17) Emission test sequences used.

(18) Hydrocarbon emission scores and standards for each applicable test mode.

(19) Carbon monoxide emission scores and standards for each applicable test mode.

(20) Carbon dioxide emission scores ($CO + CO_2$) and standards for each applicable test mode.

(21) Nitrogen oxides emission scores and standards for each applicable test mode.

(22) Results (pass/fail/not applicable) of the applicable visual inspections for the catalytic converter, gas cap, evaporative system, and positive crankcase ventilation system.

(23) Results of the evaporative system pressure test expressed as a pass or fail (I/M 240 only).

(24) Results of the evaporative system purge test expressed as a pass or fail along with the total purge flow in liters achieved during the test (I/M 240 only).

(b) At a minimum, the contractor shall gather and report the results of the quality control checks required under 40 CFR 51.359*, identifying each check by station number, system number, date, and start time. The data report shall also contain the concentration values of the calibration gases used to perform the gas characterization portion of the quality control checks.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 13-1.1-14; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1470; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 80)*

326 IAC 13-1.1-15 Motor vehicle emission inspectors; certification

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 15. (a) In order to perform official inspections, all inspectors shall be certified through a program of training and testing approved by the department.

(b) Inspector certificates shall be valid for no more than one (1) year. Refresher training and testing shall be required prior to renewal. Alternative approaches based on more comprehensive skill examination and determination of inspector competency may be used with the approval of the department.

(c) The department may suspend, revoke, or deny renewal of an inspector's certificate if the inspector fails to adhere to program requirements. *(Air Pollution Control Division; 326 IAC 13-1.1-15; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2736; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1470; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

326 IAC 13-1.1-16 Facility quality assurance program

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 16. (a) No emission tests shall be conducted with any analyzer that is not operating within all specifications developed or approved by the department. The following practices, in addition to those described in "IM240 & Evap Technical Guidance", EPA420-R-00-007, April 2000*, shall be followed:

(1) Preventive maintenance on all inspection equipment shall be performed to ensure accurate and repeatable operation.

(2) Computerized analyzers shall automatically record:

(A) quality control check information;

(B) lockouts; and

(C) attempted tampering;

which shall be monitored to ensure proper quality control.

(b) The contractor shall maintain the equipment according to demonstrated good engineering practices to assure test accuracy. The calibration and adjustment requirements in "IM240 & Evap Technical Guidance", EPA420-R-00-007, April 2000*, shall apply to all steady-state test equipment. Calibration schedules and other quality control frequencies may be adjusted by using statistical process control to monitor equipment performance on an ongoing basis. Additional requirements shall be as follows:

(1) For analyzers that use ambient air as the starting point for emission readings, the air shall be drawn from the air outside the inspection bay or lane in which the analyzer is situated.

(2) The analyzer housing shall be constructed to protect the analyzer bench and electrical components from ambient temperature and humidity fluctuations that exceed the range of the analyzer's design specifications.

(3) Analyzers shall automatically purge the analytical system after each test.

(c) Measures shall be instituted to maintain the security of all documents by which compliance with the inspection requirement is established, including, but not limited to, inspection certificates and waiver certificates. This section shall in no way require the use of paper documents (except for certificates of compliance and waivers) but shall apply if they are used by the program for these purposes.

(d) Compliance documents are to be counterfeit-resistant through the use of:

(1) special fonts;

(2) watermarks;

(3) ultraviolet inks;

(4) encoded magnetic strips;

(5) unique bar coded identifiers;

(6) difficult to acquire materials; or

(7) other measures;

as approved by the department.

(e) All inspection certificates and waiver certificates shall be printed with:

(1) a unique serial number; and

(2) an official program seal.

*This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 13-1.1-16; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2736; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1470; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 81; filed Mar 20, 2008, 11:11 a.m.: 20080416-IR-326060284FRA)*

326 IAC 13-1.1-17 Fleet inspection procedures (Repealed)

Sec. 17. *(Repealed by Air Pollution Control Division; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1471)*

326 IAC 13-1.1-17.1 On-board diagnostic check

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 17.1. (a) A certified inspector shall check OBDII systems to determine if the self-diagnostic system is functioning properly and within the parameters specified at 40 CFR 85.2207*. Failure of the OBDII test shall be a basis for failure of the I/M emission test. For vehicles that are 1996 model year or newer, reasons for failure of the OBDII test include any of the following conditions:

(1) The vehicle's OBDII connector:

(A) is missing;

(B) has been tampered with; or

(C) is otherwise inoperable.

(2) The malfunction indicator light (MIL) does not illuminate upon vehicle startup.

(3) The MIL is:

(A) commanded to be illuminated; and

(B) not illuminated based on visual inspection.

(4) The MIL is commanded to be illuminated by any of the OBDII codes specified at 40 CFR 85.2207(c)*.

(b) The test sequence for the inspection of OBDII systems shall consist of the steps described at 40 CFR 85.2222*.

(c) Motorists whose vehicles fail the OBDII test described in subsection (b) shall be provided with the OBDII test result as specified at 40 CFR 85.2223*, including the following information:

(1) The various OBDII codes retrieved.
(2) The status of the MIL illumination command.
(3) The customer alert statement.

Any retrieved codes listed at 40 CFR 85.2223(b)* shall be listed on the test report as specified in that paragraph.

(d) An OBDII equipped vehicle is eligible for the I/M 93 test procedure under the following circumstances:
(1) The OBDII equipped vehicle has failed three (3) consecutive OBDII test procedures.
(2) The owner or operator of the OBDII equipped vehicle has made a good faith effort to repair the vehicle in accordance with the applicable diagnostic trouble codes.
(3) The OBDII equipped vehicle is tested based on applicable vehicle emission standards under the I/M 93 test procedure.
(e) The air pollution control board incorporates by reference the following:
(1) 40 CFR 51, Subpart S, "Requirements for Preparation, Adoption, and Submittal of Implementation Plans: Inspection/Maintenance Program Requirements"*.
(2) 40 CFR 85, Subpart W, "Control of Air Pollution from Motor Vehicles and Motor Vehicle Engines: Mobile Sources, Emission Control System Performance Warranty Short Tests"*.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 13-1.1-17.1; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1471; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3083; filed Mar 20, 2008, 11:11 a.m.: 20080416-IR-326060284FRA)*

Rule 2. Motor Vehicle Tampering and Fuel Switching (Repealed)

(Repealed by Air Pollution Control Division; filed May 24, 1990, 10:00 a.m.: 13 IR 1853)

Rule 2.1. Motor Vehicle Tampering, Engine Switching, and Fuel Switching

326 IAC 13-2.1-1 Applicability

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-7-7
Affected: IC 13-1-1; IC 13-7

Sec. 1. This rule shall apply to the following:
(1) All persons as defined in section 2 of this rule.
(2) All service stations.
(3) All gasoline dispensing facilities.
(4) All gasoline powered motor vehicles with a model year of 1975 and later, including but not limited to passenger cars, trucks, and vans subject to registration by the bureau of motor vehicles.
(5) All gasoline powered motor vehicles with a model year of 1975 and later, owned or operated by governmental agencies.

(Air Pollution Control Division; 326 IAC 13-2.1-1; filed May 24, 1990, 10:00 a.m.: 13 IR 1850; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

326 IAC 13-2.1-2 Definitions

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-7-7
Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 2. The following definitions apply throughout this rule:
(1) "Accepted aftermarket catalytic converter" means a catalytic converter which meets the performance criteria for certification specified in 40 C.F.R. 85, Subpart V*, for sale, installation, and use on a motor vehicle after such vehicle has left the vehicle manufacturer's production line.
(2) "Certified configuration" means an engine or engine-chassis design which has been certified by the U.S. EPA pursuant

to 40 C.F.R. 86*, prior to the production of vehicles with that design.

(3) "Consignment" means a transaction whereby the owner of a motor vehicle (consignor) delivers such vehicle to an individual (consignee) who sells such vehicle to a third party for a fee or commission. A consignment does not include a transfer of title or ownership from a consignor to a consignee for the purposes of this rule.

(4) "Emission control system" means an emission control device installed by the manufacturer to reduce air pollution from a motor vehicle, including but not limited to the following:

(A) Positive crankcase ventilation (PCV) system.

(B) Air pumps.

(C) Catalysts and catalytic converters.

(D) Evaporative canisters.

(E) Exhaust gas recirculation (EGR) systems.

(F) Leaded fuel nozzle restrictors installed on motor vehicles designed to use unleaded gasoline only.

(G) Thermostatic air cleaners (TAC), including stoves, stove pipes, and thermostats.

(H) Fuel filler caps.

(5) "Heavy duty motor vehicle" means a motor vehicle rated at more than eight thousand five hundred (8,500) pounds gross vehicle weight rating or that has a vehicle curb weight of more than six thousand (6,000) pounds or a basic vehicle frontal area in excess of forty-five (45) square feet.

(6) "Leaded gasoline" means gasoline containing greater than five-hundredths (0.05) grams of lead per gallon of gasoline.

(7) "Light duty motor vehicle" means a motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicle weight rating or less with a vehicle curb weight of six thousand (6,000) pounds or less and a basic vehicle frontal area of forty-five (45) square feet or less.

(8) "Person" means an individual, firm, partnership, association, corporation, fleet operator, or governmental agency. For the purposes of sections 3(a)(1) and 5 of this rule, this definition does not include:

(A) a person transferring ownership of a tampered vehicle to another person if such transfer is in the nature of a wholesale transaction; or

(B) a person receiving a tampered vehicle with the intent to sell such vehicle on a consignment basis.

(9) "Service station" means a garage, muffler shop, or dealership where motor vehicles are repaired or serviced.

(10) "Tampering" means to remove, render inoperative, cause to be removed, or make less operative any emission control device, unless such removal or act to render inoperative or less operative is for the purpose of motor vehicle disposal or salvage operations. In addition, any act which constitutes engine switching as provided under section 3(b) of this rule shall constitute tampering for the purposes of this rule.

(11) "Unleaded gasoline" means gasoline containing not more than five-hundredths (0.05) grams of lead per gallon of gasoline.

(12) "Wholesale" means a transfer of ownership of a motor vehicle between motor vehicle dealers with the ultimate intent of selling such vehicle to the public on a retail basis.

*Copies of the Code of Federal Regulations (C.F.R.) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available at the Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. *(Air Pollution Control Division; 326 IAC 13-2.1-2; filed May 24, 1990, 10:00 a.m.: 13 IR 1851; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

326 IAC 13-2.1-3 Requirements

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-7-7
Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 3. (a) Violations of the following provisions constitute tampering for the purposes of this rule:

(1) No person shall rent, lease, sell, offer for sale, or in any manner transfer ownership of a motor vehicle with knowledge that the vehicle has been subject to tampering. For the purposes of this subdivision, knowledge of tampering shall be imputed to any person engaged in the business of repairing, servicing, selling, leasing, or trading motor vehicles or motor vehicle engines or any person who operates a fleet of motor vehicles.

(2) No person shall cause, suffer, allow, or permit the removal, dismantling, disconnnection, disabling, or disrepair of any emission control system which has been installed on a motor vehicle by the manufacturer, unless such emission control system is replaced with an accepted aftermarket catalytic converter or other emission control system which meets the performance criteria specified in 40 C.F.R. 85, Subpart V*, and the requirements of section 4 of this rule.
(3) No person shall sell, offer for sale, or advertise for sale any add-on part or modified part which inhibits the effectiveness or bypasses an emission control system or otherwise fails to meet the performance criteria for certification specified in 40 C.F.R. 85, Subpart V.
(4) No person shall operate a motor vehicle with knowledge that the vehicle has been subject to tampering. For the purposes of this subdivision, knowledge of tampering shall be imputed to any person engaged in the business of repairing, servicing, selling, leasing, or trading motor vehicles or motor vehicle engines or any person who operates a fleet of motor vehicles.
(b) Violations of the following provisions constitute engine switching for the purposes of this rule:
(1) No person shall cause, suffer, allow, or permit the installation of an engine into a light duty motor vehicle, unless the resulting vehicle is identical to a certified configuration of the same or newer model year as the vehicle chassis.
(2) No person shall cause, suffer, allow, or permit the installation of an engine into a heavy duty motor vehicle, unless the installed engine is identical to a certified configuration of an engine which is the same or newer model year as the installed engine.
(3) No person shall cause, suffer, allow, or permit the installation of an engine designed for a heavy duty motor vehicle into a light duty motor vehicle.
(c) Violations of the following provisions constitute fuel switching for the purposes of this rule:
(1) No person shall sell, dispense, or offer for sale gasoline represented to be unleaded unless such gasoline meets the requirements for unleaded gasoline specified in section 2 of this rule.
(2) No person shall knowingly introduce or cause or allow the introduction of leaded gasoline into a motor vehicle which was originally designed to use unleaded gasoline only.
(3) No person shall modify the gasoline pump dispensing nozzle in order to dispense leaded gasoline into a motor vehicle which was originally designed to use unleaded gasoline only. Each leaded gasoline pump shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than ninety-three hundredths (0.93) inches. Each unleaded gasoline pump shall be equipped with a nozzle spout having a terminal end with an outside diameter not greater than eighty-four hundredths (0.84) inches and the spout length from retaining spring to the tip shall be a minimum of two and seventy-five hundredths (2.75) inches.
(4) All gasoline dispensing facilities shall display permanent signs clearly distinguishing unleaded and leaded gasoline dispensing pumps.
(5) Each gasoline dispensing facility shall display permanent signs visible to an individual introducing gasoline into a motor vehicle. The sign shall state that federal and state law prohibits the introduction of leaded gasoline into any motor vehicle designed by the manufacturer for unleaded gasoline only. This notice shall be no smaller than thirty-six (36) point bold type.

*Copies of the Code of Federal Regulations (C.F.R.) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of pertinent sections are also available at the Indiana Department of Environmental Management, Office of Air Quality, 100 North Senate Avenue, Indiana Government Center-North, Tenth Floor, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 13-2.1-3; filed May 24, 1990, 10:00 a.m.: 13 IR 1851; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570)*

326 IAC 13-2.1-4 Accepted aftermarket catalytic converters

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-7-7
Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 4. (a) A person shall install an accepted aftermarket catalytic converter on a vehicle under five (5) years and/or fifty thousand (50,000) miles if the converter is missing or the commissioner has determined that the currently installed converter has been damaged or is on a vehicle which has been subject to fuel switching, or on a vehicle over five (5) years and/or fifty thousand (50,000) miles if such replacement has been established and documented to the satisfaction of the commissioner.

(b) A person shall not install any aftermarket catalytic converter if a currently installed original or equivalent converter is

functioning properly. Only an original or equivalent converter and not an aftermarket catalytic converter shall be installed where the replacement is under recall or warranty or the vehicle is returning from overseas use.

(c) A person involved in the installation of an accepted aftermarket catalytic converter shall retain copies of the following invoices and statements for two (2) years:

(1) Invoice, including the following:

(A) Customer's name and complete address.

(B) Vehicle model, year, make, and mileage.

(C) The reason for replacement.

(2) Any statements from the commissioner requiring replacement.

(d) A person involved in the installation of an accepted aftermarket catalytic converter shall:

(1) retain the replaced converter for fifteen (15) days after removal;

(2) mark the replaced converter so it can be matched to the corresponding replacement invoice and statement; and

(3) maintain availability of the replaced converter for inspection during the fifteen (15) day period.

(e) An accepted aftermarket catalytic converter shall be installed in the same location as the original and with other required converters, shall be the same type as the original converter (oxidation, three (3) way, or three (3) way oxidation (dual-bed)), installed only on vehicles as specified by the converter manufacturer, properly connected to existing air injection components, and accompanied by a warranty card filled in by the installer (if a new converter). *(Air Pollution Control Division; 326 IAC 13-2.1-4; filed May 24, 1990, 10:00 a.m.: 13 IR 1852; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

326 IAC 13-2.1-5 Penalties

Authority: IC 13-1-1-4; IC 13-1-1-6; IC 13-7-7
Affected: IC 13-1-1; IC 13-7-1-1; IC 13-7-7-5

Sec. 5. (a) Violation of section 3(a)(1), 3(a)(2), 3(a)(4), or 3(b) of this rule subjects the owner or operator to suspension or revocation of the registration for the tampered vehicle by the bureau of motor vehicles. The tampered vehicle is not thereafter eligible for registration until the tampered device has been restored, replaced, or repaired.

(b) Any person found to be in violation of sections 3(a), 3(b), or 4 of this rule shall be subject to a civil penalty of not more than two thousand five hundred dollars ($2,500) per violation.

(c) Any person found to be in violation of section 3(c) of this rule shall be subject to a civil penalty of not more than ten thousand dollars ($10,000) per violation. *(Air Pollution Control Division; 326 IAC 13-2.1-5; filed May 24, 1990, 10:00 a.m.: 13 IR 1853; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

Rule 3. Control of Gasoline Reid Vapor Pressure

326 IAC 13-3-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to:

(1) all refiners, importers, carriers, or terminals who supply gasoline for use in the Clark and Floyd Counties between May 1 and September 15 of each calendar year beginning in 1995; and

(2) all retail stations and other end users who sell or dispense gasoline in Clark or Floyd County between June 1 and September 15 of each calendar year beginning in 1995.

(b) If federal Reformulated Gas (RFG) is required by operation of federal law to be sold in Clark and Floyd Counties or if the governor elects to participate in the RFG program, this rule shall no longer apply after the date that RFG is required to be sold. The department shall make all reasonable efforts to notify the affected parties listed in this section no later than thirty (30) days after federal law requires RFG to be sold or the governor's election to participate in the RFG program. *(Air Pollution Control Division; 326 IAC 13-3-1; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2738; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Nov 15, 2002, 11:17 a.m.: 26 IR 1079)*

326 IAC 13-3-2 Definitions

Authority: IC 13-1-1-4; IC 13-1-1-5; IC 13-7-7-1
Affected: IC 13-1-1-2; IC 13-7-1

Sec. 2. In addition to the definitions contained in IC 13-7-1 *[IC 13-7 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.]*, IC 13-1-1-2 *[IC 13-1 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.]*, and 326 IAC 1-2, the following definitions apply throughout this rule unless expressly stated otherwise:

(1) "Alternate fuel" means any of the following fuels or power sources:
(A) Methanol.
(B) Ethanol.
(C) Other alcohols containing eighty-five percent (85%) or more by volume of such alcohol with gasoline or other fuels.
(D) Natural gas.
(E) Liquified petroleum gas.
(F) Hydrogen.
(G) Electricity.
(H) Diesel fuel.

(2) "Carrier" means any distributor who transports or stores or causes the transportation or storage of gasoline without taking title to or otherwise having any ownership of the gasoline, and without altering the quality or quantity of the gasoline.

(3) "Compliant fuel" means seven and eight-tenths (7.8) pounds per square inch (psi) low RVP gasoline, federal reformulated gasoline, or ethanol blended low RVP gasoline as described in section 5 of this rule.

(4) "Consumer" means any person who is the ultimate consumer of gasoline or who purchases fuel for use in a fleet of motor vehicles.

(5) "Distributor" means any person who transports, stores, or causes the transportation or storage of gasoline at any point between any gasoline refinery or importer's facility and any retail outlet.

(6) "Ethanol blender" means a person who owns, leases, operates, controls, or supervises an ethanol blending facility.

(7) "Federal reformulated gasoline" or "RFG" means gasoline which meets the requirements for RFG as specified in 40 CFR 80*.

(8) "Gasoline" means any fuel sold for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

(9) "Gasoline distributor network" means all persons involved with the distribution of gasoline starting with the refiner and ending with the retailer or wholesale purchaser-consumer.

(10) "Importer" means a person who imports gasoline or gasoline blending stocks or components from a foreign country into the United States.

(11) "Low RVP gasoline" means any gasoline which has a Reid vapor pressure of seven and eight-tenths (7.8) psi or less per gallon as determined in accordance with the appropriate sampling and testing methodologies set forth in 40 CFR 80*.

(12) "Noncompliant gasoline" means any motor fuel that is not an alternate or a compliant fuel.

(13) "Psi" means pounds per square inch absolute.

(14) "Refiner" means any person who owns, leases, operates, controls, or supervises a refinery which produces gasoline for use in an area where low RVP gasoline is required.

(15) "Refinery" means a plant at which gasoline is produced.

(16) "Reid vapor pressure" or "RVP" means the absolute vapor pressure of gasoline or gasoline/ethanol blends as determined by the appropriate sampling and testing methodologies set forth in 40 CFR 80*.

(17) "Reseller" means any person who purchases gasoline and resells or transfers it to a retailer or a wholesale purchaser-consumer.

(18) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the ultimate consumer for use in motor vehicles.

(19) "Retailer" means any person who owns, leases, operates, or supervises a retail outlet.

(20) "Wholesale purchaser-consumer" means any person who is the ultimate consumer of gasoline and who purchases or obtains gasoline from a distributor for use in motor vehicles.

*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 13-3-2; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2738; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570)*

326 IAC 13-3-3 General requirements

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 3. Beginning in 1995, and each calendar year thereafter, no refiner, importer, distributor, reseller, carrier, or retailer shall:

(1) sell, offer for sale, dispense, supply, offer for supply, or transport for use in Clark and Floyd Counties gasoline that is not an alternate fuel or a compliant fuel as defined in section 2 of this rule during the applicable compliance period as defined in section 1 of this rule; or

(2) blend, mix, store, or transport or allow blending, mixing, storing, or transporting of compliant fuel with noncompliant fuel during the applicable compliance period as defined in section 1 of this rule.

(Air Pollution Control Division; 326 IAC 13-3-3; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2739; errata filed Sep 9, 1995, 9:00 a.m.: 19 IR 42; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

326 IAC 13-3-4 Record keeping requirements

Authority: IC 13-1-1-4; IC 13-1-1-5; IC 13-7-7-1
Affected: IC 13-1-1; IC 13-7

Sec. 4. (a) A person may not sell, dispense, or transfer gasoline intended for use in Clark and Floyd Counties during the applicable time period as defined in section 1 of this rule, without a transfer document that contains the information listed in this subsection, unless the gasoline is being dispensed into motor vehicles or purchased by a consumer at a retail or wholesale outlet. This document shall accompany every shipment of gasoline after it has been dispensed by the refinery. The document shall contain, at a minimum, the following information:

(1) The date of all transfers.

(2) The volume of the gasoline that was transferred.

(3) The volume and percentage of ethanol if ethanol blended, with a date and location of blending.

(4) The location and time of transfer.

(5) A statement certifying that the gasoline has an RVP of seven and eight-tenths (7.8) psi or less per gallon or is ethanol blended or is certified as RFG.

(b) Any person who manufactures, refines, transports, stores, or sells compliant fuel that is intended for use in Clark and Floyd Counties during the applicable time period as described in section 1 of this rule, shall ensure that it is segregated from noncompliant fuel and labeled at all times.

(c) Each person in the gasoline distribution network shall maintain records containing the compliance information required by this rule. These records shall be retained by the regulated parties for at least two (2) years from the date of creation or receipt. *(Air Pollution Control Division; 326 IAC 13-3-4; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2739; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

326 IAC 13-3-5 Ethanol blended and reformulated gasoline

Authority: IC 13-1-1-4; IC 13-1-1-5; IC 13-7-7-1
Affected: IC 13-1-1; IC 13-7

Sec. 5. (a) Gasoline containing ethanol may exceed the seven and eight-tenths (7.8) RVP limit by no more than one (1) psi if the gasoline meets all of the following requirements:

(1) The gasoline must contain denatured, anhydrous ethanol.

(2) The concentration of anhydrous ethanol, excluding the required denaturing agent, must be at least nine percent (9%) and no more than ten percent (10%), by volume, of the gasoline.

(3) The ethanol content of the gasoline shall be determined by use of one (1) of the testing methods specified in 40 CFR 80, Appendix F*. The maximum ethanol content of gasoline shall not exceed any applicable waiver conditions under Section 211(F)(4) of the Clean Air Act, as amended.

(4) Each invoice, loading ticket, bill of lading, delivery ticket, and other document that accompanies a shipment of gasoline containing ethanol shall contain a statement that the gasoline being shipped contains ethanol and shall list the type and volume percentages of the concentration of ethanol in that gasoline.

(b) Gasoline may exceed the seven and eight-tenths (7.8) psi RVP limit if it is RFG. Each invoice, loading ticket, bill of lading, delivery ticket, and other document that accompanies a shipment of RFG shall contain a statement from the refiner that certifies this fact.

*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 13-3-5; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2739; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570)*

326 IAC 13-3-6 Compliance and test methods

Authority: IC 13-1-1-4; IC 13-1-1-5; IC 13-7-7-1
Affected: IC 13-1-1; IC 13-7

Sec. 6. (a) Compliance with the seven and eight-tenths (7.8) psi standard shall be determined by use of one (1) of the sampling and testing methods specified in this section. Any sampling or testing of gasoline required by this chapter shall be accomplished as follows:

(1) Sampling of gasoline for the purpose of determining compliance with this rule shall be conducted in accordance with 40 CFR 80, Appendix D*.

(2) Testing of gasoline for purposes of determining compliance with this rule shall be conducted in accordance with 40 CFR 80, Appendix E*.

(b) Upon presentation of credentials, the refiner, importer, distributor, reseller, carrier, or retailer to whom this rule applies shall allow the commissioner, or an authorized representative of the commissioner, to sample or test gasoline in accordance with this section.

*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 13-3-6; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2740; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570)*

326 IAC 13-3-7 Violations

Authority: IC 13-1-1-4; IC 13-1-1-5; IC 13-7-7-1
Affected: IC 13-1-1; IC 13-7-5-7

Sec. 7. Failure to comply with any provision of this article constitutes a violation of this article and is subject to the provisions of IC 13-7-5-7 *[IC 13-7 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.]. (Air Pollution Control Division; 326 IAC 13-3-7; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2740; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

*