

PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RELATING TO ENHANCES INSPECTION AND MAINTENANCE, CHAPTER 391-3-20

The Rules of the Department of Natural Resources, Chapter 391-3-20, Enhanced Inspection and Maintenance are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific rules, or such subdivisions thereof as may be indicated.

[Note: Underlined text is proposed to be added. Lined-through text is proposed for deletion.]

Rule 391-3-20-.17, "Waivers," is being amended by revising Subparagraph (2)(a)1. to read as follows:

391-3-20-.17 Waivers. Amended.

(1) Vehicles which fail a reinspection despite expenditures over a set dollar amount on appropriate repairs and which have met certain other criteria may be granted a waiver from complying with the inspection requirements for that registration period. Expenditures must be reasonable costs as determined by the Director.

(2) In order to obtain a waiver the following criteria must have been met:

(a) Repair Costs:

1. An expenditure of at least \$450 must have been made on qualifying repairs after the vehicle fails the initial test. The \$450 level will be adjusted each year to reflect the change in the Consumer Price Index after 1989. ~~EPD will establish this level effective at the start of each test year. For the 2008 test year, the waiver limit shall be \$755 of qualifying repairs. For vehicles which otherwise qualify for waivers during the 2007 test year, the waiver limit shall be \$738 of qualifying repairs.~~ A new level is effective at the start of each test year and will be determined by the Division in accordance with the requirements of 12-9-48(d)(2) of the Georgia Motor Vehicle Emission Inspection and Maintenance Act. For vehicles which otherwise qualify for waivers based on a prior calendar test year, the waiver limit shall be that prior year's level of qualifying repairs.

2. The cost of labor by a vehicle owner in the repair of his or her own vehicle shall not be applied toward the repair waiver amount, except that a fleet owner may apply the actual cost of labor and parts, excluding any and all overhead costs, toward the waiver amount.

(b) Receipts for these expenditures shall be submitted by the vehicle owner. Vehicle owners shall present the vehicle for which the waiver is requested to an authorized waiver inspection facility for verification of waiver eligibility. This verification shall include an inspection of the vehicle to confirm that reported repairs have been performed and to assess possible reasons for the vehicle's failure to meet the emission requirements.

(c) Qualifying repairs do not include:

1. repair or replacement of tampered emissions control equipment, after December 31, 1998;
2. for 1980 and later model vehicles, repairs performed by persons other than a recognized repair technician, except for repairs to primary emissions control components;
3. repairs that are unrelated to emissions performance or are inappropriate for the type of test failure.

(d) Motorists must utilize emission performance warranty coverage. If the vehicle is within the age and mileage limitations of the federal Clean Air Act warranty provisions contained in Section 207(b), the owner must present a written denial of warranty coverage from the manufacturer or authorized dealer.

(e) Repairs shall have produced a reduction in emission of pollutants which were failed during the previous initial inspection. Reinspection exhaust emission levels for pollutants which originally passed shall not exceed the relevant standards.

(f) Waivers shall be issued by EPD, the Management Contractor or an authorized agent of EPD. Before issuing a waiver, the issuer shall verify that receipts for qualifying repairs exceeding the established waiver amount have been submitted and that the vehicle is otherwise qualified to receive a waiver.

(3) Waivers are valid for no less than twelve (12) months and shall be used for no more than one registration renewal.

Authority: O.C.G.A. Section 12-9-40 et seq., as amended.