

CLERK'S OFFICE  
**AMENDED AND APPROVED**

Date: 5-11-10

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Dept. of Health and Human  
Services  
For reading: April 27, 2010

**ANCHORAGE, ALASKA**  
**AO No. 2010-35(S)**

1 **AN ORDINANCE REPEALING ANCHORAGE MUNICIPAL CODE CHAPTERS**  
2 **15.80 AND 15.85, RELATING TO MOTOR VEHICLE EMISSIONS INSPECTION**  
3 **AND MAINTENANCE (I/M) PROGRAM; AMENDING CHAPTER 15.80 AND**  
4 **15.85 IN THE INTERIM TO REVISE EXISTING FEES AND PROGRAM**  
5 **ADMINISTRATION; AMENDING SECTION 9.30.155 TO REPEAL**  
6 **REFERENCE TO I/M CERTIFICATION; AND AMENDING THE FINE**  
7 **SCHEDULE AT SECTION 14.60.030.**

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8  
9 **WHEREAS**, since July 1985, the Municipality of Anchorage is designated as the  
10 acting "implementing agency" and administrator for the Vehicle Inspection and  
11 Maintenance (I/M) Program under the State Air Quality Control Plan and State  
12 Implementation Plan (SIP), as authorized under AS 46.14.510 and 18 AAC  
13 Chapter 52; and

14  
15 **WHEREAS**, the current SIP, as approved by the Environmental Protection  
16 Agency (EPA), includes a commitment to operate an I/M Program in Anchorage  
17 to control carbon monoxide (CO) emissions; and

18  
19 **WHEREAS**, the federal Clean Air Act requires the State to revise the SIP to  
20 demonstrate that I/M is no longer necessary for compliance with the federal air  
21 quality standard for CO and this SIP revision must be approved by the EPA  
22 before I/M may be discontinued; and

23  
24 **WHEREAS**, pursuant to AAC 52.035(f), the Municipality must submit to the  
25 Alaska Department of Environmental Conservation for its approval any  
26 amendment to the Municipality's I/M Program at least one year prior to the  
27 proposed implementation or amendment date; and

28  
29 **WHEREAS**, for purposes of AAC 52.035(f), termination of the program is a  
30 significant amendment; now, therefore,

31  
32  
33 **THE ANCHORAGE ASSEMBLY ORDAINS:**

34  
35 **Section 1.** Anchorage Municipal Code chapter 15.80, Vehicle Inspection and  
36 Maintenance Program, is hereby repealed in its entirety; **see Section 9 for**  
37 **effective date of repeal.** As required by section 1.05.050B., the current text of  
38 chapter 15.80 is attached.

39  
40 **Section 2.** **Anchorage Municipal Code section 15.80.010, Mechanic**

1 **Certification, is amended to read as follows (the remainder of the section is**  
2 **not affected and therefore not set out):**  
3

4 **15.80.010      General provisions.**

5  
6 \*\*\*      \*\*\*      \*\*\*  
7

8 E. Certification of inspection stations. The I/M program administrator  
9 shall certify mechanics, vehicle test and repair facilities (stations)  
10 and testing, equipment as necessary to meet all certification  
11 requirements specified in the I/M program design.  
12

- 13 1. Beginning January 1, 2010, the I/M administrator shall  
14 charge a fee for inspection station **operation** [CERTIFICATION]  
15 in accordance with section **15.85.405** [**15.85.400**].  
16

17 \*\*\*      \*\*\*      \*\*\*

18 (AO No. 84-110; AO No. 85-8; AO No. 87-27; AO No. 87-35; AO No. 88-  
19 154(S); AO No. 88-184; AO No. 93-216(S), § 1, 2-15-94; AO No. 94-195,  
20 § 1, 10-25-94; AO No. 96-137(S), §§ 1--6, 1-2-97; Ord. No. 96-154, § 1, 1-  
21 2-97; AO No. 99-160, § 1, 1-11-00; AO No. 2000-92, § 1, 8-15-00; AO No.  
22 2003-44, § 1, 3-18-03; AO No. 2006-13, § 1, 2-14-06; AO No. 2008-84(S),  
23 § 6, 7-15-08)  
24

25 **Section 3 [2].** Anchorage Municipal Code chapter 15.85, Requirements,  
26 Specifications, and Procedures for Motor Vehicle Emissions Inspection and  
27 Maintenance (I/M) Program, is hereby repealed in its entirety; **see Section 9 for**  
28 **effective date of repeal.** As required by section 1.05.050B., the current text of  
29 chapter 15.85 is attached.  
30

31 **Section 4. Anchorage Municipal Code section 15.85.400, Mechanic**  
32 **Certification, is amended to read as follows (the remainder of the section is**  
33 **not affected and therefore not set out):**  
34

35 **15.85.400      Certification procedures.**

36 \*\*\*      \*\*\*      \*\*\*  
37

38 [EDITOR'S NOTE: EFFECTIVE JANUARY 1, 2010, PURSUANT TO AO 2008-84(S),  
39 § 12, A NEW SUBSECTION G IS AMENDED TO THIS SECTION AND WILL READ:

40 G. THE I/M ADMINISTRATOR SHALL CHARGE A \$10,000 FEE FOR THE INITIAL

CERTIFICATION OF A NEW INSPECTION FACILITY OR LOCATION. THE FEE FOR RECERTIFICATION SHALL BE BASED ON THE VOLUME OF TESTS CONDUCTED IN THE PRECEDING TWO-YEAR CERTIFICATION PERIOD IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

NUMBER OF TESTS CONDUCTED BY I/M TEST FACILITY IN PRECEDING TWO-YEAR CERTIFICATION PERIOD	CERTIFICATION FEE (EVERY 2 YEARS)
10,000 OR MORE	\$10,000
MORE THAN 2,000 AND LESS THAN 10,000	\$5,000
2,000 OR LESS	\$2,000]

**Section 5. Anchorage Municipal Code chapter 15.85 is amended to add a new section to read as follows:**

**15.85.405 I/M Station Operation Fees.**

**A. Station Operation Fee. A station shall only conduct I/M tests in the municipality if it is certified and is current on its semi-annual operation fee. The semi-annual periods shall run from January 1 through June 30, and July 1 through December 31.**

**B. Fee Calculation and Payment. The I/M administrator shall calculate a semi-annual station operation fee based upon the volume of tests conducted by a station in the preceding semi-annual period, as set out in the following table:**

<u>Number of Tests Conducted by I/M Test Station in Preceding Six-month Period</u>	<u>Semi-annual payment</u>
<u>2,500 or more</u>	<u>\$2,500</u>
<u>More than 500 and less than 2,500</u>	<u>\$1,250</u>
<u>500 or less</u>	<u>\$500</u>

**C. Fee notices.**

**1. The Administrator shall mail each I/M station an invoice for each semi-annual station operation fee no later than August 15 (1<sup>st</sup> period) and February 15 (2<sup>nd</sup> period) of each year.**

1                   **2. An I/M station operation fee shall be received by the**  
2                   **Municipality no later than September 15 (1<sup>st</sup> period) and**  
3                   **March 15 (2<sup>nd</sup> period) of each year.**

4  
5                   **3. The I/M administrator shall temporarily suspend an I/M**  
6                   **station's authorization to perform tests if the station**  
7                   **fails to pay the I/M station operation fee when due.**

8  
9                   **a. The station's authorization to test shall be**  
10                   **reinstated when the outstanding semi-annual**  
11                   **station operation fee is paid in full.**

12  
13                   **D. Initial I/M Station Fee. When an I/M station is first certified, or**  
14                   **when an I/M station testing authorization is reinstated after a 6-**  
15                   **month or more lapse in operations, the station shall pay a**  
16                   **station operation fee of \$2,500 to the I/M administrator at the**  
17                   **time of initial certification or reinstatement.**

18  
19 **Section 6 [3].** Anchorage Municipal Code section 9.30.155 is amended to  
20 delete all of subsection E. as follows (*the remainder of the section is not affected*  
21 *and therefore not set out*):

22  
23                   **9.30.155      Vehicle license plates and registration.**

24  
25                   \*\*\*      \*\*\*      \*\*\*

26                   [E. A MOTOR VEHICLE THAT IS PARKED, STOPPED OR LEFT STANDING ON A  
27                   STREET OR PRIVATE PROPERTY OPEN TO THE PUBLIC FOR TRAVEL OR  
28                   PARKING, AND DOES NOT HAVE CURRENT REGISTRATION PROPERLY  
29                   ATTACHED AS REQUIRED BY SUBSECTION A OF THIS SECTION, SHALL BE  
30                   CONSIDERED PRIMA FACIE TO NOT HAVE A CURRENT EMISSIONS (I.M.)  
31                   CERTIFICATION AS SPECIFIED IN SECTION 15.80.010.

32                   1. A CITATION ISSUED UNDER SUBSECTION E OF THIS SECTION, MAY  
33                   BE DISMISSED BY THE PARKING AUTHORITY IF AN I.M. INSPECTION  
34                   CERTIFICATE, DATED PRIOR TO THE DATE OF THE VIOLATION, IS  
35                   PROVIDED WITHIN 30 DAYS OF THE VIOLATION, AND SHALL OMIT  
36                   THE SCHEDULED PENALTY FOR THE OFFENSE. ADDITIONALLY, IF  
37                   THE REGISTERED OWNER DOES NOT PRINCIPALLY UTILIZE AND/OR  
38                   GARAGE THE VEHICLE WITHIN THE MUNICIPALITY AND PROVIDES  
39                   THE PARKING AUTHORITY WITH PROOF OF RESIDENCY, SHALL OMIT  
40                   THE SCHEDULED PENALTY FOR THE OFFENSE. SUCH DISMISSALS

SHALL NOT APPLY TO ANY LATE PENALTIES OR COLLECTION CHARGES.

2. A MOTOR VEHICLE TICKETED FOR VIOLATING THIS SECTION SHALL NOT BE TICKETED AT THE SAME TIME FOR BOTH I.M. AND REGISTRATION VIOLATIONS.]

(CAC 9.44.020; AO No. 78-72; AO No. 80-4; AO No. 85-40; AO No. 92-28; AO No. 92-134(S); AO No. 94-68(S), § 16, 8-11-94; AO No. 95-6, § 4, 5-16-95; AO No. 2003-152S, § 3, 1-1-04)

**Section 7 [4].** Anchorage Municipal Code section 14.60.030 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**14.60.030 Fine schedule.**

The fine schedule under this chapter is as follows:

TABLE INSET:

Code Section	Offense	Penalty/Fine
***	***	***
[15.80.010	[A. VEHICLE INSPECTION	200.00]
	[B. VEHICLE INSPECTION	200.00]
	[F. IMPROPER INSPECTION	75.00]
	[H. IMPROPER ADVERTISEMENT	75.00]
[15.80.040	I/M COMPLIANCE	75.00]
[15.80.050	A. NON RESOLUTION	75.00]
	B. OTHER VIOLATION	UP TO 300.00]

\*\*\*      \*\*\*      \*\*\*

(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-

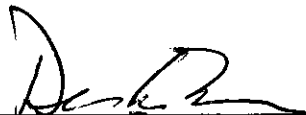
1 107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1),  
2 § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO  
3 No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-  
4 116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-  
5 129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-  
6 74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), §  
7 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-  
8 03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO  
9 No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-  
10 99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, §  
11 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-  
12 06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-  
13 18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO  
14 No. 2006-80, § 1, 6-6-06)

15  
16 **Section 8 [5].** The Department of Health and Human Services shall  
17 prepare a revised CO Maintenance Plan for submission to the ADEC as an  
18 amendment to the State Implementation Plan (SIP) terminating the commitment  
19 by the Municipality and State of Alaska to operate an I/M program in Anchorage.  
20

21 **Section 9 [6].** Sections **1, 3, 6 and 7 [through 4]** of this ordinance shall  
22 become effective **one hundred eighty (180)** ~~thirty (30)~~ days after ADEC  
23 provides written notice to the I/M Administrator that both ADEC and EPA have  
24 duly accepted and approved termination of the I/M Program in accordance with  
25 amendments to the State Air Quality Control Plan and State Implementation Plan  
26 (SIP).  
27

28 **Section 10 [7].** Except as provided in Section **9 [6]**, this ordinance shall  
29 become effective immediately upon passage and approval by the Assembly.  
30

31 PASSED AND APPROVED by the Anchorage Assembly this 11<sup>th</sup> day of  
32 May, 2010.

33  
34  
35  
36   
37  
38 Chair

38 ATTEST:

39   
40  
41 Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2010-35(S)

Title: **AN ORDINANCE REPEALING ANCHORAGE MUNICIPAL CODE CHAPTERS 15.80 AND 15.85, RELATING TO MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE (I/M) PROGRAM; AMENDING CHAPTER 15.80 AND 15.85 IN THE INTERIM TO REVISE EXISTING FEES AND PROGRAM ADMINISTRATION; AMENDING SECTION 9.30.155 TO REPEAL REFERENCE TO I/M CERTIFICATION; AND AMENDING THE FINE SCHEDULE F AT SECTION 14.60.030.**

Sponsor: **MAYOR**  
 Preparing Agency: Department of Health and Human Services  
 Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>		(In Thousands of Dollars)				
	FY09	FY10	FY11	FY12	FY13	
<b>Operating Expenditures</b>						
1000 Personal Services	\$0	\$0	\$0	\$ (670)	\$ (690)	
2000 Non-Labor	\$0	\$0	\$0	\$ (370)	\$ (370)	
3900 Contributions	\$0	\$0	\$0	\$ (323)	\$ (323)	
4000 Debt Service	\$0	\$0	\$0	\$ -	\$ -	
<b>TOTAL DIRECT COSTS:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$ (1,363)</b>	<b>\$ (1,383)</b>	
Add: 6000 Charges from Others	\$0	\$0	\$0	\$ (430)	\$ (420)	
Less: 7000 Charges to Others	\$0	\$0	\$0	-	-	
<b>FUNCTION COST:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$ (1,793)</b>	<b>\$ (1,803)</b>	
<b>REVENUES:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(1,550)</b>	<b>(1,550)</b>	
<b>CAPITAL:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>			
<b>POSITIONS: FT/PT and Temp</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(7.00)</b>	<b>(7.00)</b>	

**PUBLIC SECTOR ECONOMIC EFFECTS:**

The ordinance will exempt all vehicles from I/M testing requirements when it becomes effective, which is projected to be sometime in 2012. Program revenue supports the Municipal I/M program in it's entirety at \$1,227,000 and the remaining \$323,000 of this revenue supports the MOA Air Quality Program.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Currently the I/M program directs approximately \$8.5M in I/M test and repair revenues to the 64 I/M test and repair stations. However, it is difficult to predict the private sector economic effects of I/M program elimination, as vehicle owners will still have regular maintenance and repairs performed on their vehicles that may or may not be I/M related. The same situation makes it very difficult to predict the private sector employment effects of program termination, because we do not have a good feel for how much the automotive maintenance and repair industry as a whole will be impacted. There are 144 certified I/M mechanics that are involved at least part time in the I/M test and repair industry. They will be performing approximately 90,000 tests per year by 2011. Assuming that the average test involves 45 minutes of labor, this means that approximately 67,500 hours (equivalent to 32 full-time positions) are devoted to I/M testing each year.



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 225-2010(A)

Meeting Date: April 27, 2010

1 **From: MAYOR**

2  
3 **Subject: AN ORDINANCE REPEALING ANCHORAGE MUNICIPAL CODE**  
4 **CHAPTERS 15.80 AND 15.85, RELATING TO MOTOR VEHICLE**  
5 **EMISSIONS INSPECTION AND MAINTENANCE (I/M) PROGRAM;**  
6 **AMENDING CHAPTER 15.80 AND 15.85 IN THE INTERIM TO**  
7 **REVISE EXISTING FEES AND PROGRAM ADMINISTRATION;**  
8 **AMENDING SECTION 9.30.155 TO REPEAL REFERENCE TO I/M**  
9 **CERTIFICATION; AND AMENDING THE FINE SCHEDULE AT**  
10 **SECTION 14.60.030.**

11  
12  
13 The Department of Health and Human Services (DHHS) is requesting the  
14 Anchorage Municipal Assembly repeal Anchorage Municipal Code chapters 15.80  
15 and 15.85 relating to the Vehicle Inspection and Maintenance (I/M) Program.

16  
17 In July of 1985, the I/M Program was implemented in Anchorage to comply with  
18 federal air quality standards for carbon monoxide (CO). Prior to implementation of  
19 the Program, Anchorage exceeded national standards for CO as many as 50  
20 times a year. Thanks in part to the I/M Program, there has been a marked drop in  
21 ambient CO levels in Anchorage that continues today. Anchorage has not had a  
22 CO violation since 1996. New vehicle technologies and fewer old polluting  
23 vehicles on the roads help assure that we will be able to maintain the quality of air  
24 that citizens and visitors alike expect and enjoy. Projections show that air quality  
25 will continue to improve even after the I/M Program is terminated.

26  
27 The I/M Program has been successful thanks to the efforts of the I/M Program  
28 staff and the private sector who provided testing and repair of vehicles for the past  
29 25 years. DHHS is happy to recognize that now, having completed the task, we  
30 can end a program that is no longer necessary. We should congratulate the  
31 program staff and industry partners for helping us with this achievement.

32  
33 Federal regulations require that a revised Air Quality Plan be submitted to the  
34 Alaska Department of Environmental Conservation, for inclusion in the State  
35 Implementation Plan for Air Quality. The Plan then must go to the Federal EPA  
36 before I/M can be terminated. This process is currently underway, therefore  
37 passage of this ordinance is recommended.  
38



1 In the interim, the DHHS is requesting the Anchorage Municipal Assembly pass  
2 language that changes the way station fees, directed by AO 2008-84(S), are  
3 collected. The current language ties the fees to station recertification, and does  
4 not allow the program to collect a steady revenue stream over the remaining time  
5 of the program's existence.

6  
7 The suggested changes will allow existing stations to pay a fee every 6 months if  
8 they wish to continue testing. This gives them more flexibility in determining how  
9 long they would like to participate in the program with an uncertain termination  
10 date.

11  
12 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**  
13 **REPEALING ANCHORAGE MUNICIPAL CODE CHAPTERS 15.80 AND 15.85,**  
14 **RELATING TO MOTOR VEHICLE EMISSIONS INSPECTION AND**  
15 **MAINTENANCE (I/M) PROGRAM; AMENDING CHAPTER 15.80 AND 15.85 IN**  
16 **THE INTERIM TO REVISE EXISTING FEES AND PROGRAM**  
17 **ADMINISTRATION; AMENDING SECTION 9.30.155 TO REPEAL REFERENCE**  
18 **TO I/M CERTIFICATION; AND AMENDING THE FINE SCHEDULE AT SECTION**  
19 **14.60.030.**

20  
21 Prepared by: Department of Health & Human Services  
22 Approved by: Diane Ingle, Director DHHS  
23 Concur: Dennis A. Wheeler, Municipal Attorney  
24 Concur: George J. Vakalis, Municipal Manager  
25 Respectfully submitted: Daniel A. Sullivan, Mayor

**Content ID:** 008967**Type:** Ordinance - AO

AO NO. 2010-35(S), AN ORDINANCE REPEALING ANCHORAGE MUNICIPAL CODE CHAPTERS 15.80 AND 15.85, RELATING TO MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE (I/M) PROGRAM; AMENDING

**Title:** CHAPTER 15.80 AND 15.85 IN THE INTERIM TO REVISE EXISTING FEES AND PROGRAM ADMINISTRATION; AMENDING SECTION 9.30.155 TO REPEAL REFERENCE TO I/M CERTIFICATION; AND AMENDING THE FINE SCHEDULE AT SECTION 14.60.030.**Author:** taplina**Initiating Dept:** HHS**Date Prepared:** 4/23/10 7:14 AM**Director Name:** Diane Ingle**Assembly Meeting Date:** 4/27/10**Date:****Public****Hearing Date:** 5/11/10**Date:**

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	4/23/10 1:19 PM	Exit	Nina Pruitt	Public	008967
MuniManager_SubWorkflow	4/23/10 1:19 PM	Approve	Nina Pruitt	Public	008967
Legal_SubWorkflow	4/23/10 11:57 AM	Approve	Rhonda Westover	Public	008967
Finance_SubWorkflow	4/23/10 11:39 AM	Approve	David Ryan	Public	008967
OMB_SubWorkflow	4/23/10 11:33 AM	Approve	Cheryl Frasca	Public	008967
HHS_SubWorkflow	4/23/10 9:29 AM	Approve	Diane Ingle	Public	008967
AllOrdinanceWorkflow	4/23/10 9:25 AM	Checkin	Angela Taplin	Public	008967
OMB_SubWorkflow	4/23/10 9:18 AM	Reject	Nina Pruitt	Public	008967
HHS_SubWorkflow	4/23/10 7:49 AM	Approve	Diane Ingle	Public	008967
AllOrdinanceWorkflow	4/23/10 7:46 AM	Checkin	Angela Taplin	Public	008967
HHS_SubWorkflow	4/23/10 7:39 AM	Reject	Diane Ingle	Public	008967
AllOrdinanceWorkflow	4/23/10 7:25 AM	Checkin	Angela Taplin	Public	008967

*Ad. Ingle* — CONSENT AGENDA - INTRODUCTION

## **Chapter 15.80 VEHICLE INSPECTION AND MAINTENANCE PROGRAM\***

\*Editor's note: It should be noted that § 2 of AO No. 2008-84(S), effective July 15, 2008, provides, "Anchorage Municipal Code Chapter 15.80, Vehicle Inspection and Maintenance Program, is reinstated."

Cross references: Vehicles and traffic, Tit. 9; motorcycles and motor-driven cycles, Ch. 9.40; off-highway vehicles, Ch. 9.42; vehicle equipment, Ch. 9.44; business licenses and regulations, Tit. 10; transportation, Tit. 11; motor vehicle noise emission standards, § 15.70.090.

- 15.80.010 General provisions.
- 15.80.020 Referee station.
- 15.80.030 Presumption of violation.
- 15.80.040 Enforcement of chapter.
- 15.80.050 Penalties.
- 15.80.060 Waiver for seasonal use vehicles.
- 15.80.070 Waiver for show cars. (Repealed)
- 15.80.080. Fine schedule.
- 15.80.010 General provisions.

A. Inspection and maintenance required. Every motorist operating a vehicle registered, principally located or principally used within the municipality shall have each such vehicle inspected and maintained in accordance with the requirements specified in the I/M program design as amended by AO 96-154, AO 99-160 and AO 2008-84(S).

Note: Text of sections indexed available from the department of health and human services.

B. Vehicle fleets. Every owner of more than ten vehicles which are primarily used in the municipality shall have such vehicles inspected and maintained in accordance with the requirements of the I/M program design, regardless of whether such vehicles are registered with the state.

C. Certificate of inspection. The certificate of inspection shall be:

1. A windshield sticker which is affixed to the lower left side portion of the interior front windshield.
2. A certificate of inspection windshield sticker issued in accordance with the procedures specified in this chapter, not more than ninety (90) days previous, shall be required prior to vehicle registration or vehicle registration renewal with the state division of motor vehicles for all vehicles subject to the requirements of this chapter.

D. Responsibility for administration. The director of the department of health and human services shall have principal responsibility for the implementation and enforcement of the I/M program and shall designate one employee of the department as the I/M program administrator. With approval of the director, the I/M program administrator may delegate I/M program responsibilities to other municipal employees.

E. Certification of inspection stations. The I/M program administrator shall certify mechanics, vehicle test and repair facilities (stations) and testing, equipment as necessary to meet all certification requirements specified in the I/M program design.

1. Beginning January 1, 2010, the I/M administrator shall charge a fee for inspection station certification in accordance with Section 15.85.400.

F. Conduct of inspections. All inspections and repairs required under the I/M program design shall be done in a manner consistent with the requirements of the I/M program design when performed by certified I/M mechanics at certified I/M stations.

G. Suspension or revocation of certification. Certifications shall be suspended or revoked by the I/M program administrator for repeated or serious violations of procedures or requirements specified in the I/M program design.

H. False advertising regarding certification. No facility may advertise itself as a certified I/M station unless it is certified as such by the I/M program administrator.

I. Sale of certificates to inspection stations; use of fees. The program administrator shall sell certificate of inspection stickers to certified I/M stations for a fee of \$18.00 each. The same fee shall be charged for certificate of inspection stickers issued by the program administrator to vehicles qualifying for a waiver and for vehicles which are registered in, but not used in, the municipality unless a current I/M certificate from another I/M area is provided, in which case no fee is charged. There will be no charge for certificate of inspection stickers for exempt vehicles such as new vehicles and diesels. The certificate of inspection sticker fees shall be for the cost of operating the I/M and related air quality programs and may from time to time be modified to reflect changes in the program operating costs.

J. Referee required repair form. Within 60 days of receiving an official referee required repair form the vehicle owner and operator if operator is not the registered owner shall be jointly responsible for repair, re-inspection and certification or otherwise bringing the vehicle into compliance with this chapter. Compliance with this paragraph shall require a return of the vehicle to the referee facility for re-inspection or submittal of documents proving compliance. Submittal of documents may be by certified mail, return receipt requested, if posted within 60 days of receipt of official referee required repair form. However, any party submitting documents by mail is required to retain the postal return receipt for two years as proof of timely submittal.

K. Registration renewal. DMV registration renewals may be accepted and processed through the department of health and human services, environmental services counter. In addition to other applicable fees, a \$10.00 transaction processing fee shall be charged for DMV vehicle owner registration renewals made at the department of health and human services, environmental services division.

(AO No. 84-110; AO No. 85-8; AO No. 87-27; AO No. 87-35; AO No. 88-154(S); AO No. 88-184; AO No. 93-216(S), § 1, 2-15-94; AO No. 94-195, § 1, 10-25-94; AO No. 96-137(S), §§ 1--6, 1-2-97; Ord. No. 96-154, § 1, 1-2-97; AO No. 99-160, § 1, 1-11-00; AO No. 2000-92, § 1, 8-15-00; AO No. 2003-44, § 1, 3-18-03; AO No. 2006-13, § 1, 2-14-06; AO No. 2008-84(S), § 6, 7-15-08)

*Editor's note:* The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

15.80.020 Referee station.

The I/M program referee station shall be offered for operation either directly or by the private sector.

(AO No. 84-110; AO No. 99-160, § 2, 1-11-00; AO No. 2006-13, § 2, 2-14-06)

*Editor's note:* The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

#### 15.80.030 Presumption of violation.

The failure of an owner of a vehicle to display current certificate plates with expiration stickers and an I/M program windshield sticker on a vehicle is prima facie evidence of failure to inspect and maintain the vehicle in accordance with this chapter. Unless rebutted, evidence of a failure to display current certificate plates with expiration stickers and an I/M program windshield sticker is sufficient to sustain a violation of Section 15.80.010.A or B.

(AO No. 92-28; AO No. 99-160, § 3, 1-11-00; AO No. 2000-92, § 2, 8-15-00)

*Editor's note:* AO 2000-92 (amended and approved 8-15-00) contains changes to this section conditioned and effective upon State approval.

#### 15.80.040 Enforcement of chapter.

A sworn police officer, the director, or an employee or agent of the municipality specifically designated by the director, is authorized to enforce the provisions of this chapter by issuance of a citation. The director or the director's designee may also issue a notice of violation, deliver it to the owner of a vehicle or affix it to the vehicle if it is unattended at the time of issuance. The notice of violation or citation shall identify the vehicle, the nature of the violation and the means of resolving it. Vehicles identified by citation or notice of violation as being out of compliance with this chapter shall be I/M tested and certified or otherwise brought into compliance by the owner and/or operator by the date specified on the citation or notice of violation.

(AO No. 92-28; AO No. 96-137(S), § 7, 1-2-97; AO No. 99-160, § 4, 1-11-00)

#### 15.80.050 Penalties.

A. Except as otherwise provided in this section, a person who receives a notice of violation and fails to resolve the notice of violation and provide evidence of resolution to the department of health and human services within 30 days from the date of such notice shall be subject to a civil penalty of \$75.00 separate from any fine or other penalty for violation of Section 15.80.010.A. or B. The civil penalty shall be incurred for each 30-day period for which the notice of violation remains unresolved until a citation is issued for the violation. Accrued civil penalties will remain until satisfied.

B. A person who violates Section 15.80.010.A. or B. and who, within the preceding six months, has been adjudicated by a court or in an administrative hearing conducted pursuant to Chapter 3.60 of this code to have previously violated one of those subsections or who has failed to timely resolve a notice of violation of one of those subsections shall be subject to a fine of not less than \$200.00 and not more than \$300.00.

C. The fine for a violation of Section 15.80.010.A or B shall be \$200.00 except in the circumstances specified in paragraph B of this section. A person receiving a citation for such violation may submit the fine amount without a court appearance.

D. A conviction for any violation of this chapter other than a violation of Section 15.80.010.A or B, shall be punished by a fine as provided in this chapter or if no fine is provided for conviction of a violation, a fine of not more than \$300.00.

E. Every act prohibited by this chapter is declared unlawful and violation shall also be punishable by a civil penalty as set forth in Section 14.60.030, or, if such violation is not listed in the fine schedule set forth in Section 14.60.030, a civil penalty as set forth in Section 1.45.010.

(AO No. 92-28; AO No. 96-137(S), § 8, 1-2-97; AO No. 99-132, § 1, 11-9-99; AO No. 99-160, § 5, 1-11-00)

15.80.060 Waiver for seasonal use vehicles.

A. Vehicles which are not operated in the municipality from November 1 through March 31 do not require an I/M inspection.

B. An application for a seasonal use waiver may be completed at the I/M program office and shall be signed by the applicant and notarized. Upon approval by the I/M program administrator's office of the seasonal use waiver application, the applicant shall be issued an I/M certificate of inspection seasonal waiver windshield sticker.

C. Failure to affix the seasonal use tab issued by the Alaska Department of Motor Vehicles to the certificate plate and/or failure to affix the windshield sticker issued by the I/M program administrator's office shall constitute a violation of this chapter. Operation of vehicles with seasonal use tabs during the months of November, December, January, February and March is prohibited. A vehicle owner or operator cited by state or local enforcement agencies for violation of the seasonal use waiver requirements shall be assessed a fine of \$300.00, the seasonal waiver will be permanently revoked, and such owner or operator shall be ineligible to receive a subsequent seasonal use waiver for the same vehicle. A subsequent owner of a vehicle with a void seasonal use waiver is eligible for a future seasonal use waiver provided that the subsequent owner is not a member of the immediate family or does not live in the same household as the former owner or operator who violated this code. The owner or operator of a vehicle found to be in violation of this chapter may not operate the vehicle until a valid I/M test has been performed and a certificate of inspection has been issued for the vehicle.

D. Vehicles with seasonal waiver tabs may be operated on special occasions or at special events during the period between November 1 and March 31 only in accordance with a special event permit issued by the I/M program administrator's office. Special events permits may be issued after application by the vehicle owner or the event sponsor not less than ten business days, not including municipal holidays, prior to the event for which operation is requested. The application and the special events permit shall specify the vehicle, vehicle owner, the name, date, time and place of the special event, special event operator of the vehicle, the dates and hours of permitted operation and such other information as may be relevant to the application or required by the I/M program administrator. Where possible, event sponsors may apply for permits for multiple events or multiple vehicles on one application.

(AO No. 93-222(S), § 1, 8-1-94; AO No. 95-118, § 1, 9-1-95; AO No. 99-132, § 2, 11-9-99; AO No. 99-160, § 6, 1-11-00; AO No. 2006-13, § 3, 2-14-06)

*Editor's note:* The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

15.80.070 Waiver for show cars. (Repealed)

(AO No. 93-222(S), § 1, 8-1-94; AO No. 95-118, § 2, 9-1-95)

15.80.080. Fine schedule.

In accordance with AS 28.05.151 and AS 29.25.070, citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine listed below:

TABLE INSET:

Code Section

Offense

Penalty/Fine

15.80.010.A Failure to have current I/M inspection \$200.00

15.80.010.B Failure to have current I/M inspection--Vehicle fleet \$200.00

15.80.060.C Operation of a motor vehicle with seasonal use tabs out of season\$300.00

(AO No. 99-132, § 3, 11-9-99)

## **Chapter 15.85 REQUIREMENTS, SPECIFICATIONS, AND PROCEDURES FOR MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE (I/M) PROGRAM\***

\*Editor's note: It should be noted that § 3 of AO No. 2008-84(S), effective July 15, 2008, provides, "Anchorage Municipal Code Chapter 15.85, Requirements, Specifications, and Procedures for Motor Vehicles Emissions Inspection and Maintenance (I/M) program, is reinstated."

- 15.85.100 Summary.
- 15.85.200 General I/M program requirements and terminology.
- 15.85.210 Certificate of inspection.
- 15.85.220 Vehicles requiring certificate of inspection.
- 15.85.230 Initial inspections.
- 15.85.235 Special waivers.
- 15.85.240 Repairs.
- 15.85.250 Reinspection.
- 15.85.260 Fees.
- 15.85.270 Definitions.
- 15.85.300 Program administration and enforcement.
- 15.85.310 I/M program administration.
- 15.85.315 Powers of the program administrator.
- 15.85.320 Certified I/M station monitoring.
- 15.85.330 Disputes and complaints.
- 15.85.340 Certification and enforcement.
- 15.85.345 Mechanic and station point system.
- 15.85.350 Program evaluation and reporting.
- 15.85.360 Revenues.
- 15.85.370 Public information.
- 15.85.380 Certificates of inspection.
- 15.85.390 Referee facility.
- 15.85.400 Certification procedures.
- 15.85.410 Mechanic certification.
- 15.85.420 I/M station.
- 15.85.430 Equipment certification.
- 15.85.440 Mechanic training courses.
- 15.85.500 Certified I/M station requirements.
- 15.85.600 Inspection station procedures.
- 15.85.610 Vehicles to be inspected.
- 15.85.620 Preliminary inspection and safety check.
- 15.85.630 Inspection fee quotation.
- 15.85.640 Test abort conditions.
- 15.85.650 Beginning official I/M test.
- 15.85.660 Maintenance and calibration.
- 15.85.670 Personnel.
- 15.85.680 Record keeping, etc.
- 15.85.700 Inspection standards.
- 15.85.710 Visual and functional checks.
- 15.85.720 Exhaust emission standards.
- 15.85.730 Vehicle types.
- 15.85.740 List of aftermarket parts.
- 15.85.100 Summary.



A. This chapter contains the requirements, specifications, and procedures for a motor vehicle emissions inspection and maintenance (I/M) program administered by the municipality under Chapter 15.80. The information contained herein is relatively technical in nature and is principally intended for use by the operators of certified I/M stations, certified mechanics, and departmental or contractor staff involved in administering the I/M program. Separate publications are available from the I/M program administration office that describes more concisely the requirements of the program for the general public. The basis for these requirements can also be found in state regulations under 18 AAC 52.

B. Under the I/M program, owners or operators of non-exempt vehicles are required to have their vehicles inspected for emissions problems at least biennially, upon initial registration of a used vehicle in the state, or upon change of ownership if the vehicle is not currently in compliance. Vehicles must be I/M certified prior to the initial registration or renewal of registration by the state department of administration, division of motor vehicles (DMV).

1. Inspections required under the I/M program must be made at a certified I/M station, except under special circumstances. A fee may be charged for the inspections, and vehicles that fail the inspection because of excessive emissions and/or defects in their ECS must be repaired and then retested by a certified I/M station.

2. Repairs required under the I/M program may be performed by anyone, including vehicle owners; however, incentives are provided for the repair of vehicles by certified I/M mechanics working at certified I/M stations. Except for fleet-owned vehicles, vehicles covered by a manufacturer's warranty, and repairs covered by insurance claims, all vehicles are guaranteed to either pass the after-repair test or receive a waiver if they have repairs performed at a certified I/M station. In addition, there are certain specific minimums on the cost of repairs required for all work done by certified I/M stations on vehicles other than those mentioned above. Work done or parts purchased and installed by vehicle owners or at uncertified facilities shall not count toward this cost minimum.

C. The following sections of this document describe in detail how the I/M program is to be conducted.

1. Section 15.85.100 is a summary of this document.

2. Sections 15.85.200 through 15.85.270 describe the general requirements of the program and defines terms that are frequently used in the program.

3. Sections 15.85.300 through 15.85.390 describe the organization and responsibilities of the I/M program administrator and office. This office may be administered by municipal staff, a contractor retained by the municipality for this purpose, or some combination of the two. Included in Sections 15.85.300 through 15.85.390 are the procedures to be used for dispute resolution, program enforcement, public information, program evaluation, and quality control.

4. Sections 15.85.400 through 15.85.440 describe the requirements and procedures used by the I/M program administrator and office for the certification of I/M stations, mechanics and equipment required under the I/M program.

5. Section 15.85.500 contains the detailed requirements that must be met by certified I/M stations.

6. Sections 15.85.600 through 15.85.680 describe all of the vehicle inspection, quality control, and repair procedures that are to be used at certified I/M stations.

7. Sections 15.85.700 through 15.85.740 contain the standards to be used during the inspection of vehicles at certified I/M stations.

D. Modification to the information and requirements contained herein may be made periodically by the I/M program administrator to the extent that such changes are necessary:

1. to reflect changes in state or federal law, or

2. to reflect changes in the specifications of available equipment or vehicles, and

3. to make improvements in inspection and repair procedures that are developed based on I/M program experience.

4. In the event that instrumentation specifications are changed so as to affect the software that is acceptable for use, the manufacturers of EIS used in the I/M program may be required, within the period specified herein, to make software changes to previously certified equipment.  
(AO No. 99-160, § 7, 1-11-00; AO No. 2008-84(S), § 7, 7-15-08)

15.85.200 General I/M program requirements and terminology.

A. Sections 15.85.200 through 15.85.270 identify the vehicles which must be tested under the Anchorage I/M program design, the allowable fees for such testing, and which vehicles are exempt from testing. These sections further describe how frequently tests or inspections must be conducted on specific types of vehicles, and the minimum repairs required for vehicles failing tests conducted under this chapter. Section 15.85.270 states the definitions of terms or phrases used throughout this chapter.

B. Citations within this chapter to Section 15.85.200 are intended as a general citation to Sections 15.85.200 through 15.85.270.

(AO No. 99-160, § 7, 1-11-00)

15.85.210 Certificate of inspection.

A. All vehicles requiring a certificate of inspection under Section 15.85.220 shall obtain a certificate of inspection at least biennially. A certificate of inspection required under this chapter may be issued only by the I/M program administrator, the referee facility, or a station certified under Section 15.85.420.

The certificate of inspection shall be a windshield sticker affixed to the lower left side portion of the interior front windshield of a vehicle that has passed an I/M test or has received an I/M waiver or I/M exemption.

B. Visual identification of certificate of inspection

1. The certificate of inspection:

- a. must be easy to observe from outside a vehicle;
- b. must be of a quality that is difficult to counterfeit, difficult to remove without destroying it, and durable enough to last until the next inspection without fading, peeling, or otherwise deteriorating;
- c. shall be affixed on a vehicle at the time of inspection by the certified mechanic who performs the inspection and correspond to the valid electronic record; and
- d. may not replace the vehicle registration requirements of state law.

2. The I/M program administrator shall:

- a. hold each certified station accountable for all certificates of inspection that were issued to that station by the municipality; and
- b. establish procedures in this chapter for appropriate enforcement action to be taken against a station for any windshield certificates of inspection that are missing and cannot be accounted for.

(AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 4, 8-15-00; AO No. 2006-13, § 4, 2-14-06)

*Editor's note:* The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

15.85.220 Vehicles requiring certificate of inspection.

A. Program area. Vehicles subject to this I/M program are passenger cars and trucks registered, principally used, or principally located, within the following zip codes or any other zip codes assigned to the Municipality of Anchorage by the U.S. Postal Service:

TABLE INSET:

99501 99506  
99511  
99516  
99521  
99567

99502 99507 99512 99517 99522 99577  
99503 99508 99513 99518 99523 99587  
99504 99509 99514 99519 99524  
99505 99510 99515 99520 99540

1. A person, including a person in military service, who temporarily resides in Alaska for more than 30 days and who owns or leases a vehicle that is principally located or operated in this I/M area, shall obtain a valid certificate of inspection for that vehicle, even if the vehicle is not required to be registered in Alaska. A temporary resident shall obtain the certificate of inspection within 30 days after entering the state. In addition to the requirements of this section, a motorist who lives in an area where a vehicle emissions inspection and maintenance program (I/M program) is implemented or administered, a motorist whose vehicle is principally located or operated in an I/M area, and a motorist who commutes into the municipality shall use specific maintenance practices for the motor vehicle ECS to reduce air pollution, including the practices described in this chapter.
  2. Motorists operating vehicles not subject to the provisions of this section are encouraged to obtain an emission inspection, sticker and repairs as part of the regular maintenance performed on their vehicles.
  3. Vehicles powered by diesel engines are required to have a windshield sticker only.
  4. New vehicles as defined by B.4. of this section, are required to have windshield stickers
- B. Exemptions. Notwithstanding the requirements of Section 15.85.220.A, the following vehicles are exempt from the requirements of the I/M program:
1. any 1967 model year or older vehicle;
  2. any vehicle not principally used or located in the municipality and not certificated by the state;
  3. motorcycles, golf carts, ATV vehicles, snow machines, and mopeds;
  4. a model year 2004 or newer vehicle, except these vehicles shall have their first I/M inspection when the current calendar year equals the vehicle model year plus four years, and subsequent inspections every two years thereafter.
  5. all vehicles above 12,000 pounds unladen weight.
  6. vehicles that are not registered in the municipality and not operated or located in the municipality for more than 30 cumulative days during the vehicle's registration period.
  7. any vehicle solely powered by electric battery.
- C. Frequency of inspections. All non-exempt vehicles are required to be inspected in accordance with this chapter.
1. Motorists operating non-exempt vehicles shall obtain a certificate of inspection not more than ninety (90) days prior to initial registration with DMV. Unless specifically approved by the program administrator, non-exempt vehicles shall obtain a certificate of inspection not more than ninety (90) days prior to the registration expiration date.
  2. Motorists operating non-exempt vehicles shall have their vehicles inspected at a certified station by a certified mechanic and shall obtain a valid certificate of inspection within thirty (30) days of entering the municipality.
  3. Failure to comply with these emission inspection requirements may result in a fine of \$50.00 to \$1,000.00 as provided under Section 15.05.120A of this title.
- D. Transfer of ownership. Sellers of non-exempt vehicles are required to provide buyers of said vehicles with current I/M certificates of inspection or noncompliance. Specifically:
1. Prior to the delivery of the vehicle to the buyer, the seller of a non-exempt vehicle shall provide to the purchaser of the vehicle either:
    - a. A current I/M certificate of inspection issued not more than two years prior to the date of sale and/or date of delivery to the purchaser; or

- b. A certificate of noncompliance, issued pursuant to AS 45.45.400, to provide for a transfer of title only. Certificates of noncompliance are available at the I/M program office. A certificate of noncompliance costs \$18.00.
- 2. Sellers of vehicles sold through an impound sale in accordance with AS 28.10.502, or Sections 9.28.026 and 9.50.020 of this code, are exempt from the above I/M requirement provided:
  - a. Vehicles are sold without license plates; and
  - b. Buyers are informed that these vehicles cannot be registered by the DMV until each complies with current I/M requirements and qualifies for a valid certificate of inspection.
- 3. Failure of sellers to comply with this section requirement may result in a fine of \$50.00 to \$1,000.00 as provided under Section 15.05.120.A of this code.

(AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 5, 8-15-00; AO No. 2006-13, § 5, 2-14-06)

*Editor's note:* Effective January 1, 2010, pursuant to AO 2008-84(s), § 8, subsection B of this section is amended to read as follows"

- A. Program area. Vehicles subject to this I/M program are passenger cars and trucks registered, principally used, or principally located, within the following zip codes or any other zip codes assigned to the Municipality of Anchorage by the U.S. Postal Service:

TABLE INSET:

99501	99506	99511	99516	99521	99567
99502	99507	99512	99517	99522	99577
99503	99508	99513	99518	99523	99587
99504	99509	99514	99519	99524	
99505	99510	99515	99520	99540	

- 1. A person, including a person in military service, who temporarily resides in Alaska for more than 30 days and who owns or leases a vehicle that is principally located or operated in this I/M area, shall obtain a valid certificate of inspection for that vehicle, even if the vehicle is not required to be registered in Alaska. A temporary resident shall obtain the certificate of inspection within 30 days after entering the state. In addition to the requirements of this section, a motorist who lives in an area where a vehicle emissions inspection and maintenance program (I/M program) is implemented or administered, a motorist whose vehicle is principally located or operated in an I/M area, and a motorist who commutes into the municipality shall use specific maintenance practices for the motor vehicle ECS to reduce air pollution, including the practices described in this chapter.
- 2. Motorists operating vehicles not subject to the provisions of this section are encouraged to obtain an emission inspection, sticker and repairs as part of the regular maintenance performed on their vehicles.
- 3. Vehicles powered by diesel engines are required to have a windshield sticker only.
- 4. New vehicles as defined by B.4. of this section, are required to have windshield stickers.
- B. Exemptions. Notwithstanding the requirements of Section 15.85.220A., the following vehicles are exempt from the requirements of the I/M program:
  - 1. Any 1967 model year or older vehicle;
  - 2. Any vehicle not principally used or located in the municipality and not certificated by the state;
  - 3. Motorcycles, golf carts, ATV vehicles, snow machines, and mopeds;
  - 4. A model year 2004 or newer vehicle, except these vehicles shall have their first I/M inspection when the current calendar year equals the vehicle model year plus six years, and subsequent inspections every two years thereafter.
  - 5. All vehicles above 12,000 pounds unladen weight.

6. Vehicles that are not registered in the municipality and not operated or located in the municipality for more than 30 cumulative days during the vehicle's registration period.
7. Any vehicle solely powered by electric battery.
8. Any vehicle with valid historic vehicle or custom collector plates issued by the Alaska Department of Motor Vehicles under AS 28.10.181."

#### 15.85.230 Initial inspections.

A. Vehicles requiring a certificate of inspection that do not qualify for a waiver under Section 15.85.235, or qualify for a waiver and require a prior inspection, shall be inspected at a certified I/M station.

1. All inspections shall be conducted only by certified I/M mechanics and in accordance with the requirements of Sections 15.85.600 and 15.85.700. All vehicles inspected at a certified I/M station shall be issued a vehicle inspection report indicating whether the vehicle passed or failed.

2. Vehicles that meet the inspection standards specified in Section 15.85.700 shall be issued a certificate of inspection.

B. Vehicles that qualify for a waiver under Section 15.85.235 shall be issued a certificate of inspection only by the program administrator or the municipality's referee station.

C. An initial inspection shall be performed at a certified I/M station on a vehicle scheduled for an I/M test or within 90 days of license or registration expiration before the vehicle is subjected to any emission-related repairs for which the charge is more than \$30.00.

(AO No. 99-160, § 7, 1-11-00; AO No. 2006-13, § 6, 2-14-06)

*Editor's note:* The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

#### 15.85.235 Special waivers.

The following waivers may be issued by either the program administrator or the referee facility:

A. Diesels. No diesel-powered vehicles shall be inspected for emissions defects until such time as the program administrator determines that emissions inspections are necessary and feasible. Upon an initial one-time inspection to ensure that a vehicle is powered by a diesel engine, the program administration office shall notify DMV that the vehicle is exempted from this I/M program and a certificate of inspection is not required for the vehicle for the current and subsequent registration cycles. An exemption issued under this subsection shall be valid until transfer of vehicle ownership. Visual verification that a vehicle with a diesel engine has received a waiver, as required under this paragraph, will be by windshield sticker as defined, where applicable, in Section 15.85.210(A);

B. Special circumstances. Whenever a vehicle cannot be tested due to electrical problems that affect the EIS, or whenever the vehicle is a legally imported or custom-manufactured vehicle that is not recognized by the EIS, a waiver may be approved and a certificate of inspection may be issued for the vehicle by the referee facility. The referee facility may also approve a waiver and issue a certificate of inspection for a vehicle not expected to achieve emission reductions as a result of restoration to manufacturer's specifications. A waiver issued under this subsection shall be valid for one inspection cycle.

C. Outside use. Upon receipt of required documentation, the I/M program administrator may approve a waiver and issue a certificate of inspection for a vehicle registered in, but not operated or located in, the I/M program area. A windshield sticker shall not be issued in conjunction with an outside use waiver. A waiver issued under this subsection shall be valid for one inspection cycle.

1. To qualify for a waiver under this subsection, an applicant shall submit the following information:

- a. a notarized application form signed by the applicant;
- b. adequate proof that the vehicle is operated or is located in an area outside of the I/M program area.

2. If a vehicle for which an outside use waiver has been obtained returns to the municipality, the waiver becomes immediately void and the vehicle owner shall have the vehicle inspected and certified by a certified I/M station within 30 days of return.

3. The certificate obtained upon return to the municipality and the certificate issued by the I/M program administrator shall both be kept with the vehicle registration in the vehicle.
- D. Clean fuel vehicles.
1. Upon inspection to ensure that a vehicle has been modified to use only a clean fuel, which is defined to include natural gas, a fuel that is principally methane, liquefied petroleum gas, or a fuel that is principally propane, a waiver shall be approved and a certificate of inspection issued if the following conditions are met:
    - a. no ECS devices, other than those approved by the program administrator, have been disconnected or removed from the vehicle;
    - b. emissions test data are presented at the time of application for the waiver that indicate the vehicle has an idle and part throttle air-fuel ratio that is not richer than stoichiometric; and
    - c. the vehicle is not a dual-fuel vehicle, as indicated by the absence of a gasoline fuel tank.
  2. A waiver issued under this subsection shall be valid for one inspection cycle.
- E. Parts unavailability. Upon receipt of required documentation, supplied by the station performing the I/M test and producing the estimate of repairs, the referee may approve a waiver and issue a certificate for a vehicle that cannot be repaired due to the unavailability of parts to repair the vehicle. A waiver issued under this subsection shall be valid for one inspection cycle. For a vehicle to qualify for a waiver under this subsection, the vehicle shall be referred to the referee facility by means of a properly completed referee referral form.
1. The following documentation shall be submitted to the referee facility:
    - a. A signed and notarized application form completed by the vehicle owner.
    - b. If available, station-provided proof of parts unavailability. Adequate proof of parts unavailability is:
      - i. a failed initial I/M test VIR;
      - ii. an itemized estimate of repairs, excluding the price of the unavailable part;
      - iii. three sources of information, one of which must be the vehicle dealer, showing that:
      - iv. the part is no longer available, locally or by order;
      - v. the names of the parts suppliers queried, one of which must be, and only one may be, the vehicle dealer;
      - vi. the names of the individuals spoken to at the parts suppliers, and;
      - vii. the full name and full part number of the unavailable part, if known.
  2. The referee facility shall ensure that the documentation submitted is correct, inspect the vehicle, and issue a waiver certificate, as is appropriate.
- F. Parts on order. A waiver may also be granted for a vehicle for which repair parts have been ordered through a certified I/M station. A vehicle owner wishing to apply for such a waiver shall submit to the I/M program administrator a signed and notarized application form and;
1. a failed initial I/M test VIR.
  2. an itemized estimate of repairs.
  3. an itemized work order or invoice and receipt showing full payment for parts and labor paid in advance.
  4. This waiver shall be issued by the I/M program administrator. Under no circumstances shall the station refund any funds paid for this purpose without the consent of the I/M office. Within 30 days of receipt of the ordered parts the vehicle owner shall return the vehicle to the I/M station for completion of repairs and an emissions test.
- G. Economic hardship. Upon receipt of required documentation, the program administrator may approve a waiver and issue a certificate of inspection for a vehicle that cannot be repaired due to the economic hardship on the vehicle owner. A waiver issued under this subsection shall be valid for one

inspection cycle, and may only be issued once for a vehicle, as specified under 18 AAC 52.060(d)(1). For a vehicle to qualify for a waiver under this subsection, a signed and notarized application form must be submitted by the vehicle owner, along with adequate proof of economic hardship. A waiver may be granted upon verification of economic hardship.

H. Gray market vehicles. Repair cost minimums for vehicles imported into the U.S. and not manufactured specifically for import into the U.S. nor retrofitted to U.S. standards (referred to as gray market vehicles) shall be the same as vehicles manufactured in the U.S. However, these vehicles are not always required to have the ECS required for U.S. vehicles. All I/M tests on gray market vehicles shall be performed by the referee facility and repairs performed as required by the referee facility.

(AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 6, 8-15-00; AO No. 2006-13, § 7, 2-14-06)

*Editor's note:* The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

#### 15.85.240 Repairs.

A. Repairs. Emission repairs performed at a certified I/M station are required to be performed in accordance with the procedures specified in Section 15.85.600.

1. Except for certain vehicles as specified in Section 15.85.240.D, repairs done at a certified I/M station shall be performed until the total cost of emission-related repairs meet or exceed the repair cost minimum criteria for non-tampered vehicles specified in Section 15.85.240.B.

2. Except as specified in Section 15.85.240.C, additional repair work done at a certified I/M station is voluntary. There shall be no credit towards the repair cost minimum on repairs done at a non-certified I/M station. Vehicles that qualify for a waiver under Section 15.85.240.B shall be issued a certificate of inspection only by the program administrator or the referee facility.

B. Repair cost minimum criteria for non-tampered vehicles. Except for those vehicles listed in Section 15.85.240.C, the cost minimum criteria for emissions repairs shall be \$450.00 for the correction of all non-tampering emissions-related defects. The program administrator or the referee facility shall approve a repair waiver and issue a certificate of inspection for a non-tampered vehicle upon presentation of valid evidence showing that:

1. Emissions repairs were done at a certified I/M station and

2. The last increment of repair work performed caused the total cost of all emissions repairs to exceed \$450.00. A minimum of \$450.00 must be spent.

3. If a certified I/M mechanic determines that parts are unavailable for one or more repairs, the motorist shall complete those repairs for which parts are available up to the repair cost minimum. If all repairs have been made except for those repairs for which parts are unavailable, the motorist may apply for a part unavailable waiver as prescribed in 15.85.235.E.

C. Vehicles subject to full repair. Notwithstanding the repair cost minimum criteria contained in Section 15.85.240.B, all emissions repairs must be made on the following categories of vehicles, regardless of cost:

1. a vehicle subject to tampering;

2. a vehicle owned by a fleet operator of ten or more vehicles;

3. a vehicle whose repair is covered by either an insurance claim or a manufacturer's warranty; and

4. a vehicle held by a motor vehicle dealer for retail sale.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.250 Reinspection.

A. All failed vehicles must be reinspected after repairs are performed. Except for the vehicles listed in Section 15.85.240.C, a vehicle that passes the reinspection or that fails the reinspection after having repairs performed at a certified I/M station that cost at least as much as the applicable repair cost minimum criteria specified in Section 15.85.240.B shall be issued a certificate of inspection.

B. Vehicles listed in Section 15.85.240.C shall require all repairs necessary to pass the reinspection.

(AO No. 99-160, § 7, 1-11-00)

15.85.260 Fees.

A. Inspection fees.

1. The total fee charged the owner for an emissions inspection shall not exceed \$50.00, not including the cost of the certificate of inspection, unless the program administrator has adjusted the \$50.00 limit to reflect changes in the consumer price index that have occurred since the adoption of the BAR-90 I/M program by the municipality.
2. A certified I/M station shall not charge a fee in excess of \$18.00 for a certificate of inspection, unless the program administrator has adjusted the cost of the certificate of inspection to reflect changes in the cost of administering the I/M program.

B. Allowable fees. In general, a fee may be charged by a certified I/M station whenever a vehicle is inspected for the first time at the certified station during an inspection cycle. Except as provided in Section 15.85.260.C, a certified I/M station may charge for the following inspections:

1. an initial inspection performed by the certified station;
2. a subsequent initial inspection performed at the certified station on a vehicle that has had a previous initial inspection performed at a different certified station; and
3. a subsequent initial inspection performed at the certified station on a vehicle that has had an initial inspection, and on which emission-related repairs have been performed by the vehicle owner or a non-certified mechanic, or at a non-certified station.

C. Prohibited fees. Notwithstanding the provisions of Section 15.85.260.B, no fee shall be charged for the following inspections:

1. an inspection performed at a certified I/M station after repairs have been performed on the vehicle at that facility;
2. an inspection of a documented vehicle brought to a certified I/M station by program administration staff or other individuals designated by the program administrator for an overt performance audit of the certified I/M station or a certified I/M mechanic; and
3. an aborted test, unless the test has been requested by the customer for purposes other than obtaining a certificate of inspection.

(AO No. 99-160, § 7, 1-11-00)

15.85.270 Definitions.

ADEC means State of Alaska, Department of Environmental Conservation.

After market part means a part that is not manufactured by the original equipment manufacturer.

After-repair test or A test means an I/M test performed after an I/M repair.

Alaska 2000 means the state's inspection and maintenance program beginning in year 2000, incorporating:

- A. an EIS to test vehicles and vehicle on-board diagnostic (OBD) systems,
- B. an electronic transmission (ET) system to capture, process, and transmit vehicle and test data, and
- C. windshield stickers as a visual cue that the vehicle has passed an inspection or has received a waiver; "alternate fuel" means a fuel other than gasoline or diesel fuel used to power a motor vehicle; "alternate fuel" does not include an oxygenated fuel approved for use under 18 AAC 53; "Anchorage I/M Program Design" means this document containing the procedures, specifications, requirements, and standards for a motor vehicle inspection and maintenance (I/M) program administered by the municipality.

BAR means California Bureau of Automotive Repair.

CARB means California Air Resources Board.

Certificate of inspection means a windshield sticker or an electronic file version of the certificate automatically transferred to DMV for registration of the vehicle by phone or internet, issued to a motorist whose vehicle has received a waiver; or whose vehicle passed the required I/M test. The windshield sticker shall be affixed to the vehicle passing an I/M test or receiving a waiver.



Certified I/M mechanic means a mechanic who has met all of the program administrator's requirements for certification and who has been issued a certificate by the program administrator.

Certified I/M station means a facility certified by the program administrator for the performance of emission tests and other inspections related to determining whether a vehicle passes or fails the inspection standards contained in the I/M program design. Certified I/M stations are also certified for the performance of emission repairs.

Commute means to travel between a person's residence and an I/M area for purposes of work or school.

Compliance rate means the number of vehicles that obtain initial inspections under an I/M program during one year, divided by the estimated number of vehicles that should have been inspected during the year.

Cost minimum means the amount paid by a motorist for emissions-related repairs, performed by a certified mechanic to program manual specifications, as the result of an I/M test required under this chapter.

Covert performance audit means an undercover audit conducted by the municipality or its contractor to evaluate the performance of a certified I/M mechanic or certified I/M station without the knowledge of the mechanic or station.

Documented vehicle means a vehicle whose state of emission repair has been verified by referee facility staff, and which is taken to a certified I/M station for an overt or covert performance audit of the certified I/M station or a certified I/M mechanic.

Dual fuel vehicle means a vehicle that is capable of operating on gasoline as well as on propane or some other alternate fuel.

Emission control system (ECS) means any element of either the air pollution control system or other mechanism of a motor vehicle that affects release of air pollutants from the vehicle.

Emission inspection means a vehicle inspection performed at a certified I/M station, which includes a visual and functional check of certain emission control systems, an OBD II check, and the measurement of tailpipe emission concentrations.

Emission inspection system (EIS) means the system approved by ADEC and used at a certified I/M station to measure and record vehicle exhaust emissions. Elements of the EIS include exhaust gas sampling, conditioning, OBD II testing and analysis equipment and computer control for such equipment.

Emission repairs means I/M repairs done only for the purpose of correcting emissions problems.

EPA means the United States of America, Environmental Protection Agency.

Federal test procedure means the emission testing procedure used by the EPA to certify new motor vehicles to applicable federal emission standards.

Fleet operator means the owner of ten or more vehicles that are subject to the I/M program.

I/M program means a program conducted in accordance with the I/M program design under which all non-exempt motor vehicles registered or principally used or located in the Municipality of Anchorage must be inspected for compliance with the inspection standards specified in the I/M program design and repaired if the standards are not met or if illegal modifications to the ECS have been made.

I/M program administration office, program administrator's office and I/M office mean the office within the department of health and human services under the direct supervision of the program administrator that is responsible for the administration and enforcement of all aspects of the I/M program.

I/M program administrator means that municipal employee assigned responsibility by the director of the department of health and human services for enforcement of chapters 15.80 and 15.85.

I/M repair means all maintenance of and repairs to motor vehicles performed for the purpose of satisfying the requirements of the I/M program.

I/M test means a vehicle emissions inspection, performed at a certified station, which includes a visual and function inspection of the ECS, an inspection of the vehicles' OBD system, where applicable, and the measurement of tailpipe emissions.

Initial inspection means the first emission inspection performed on a vehicle at all certified I/M stations during an inspection cycle. A vehicle would have only one initial inspection per inspection cycle, that being the inspection that occurred at the certified I/M station that first inspected the vehicle.

Inspection cycle means the complete sequence a vehicle undergoes from an initial inspection through the issuance of a certificate of inspection.

Kit car or custom manufactured vehicle means a vehicle built for personal use, that is not intended for resale purposes, and that has not been certified by either the EPA to meet federal motor vehicle emission standards or the CARB to meet California motor vehicle emission standards.

Certificated (vehicle) means a vehicle assigned unique certificate plates (two) issued by DMV with a matching registration that includes a record of a current or expired certificate plate year tab number.

Licensed (vehicle) means a vehicle assigned a unique license plate issued by DMV with a matching registration including a record of a current or expired license plate year tab number.

Loaded mode mass emissions test procedure means a standard test cycle in which a chassis dynamometer is used to subject the vehicle's engine to increased load that simulates the vehicle's performance under actual in-use operating conditions, while measuring the weight of pollutants emitted per mile of travel.

Malmaintenance means the failure to maintain a vehicle's ECS or emissions-related parts according to manufacturer specifications, as required under 18 AAC 52.030. This may include the failure to maintain a part whose malfunction causes an emissions-related part to fail.

Motor vehicle dealer means a person engaged in buying, selling or dealing in new or used motor vehicles, trailers, or semi-trailers in the State of Alaska, that is required under 08 AAC 66.010 to register biennially with the state department of public safety.

Municipality or MOA means the Municipality of Anchorage.

Nonattainment area means an area that does not meet the national ambient air quality standard for carbon monoxide.

OBD Test means an I/M inspection on a 1996 or newer model year vehicle equipped with a manufacturer-installed on-board diagnostic system.

Overt performance audit means an audit conducted by the municipality or its contractor to evaluate the performance of a certified I/M mechanic or certified I/M station during which the mechanic and station owner are told they are being audited.

Person means any individual, firm, partnership, association, or corporation.

Prescreening means to visually, functionally or otherwise inspect a vehicle before initiating an I/M test and without recording and reporting the results of the inspection to the I/M office but does not include a pre-test safety check.

Principally located means a vehicle, regardless of where it is registered, that is located or operated within the Municipality of Anchorage for more than 30 cumulative days during the vehicle's registration period.

Principally used means a vehicle used within the Municipality of Anchorage, regardless of where it is registered. This definition would include a vehicle used to regularly travel from a residence address outside of the municipality to within the municipality for work or school purposes.

Program administrator means the head of the municipality's Inspection and Maintenance (I/M) Program Administration Office.

Referee facility means a vehicle test facility operated by the municipality or its contractor for the purpose of resolving disputes between motorists and certified I/M stations, issuing I/M program waivers, or performing other tasks as delegated by the I/M program administrator.

Registration or Registered (vehicle) means a registration record, computer or hard copy, issued by the State of Alaska Division of Motor Vehicles (DMV) from an application submitted by the vehicle owner. The record discloses information on the specific vehicle including, but not limited to, the license number, vehicle identification number, the registered owner(s) name, residence and mailing address and the expiration date of the license plates.

Repair cost minimum means the minimum amount of money motorists are required to spend on emissions repairs under the I/M program, before they can apply for a repair waiver, provided the repairs are performed by a certified I/M mechanic at a certified I/M station after the completion of an initial inspection. There is no repair cost minimum that applies when repairs are performed by someone who is not certified by the I/M program administrator. The cost of repairs necessary to correct safety problems does not count toward the repair cost minimum.

Safety repairs means I/M repairs done to correct safety-related defects, such as fuel leaks, that prevent a vehicle from being safely inspected or safety defects that are specifically prohibited under the inspection procedures and standards established for the program.

Tampering means using leaded gasoline in a vehicle originally equipped with catalytic converters; failing to maintain a vehicle's ECS or emission-related parts according to manufacturer specifications, including the failure to maintain a part, the malfunction of which causes an emissions-related part to fail; or to remove, disconnect, or modify any ECS or emissions control component that affects exhaust emissions that is not specifically authorized by manufacturer service bulletins or the program administrator; causes the vehicle to be different from its EPA-certified configuration.

Unauthorized or illegal modifications means the use of leaded gasoline in a vehicle originally equipped with a catalytic converter; to remove, disconnect, modify or tamper with an ECS or components; the use of a replacement emissions-related part that is not functionally equivalent to the original equipment part being replaced; or the use of any added part or system unless that part or system has been specifically approved for use by the EPA, the CARB, or by the municipality.

Unladen weight means the shipping weight (in pounds) of a vehicle as initially manufactured with fuel tanks and cargo area empty. DMV lists this weight, when available, on the vehicle registration. Unladen weight is not the same as gross vehicle weight (GVW), which is the maximum amount the vehicle may weight when loaded.

U.S. means the United States of America.

Vehicle inspection report (VIR) means the computer-generated form that contains the results of the inspection and is given to each motorist whose gasoline-powered vehicle is tested at the certified I/M station.

Voluntary repair means emissions or safety repairs that are not required under the I/M program but that a motorist chooses to have performed anyway.

Waiver means an exemption to the requirements of the I/M program that may be issued to a vehicle by the program administrator or the referee facility. A waiver is valid for one inspection cycle.

(AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 7, 8-15-00; AO No. 2006-13, § 8, 2-14-06)

*Editor's note:* The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

#### 15.85.300 Program administration and enforcement.

A. Sections 15.85.300 through 15.85.390 describe how the municipality will implement and enforce the Anchorage I/M program design. This section sets out the authority of the I/M program administrator to enforce compliance with this chapter, the manner in which the program administrator will determine when sanctions are required and the nature of such sanctions, and the manner in which an appeal of a decision by the program administrator may be taken.

B. Citations within this chapter to Section 15.85.300 are intended as a general citation to Sections 15.85.300 through 15.85.390.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.310 I/M program administration.

A. There is in the municipality an I/M program administration office under the supervision and control of the I/M program administrator. The program administrator shall report to the mayor through the department of health and human services, which is assigned responsibility for the implementation of the I/M program.

B. The duty of enforcing and administering the I/M program is vested in the program administrator.

1. Any appeals of the I/M program administrator decision(s) shall be to the municipal administrative hearings officer and shall be in accordance with Chapter 3.60.

2. Appeals of the hearing officer's decisions shall be taken to the state superior court in Anchorage.

C. A voluntary I/M task force shall be appointed by the director of the department of health and human services. The purpose of the I/M task force is to:

1. Support and promote I/M industry participation in the air quality planning process and submit recommendations on planning proposals developed by the air quality planning staff that affects the I/M industry.
2. Provide input and comments to the I/M program office on proposed enhancements to the I/M program design document other operational changes aimed to improve the effectiveness of the I/M program.

D. Bylaws governing the scope and duties of the task force shall be submitted by the task force to the director for approval.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.315 Powers of the program administrator.

The I/M program administrator is delegated all powers described in this I/M program design, including but not limited to those powers specifically enumerated in this chapter. Every power granted to or duty imposed upon the program administrator in this chapter may be exercised or performed in the name of the program administrator by other municipal I/M staff members or contractor personnel, subject to such conditions and limitations as the program administrator may prescribe and the director approve.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.320 Certified I/M station monitoring.

A. The I/M program administrator is the representative of the municipality for the purposes of monitoring and enforcing the requirements for certified I/M stations.

B. The program administrator shall routinely conduct inspections of the certified I/M stations to ensure that all program requirements are being met.

1. The program administrator may, within the appropriated I/M program budget, spend such moneys as required to send vehicles (e.g., those used for overt and/or covert performance audits) through certified I/M stations to determine whether they are being properly inspected and repaired.

2. The program administrator may perform such other inspections (e.g., taxi inspections at the referee facility), quality control checks and monitoring of performance as the program administrator believes necessary, including, but not limited to, statistical analyses and reporting of inspection data, monthly, quarterly, annual, and/or other special audits at each station. Audits to meet EPA requirements including annual overt and/or covert mechanic and station performance audits, and quarterly EIS gas calibration audits. Work in progress performance audits, and tests in progress performance audits may include review of I/M documentation packages, I/M documentation filing and storage procedures, and inventory of certificates.

3. The program administrator may contract for the analysis of data received from the certified I/M stations, and for such other assistance as the program administrator deems to be in the best interest of the MOA.

C. Access to station. Persons designated by the I/M program administrator shall be allowed to conduct I/M related investigations in certified I/M stations at any time during normal business hours, subject to I/M program procedures. The station shall provide required documentation as soon as reasonably possible. In any case, such documentation shall be provided within 24 hours or one business day from the time requested.

D. Access to EIS. Except when a test or repair using the EIS is in progress, the owner or operator of a certified station or a certified mechanic shall provide immediate access to the EIS to a representative of the I/M program to perform any check, reprogramming, disk change, or other system related inspection, modification or service. If a test or repair is in progress, the owner, operator or mechanic shall provide access to the EIS when the test or repair is completed, or within one hour of the request for access, whichever occurs first.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.330 Disputes and complaints.

A. The program administrator shall, on his or her own initiative or in response to complaints, investigate on a continuous basis and gather evidence of violations of the requirements of the I/M program by any certified I/M station or by any employee, partner, officer, or member of a certified I/M station.

B. The program administrator shall establish procedures for accepting complaints from the public against I/M stations or employees of the stations.

C. The program administrator may suggest measures that, in the program administrator's judgment, would compensate for any damages suffered as a result of an alleged violation. If the parties accept the suggestions and perform accordingly, such fact shall be given due consideration in any subsequent disciplinary proceeding.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.340 Certification and enforcement.

A. The I/M program administrator is responsible for the management and supervision of the mechanic, equipment, and I/M station certification procedures contained in Section 15.85.400 of the I/M program design document.

1. The program administrator shall keep a complete record of all certified I/M stations showing the names and addresses of all such facilities. A copy of the roster shall be made available to any person requesting it.

2. The program administrator shall send to each certified I/M station, at least quarterly, a newsletter which may describe recently adopted ordinances, procedure changes, disciplinary hearings, and any other information that the program administrator shall determine will assist the municipality in its administration of the I/M program.

3. The I/M program administrator shall maintain a list of the manufacturers of all equipment certified for use in the I/M program and shall make such list available to the public at the I/M program administration office. This office shall also provide information to the public regarding the location and schedules of certified training courses.

B. The program administrator may conduct such investigations and hearings as he or she believes are necessary to enforce the requirements imposed upon certified I/M mechanics and certified I/M stations under the I/M program design.

1. Such investigations may include both overt and covert performance audits of certified stations and mechanics by I/M program administration staff or other individuals designated by the program administrator.

2. Program administration staff or other individuals designated by the program administrator are under no obligation to identify themselves during covert investigations or audits of certified stations or certified mechanics.

C. Suspension or revocation of certification.

1. The program administrator may suspend or revoke the certification of any I/M mechanic, I/M station, or EIS (emissions analyzer) upon a determination that program requirements are repeatedly or egregiously being violated.

2. The program administrator may also suspend or revoke the certification of any I/M mechanic or I/M station for flagrant violations of program requirements observed during overt or covert performance audits.

3. Such violations may include intentionally omitting required inspection or repair procedures, telling a vehicle owner that repairs not required by the I/M program must be made to the vehicle to pass the I/M test, or using excessive time in inspecting a vehicle brought in for emission testing by program administration staff or other individuals designated by the program administrator.

4. An inspection time in excess of 60 minutes shall be considered excessive for the purposes of this section.

5. The program administrator shall also suspend or revoke the certificate of any mechanic who, in any 24-month period, accumulates 12 or more misconduct points.

6. The program administrator shall also suspend or revoke the certificate of any station which employs only one I/M certified mechanic and, in any 24-month period, accumulates 12 or more misconduct points. Stations that employ more the one I/M certified mechanic shall be allowed an additional four points per I/M mechanic employed, up to a limit of 24 points.

D. Unintentional violations.

1. If the program administrator determines that violations of program requirements are the result of misunderstandings, he or she shall provide a written notice of the violation but shall not suspend or revoke certification unless similar violations continue to occur subsequent to such written notice.

2. Continued violation of program requirements may result in a monetary fine as provided under Sections 15.05.120.A and 15.05.120.B. If continued violation of program requirements occurs subsequent to such written notices and/or fines, the program administrator may suspend certification for a period of 30 days.

3. If similar violations re-occur after the suspension period, certification may again be suspended for a period of up to one year, or revoked. Revocation of certification shall be for a period of one year, after which period, certification may be reinstated upon a finding by the program administrator that the violations are unlikely to continue.

E. Compensatory measures.

1. If the program administrator determines that violations of program requirements are the result of misunderstandings, he or she may, in addition to or in lieu of suspending or revoking the certification of a certified I/M mechanic or certified I/M station, require the mechanic or station to implement certain measures that, in the program administrator's judgment, would compensate for any damages suffered by the Municipality or individual motorists as a result of a violation of program requirements.

2. The program administrator may immediately suspend the certification of a certified mechanic or certified station for a period of 30 days upon a determination that the measures prescribed under this section are not being implemented in an expeditious manner.

3. The program administrator may revoke certification for a period of one year if the prescribed measures are not implemented during or immediately after the suspension period.

F. Intentional violations.

1. If the program administrator determines that violations of program requirements are intentional, he or she shall immediately suspend certification of a certified I/M mechanic or a certified I/M station for a period of 30 days.

2. The program administrator shall revoke certification of a mechanic or station for a period of one year if deliberate violations of program requirements continue after the suspension period.

G. Certificate surrender.

1. Upon suspension or revocation of certification, the individuals or organizations whose certification has been suspended or revoked shall cease doing business as certified individuals or organizations. In the event the suspension or revocation of the certification of an I/M station is for more than a 30-day period,

a. the station shall surrender all unused certificates of inspection to the program administrator, and

b. the program administrator shall refund the money initially paid for the certificates in accordance with the standard financial procedures used by the MOA.

2. The station shall also remove any sign indicating that the station is a certified I/M station.

(AO No. 99-160, § 7, 1-11-00)

15.85.345 Mechanic and station point system.

The mechanic and station point system is established for tracking and improving the performance of mechanics and stations.

A. The I/M program administrator shall assess points against mechanics and/or stations based on the following graduated system of misconduct points, assessing increasing points for more severe violations of program requirements.

TABLE INSET:

TYPE OF VIOLATION  
MECHANIC  
STATION

Documentation	2 points	2 points	
Equipment	2 points	2 points	
Procedural	2 points	2 points	
Testing	4 points	4 points	
Repair	4 points	4 points	
Unintentional violations	4 points	4 points	
Fraud	12 points	24 points	
Intentional violations	12 points	24 points	
Distributing or appropriating certificate(s) of inspections without testing the vehicle.			12 points
	24 points		

1. Station violations of "Allowing or failing to prevent mechanic violations" shall result in the following points assessed against the station:
    - a. On the first violation by the mechanic, no station points shall be assessed.
    - b. On the second and third violation by the mechanic, station points shall be assessed in the amount of half those assessed against the mechanic.
    - c. On the fourth and subsequent violations by the mechanic, station points shall be assessed in the amount equal to those assessed against the mechanic.
  2. The administrator shall suspend or revoke the certificate of any mechanic or station in accordance with Sections 15.85.340.C.5 and 15.85.340.C.6 above.
  3. Points assessed on a violation of a covert audit on a documented vehicle shall not exceed four points except when fraud is involved.
- B. Fines. A monetary fine of \$75.00 may be imposed for a violation of program requirements, in addition to points assessed, as provided under Section 15.05.010.F and Section 14.60.020.
- C. Notification. Each mechanic and/or station against which misconduct points or fine is assessed shall be notified in writing by the program administrator. The assessment notice shall include but shall not be limited to:
1. the name and I/M mechanic number or station number,
  2. an explanation of the offense,
  3. the authority for assessing the points,
  4. the number of points and/or the amount of the fine(s) being assessed,
  5. the total number of points accumulated,
  6. point suspension warning,
  7. notice of possible point redemption,
  8. effective date of assessment, and
  9. the name and I/M administration office telephone number of the inspector who issued the assessment.
- D. Term(s) of suspension(s) and revocation.
1. The program administrator shall suspend the certificate of a mechanic or station for up to:
    - a. 30 days for the first suspension;

- b. 90 days for the second suspension;
    - c. one year for third and subsequent suspensions.
  2. The program administrator shall consider second and subsequent suspensions as a first suspension if the violation being considered is more than 24 months since the effective date of the previous suspension.
  3. Any mechanic or station having their certificate revoked shall not be issued a new certificate by the I/M program administrator for at least one year after the effective date of revocation.
  4. Any mechanic or station which has had an I/M program certificate revoked at any time, shall not be issued a new certificate by the program administrator unless the mechanic or station qualifies for certification under Section 15.85.400 through 15.85.440 based solely upon tests and/or inspections after the date of revocation, and posts a performance bond in value and with terms satisfactory to the I/M program administrator, but in no case less than:
    - a. \$10,000.00 for mechanics seeking a certificate within five years of the effective date of a revocation;
    - b. \$25,000.00 for stations seeking a certificate within five years of the effective date of a revocation.
  5. The performance bond requirement of Section 15.85.345.D.4 shall be set aside by the I/M program administrator if the mechanic or station receiving a certificate under that section performs I/M program inspections and/or repairs for a period of at least one year without more than two points being assessed for violations of this chapter.
- E. Redeeming points. The I/M program administrator shall remove points from a mechanic's or station's records in the following circumstances:
  1. a 24-month period has passed since the points were assessed;
  2. if the mechanic or station certificate is suspended, one-half of the accumulated points;
  3. if the program administrator has not notified the mechanic or station of a proposed suspension within 30 days of the mechanic or station becoming eligible for suspension, one-half of the points;
  4. if the mechanic successfully completes a training class approved by the program administrator, two points, to a maximum of four points per year;
  5. at the discretion of the program administrator, fine(s) may be assessed in lieu of points;
  6. an appropriate number of points resulting from a successful appeal;
  7. if a station sponsors a program administrator-approved training class for I/M mechanics, two points, to a maximum of four points per year shall be removed from the station total;
  8. if a station has an employee involved in a station violation, two points per attendee to a maximum of eight points for the station, shall be removed if the employee successfully completes a class approved by the program administrator; or
  9. if a mechanic or station successfully completes a covert audit on a documented vehicle, the mechanic shall have two points removed and the station shall have one point removed.
- F. Appeal. An NOV, citation, and/or assessment shall be effective ten days from date of service on the station or mechanic either by physical delivery to the certified I/M station where the alleged violation occurred, or by mailing to that station via certified mail, return receipt requested. The mechanic and/or station may appeal by responding in writing to the I/M program administrator within ten days of the date of receipt. The appeal process may consist of an informational inspector conference, an office conference with the program administrator, and/or an administrative hearing pursuant to Chapter 3.60 before the municipal administrative hearing officer. Appeals of the hearing officer's decisions shall be taken to State of Alaska Superior Court in Anchorage. The mechanic and/or station appealing is encouraged to begin the appeal process with an informational inspector conference. For further information on appeals, see Section 15.85.310.B.
- G. Suspension and revocation. The I/M program administrator shall use the following procedures to suspend or revoke the certificate of a mechanic or station:



1. The document(s) appropriate to the disciplinary action taken, the notice of violation (NOV), notice of NOV appeal rights, notice of misconduct points assessment, notice of fine assessment, notice of fine assessment appeal rights, notice of certificate suspension, notice of suspension appeal rights, notice of certificate revocation, and/or notice of certificate revocation appeal rights, as appropriate, shall be delivered to the station and/or mechanic by certified mail with return receipt requested to the station where the alleged noncompliance occurred, or personally delivered by a person designated to do so by the I/M program administrator.
  2. All indicated disciplinary actions (points, fines, suspension, and/or revocation) shall be effective ten days from date of mailing or delivery as required above, except for suspension or revocation pursuant to Section 15.85.345.L.2. If an appeal is filed prior to the effective date, the indicated disciplinary action shall be held in abeyance until the appeal process is completed.
- H. Records. The I/M program administrator shall keep records of:
1. points assessed and date assessed for each mechanic and station for all disciplinary actions;
  2. such records shall be kept in the appropriate mechanic and/or station file, for a minimum period of two years.
- I. Hearing. The I/M program administrator shall not suspend a mechanic's or station's certificate without providing notice and an opportunity for a hearing as required above.
- J. Notification. The I/M program administrator shall notify the mechanic and/or station 30 days before a scheduled hearing to suspend or revoke a certificate, the notice to the mechanic and/or station shall include, but is not limited to:
1. the name and address of the mechanic or station;
  2. the reason(s) for the proposed suspension or revocation, including how and when points were assessed;
  3. the date of the hearing;
  4. the length of the proposed suspension; and
  5. an explanation of the mechanic's or station's appeal rights and appeal procedures.
- K. Reasons for suspension or revocation. In determining whether or not to suspend or revoke a certificate, the program administrator shall consider:
1. the number of points accumulated and the time it took to accumulate the points;
  2. the nature of the offenses and the damage that the offenses could cause to the public, the environment, and/or the program; and
  3. any mitigating circumstances.
  4. In addition to the other basis for revocation set out in this chapter, the program administrator shall revoke a certificate upon finding that the disciplinary action of suspension is inadequate to protect the public or meet the goals of the I/M program. Such finding, and the factual basis supporting it shall be made in writing, a copy of which will be provided to the certificate holder with the notice of certificate revocation.
- L. Effective date.
1. If the mechanic or station does not timely respond and file a request for a hearing, the suspension or revocation shall take effect ten days from the date of delivery of the notice.
  2. If the mechanic or station requests a hearing but does not attend the hearing and, after the hearing, the I/M program administrator or administrative hearing officer decides to suspend the certificate, the suspension shall take effect five days after the date of the hearing.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.350 Program evaluation and reporting.

- A. The I/M program administrator shall routinely evaluate the effectiveness of the I/M program through the analysis of data obtained from certified I/M stations and through special studies. The program administrator, with the approval of the director of health and human services and in a manner consistent

with Title 7, may contract for the analysis of data necessary to prepare the program evaluation reports required under this section.

B. The program administrator shall prepare and submit a report to the mayor and the assembly on the status and the effectiveness of the I/M program not less than once per year. A copy of this report shall be retained by the program administrator for at least two years after submission to the mayor and be made available at the I/M program administration office for review by the general public.

C. The program administrator shall prepare and submit an annual report to the ADEC consistent with the reporting requirements of 18 AAC 52.037.

(AO No. 99-160, § 7, 1-11-00; AO No. 2006-13, § 9, 2-14-06)

*Editor's note:* The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

#### 15.85.360 Revenues.

All fees and revenues collected pursuant to this chapter and Chapter 15.80 shall be deposited into a municipal account. The program administrator shall report the amount and source of all fees and revenues received according to general municipal financial reporting procedures, through the municipal financial information system.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.370 Public information.

The I/M program administrator shall provide information materials to assist the public in understanding and complying with the requirements of the I/M program. At a minimum, these materials will be made available at the I/M program administration office.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.380 Certificates of inspection.

A. The I/M program administrator shall sell certificates of inspection stickers to certified I/M stations in quantities of 25 or multiples thereof. The amount charged for the certificates shall be sufficient to support the activities of the I/M program plus related air quality programs as proposed by the director of health and human services and approved by the assembly. The I/M program administrator shall issue a refund to a certified I/M station for each replacement sticker sold and installed according to 15.85.380.E below.

B. Authorization form. An authorization form furnished by the municipality, allowing an individual(s) to purchase stickers for a station must be completed and on file at the I/M office prior to any actual request for stickers. This authorization form must include the printed name, the signature, and the Alaska drivers license number of the person(s) designated. All entries on the authorization form must be clearly legible in the opinion of the I/M program administrator, or the form may be rejected and sales refused.

C. Each sticker shall contain a unique serial number and the program administrator shall keep track of the serial numbers of certificates that are sold to each certified I/M station. Stickers shall be printed using such paper, colors, or patterns as necessary to minimize the risk of forgery. The design of the stickers shall be determined in consultation with other I/M program administrators in Alaska and DMV. The design and/or color of the stickers shall be changed from time to time as may be necessary in the opinion of the I/M program administrator to minimize the use of forged certificates.

D. Whenever the design or color of a sticker is changed, certified I/M stations shall be able to exchange unused stickers for new stickers at no charge, or moneys shall be refunded for unused stickers.

E. Certified I/M stations shall sell replacement stickers for vehicles that have had the current sticker destroyed. The certified I/M station shall require proof that the current sticker has been destroyed. This proof may include pieces of the sticker with identifying numbers or a receipt showing the windshield has been replaced. After receiving satisfactory proof the mechanic shall follow the instructions on the EIS, issue the new sticker, and install the sticker on the windshield.

(AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 8, 8-15-00; AO No. 2006-13, § 10, 2-14-06)

Editor's note: The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

#### 15.85.390 Referee facility.

A. The I/M program administrator, either directly or through a contractor, shall maintain and operate a vehicle test facility, hereinafter referred to as the referee facility.

1. The referee facility shall be used to determine if a repair cost waiver or other special waiver should be issued for a vehicle, and to assist in the resolution of disputes between motorists and certified I/M stations.

2. The referee facility shall also be used to inspect vehicles that have been rejected from testing at certified I/M stations because of engine or fuel changes, and to provide other services to the general public as delegated by the program administrator. Subject to the approval of the program administrator, the referee facility may charge a fee of up to \$50.00 plus the cost of a certificate, if issued, for inspecting a vehicle not previously inspected.

3. The facility shall be equipped with instrumentation and other equipment and supplies necessary to determine whether a vehicle passes or fails an inspection test performed in accordance with Section 15.85.600.

4. A motorist referred to the referee facility may call the facility to make an appointment for an emission inspection. Inspections may also be performed without appointment on a time-available basis.

B. Repair cost waiver. Upon referral by a certified I/M station, a motorist may apply to the referee facility for approval of a repair cost waiver for a vehicle, subject to the provisions of Section 15.85.240.B. Upon verification that all applicable requirements have been met, the referee facility shall approve a waiver and issue a certificate of inspection for the vehicle. The referee facility shall monitor the yearly status of a vehicle receiving a repair cost waiver until the vehicle is brought into full compliance with I/M program requirements. The waiver is valid for one inspection cycle.

C. Special waiver. A motorist may apply to the referee facility for approval of a special waiver for a vehicle, subject to the provisions of Section 15.85.235.B. Upon verification that all applicable requirements have been met, the referee facility shall approve a waiver and issue a certificate of inspection for the vehicle. The waiver is valid for one inspection cycle.

D. Motorist-disputed test results.

1. In the case of a dispute between a motorist and a certified I/M station or certified I/M mechanic, the motorist should make an appointment to bring a vehicle to the referee facility for an emission inspection, to verify the results of an inspection performed at a certified I/M station.

a. If the referee facility is unable to perform an inspection on the vehicle, a special circumstances waiver may be issued for the vehicle, as provided in Section 15.85.235.B.

b. No waiver shall be issued to a vehicle that is untestable due to correctable defects such as a repairable water pump, fuel leak, or noisy engine condition. The motorist shall be required to repair such defects before the referee facility performs an emission inspection on the vehicle.

2. If the vehicle passes the inspection, the referee facility shall collect a fee to pay for the certificate of inspection and the cost of the inspection, if applicable, and issue a certificate of inspection for the vehicle to the motorist.

3. If the vehicle fails the inspection and does not meet the applicable requirements for a repair cost waiver, the referee facility shall provide the motorist with a required repair form that describes the repairs necessary to meet the applicable program requirements.

E. Referee/motorist disputes.

1. If the motorist disputes the results of a failing inspection performed by the referee facility, the referee facility may perform additional functional tests to verify the reason for failure. The motorist shall be responsible for the cost of any such additional tests.

2. If the referee facility is unable to resolve the complaint, the motorist shall be given a referee facility comment/complaint form.

a. The motorist may complete the form and deliver or mail it to the I/M program administrator, or leave it with the referee facility for delivery to the I/M program administrator.

b. If the form is left with the referee facility, the referee facility shall submit the form to the I/M program administrator with their referee facility action report for review.

F. Fuel system modifications.

1. Upon motorist application, the referee facility or a certified station that has been approved by ADEC to test dual-fuel or alternate fuel vehicles shall issue a certificate of inspection for a vehicle that has been converted to dual fuel use if the conversion system meets the EPA guidelines enumerated in the September 4, 1997 addendum to Mobile Source Enforcement Memorandum 1-A, or in such subsequent memoranda, and if the vehicle meets the emission standards adopted by the I/M program for the vehicle in its unmodified configuration, when tested on all fuels that the vehicle has been modified to burn. Where documentation is provided that a conversion system was installed prior to September 4, 1997 and the system met the criteria for certification by the EPA, CARB, or the State of Colorado at the time of installation, the system shall be accepted. Copies of the current EPA guidelines shall be kept available for public inspection at the I/M administration office.

2. If the vehicle was originally catalyst-equipped, the original catalytic converter, or a replacement catalytic converter approved by the I/M program administrator, must still be on the vehicle and be fully functional.

3. If the vehicle fails the tailpipe test and the inspector finds no other faults, the inspector may request the referee to evaluate the catalytic converter for efficiency.

G. Engine switching.

1. Upon motorist application, the referee facility shall issue a certificate of inspection for a vehicle that has been retrofitted with a replacement gasoline engine if the following requirements are met:

a. the resulting engine-chassis configuration has been certified by either the EPA or the CARB to have the same or lower emissions as the make and model year of the engine-chassis configuration originally installed in the vehicle;

b. all emission controls originally installed on the resulting engine-chassis configuration, as certified by EPA or CARB, are retained;

c. if the vehicle was originally equipped with one or more catalytic converters, the retrofitted vehicle must be equipped with either

(1) the catalytic converter(s) certified by EPA or CARB for the resulting engine/chassis combination; or

(2) a replacement catalytic converter approved by the I/M program administrator; and

d. if the vehicle was originally equipped with an O<sub>2</sub> sensor and an evaporative ECS and/or an EGR system, the evaporative ECS and the EGR system must remain functional on the retrofitted vehicle.

2. In lieu of meeting these requirements, a motorist may submit the results of an emissions test performed on a retrofitted vehicle using the federal test procedure or an alternate loaded mode mass emissions test procedure previously approved by the program administrator. The program administrator shall issue a certificate of inspection upon the submittal of adequate proof that the retrofitted vehicle has the same or lower mass emission rate as the engine-chassis configuration originally installed in the vehicle.

3. When the I/M program referee facility cannot show that a vehicle has a non-direct replacement engine, the I/M program administrator shall assume that the vehicle has the original engine or a direct replacement engine and not a switched engine. When such an assumption is made the vehicle shall be tested in accordance with Section 15.85.600.

H. Engine modifications.

1. Engine modifications, including the use of aftermarket parts, are allowed provided that they are included on a list of approved parts or engine modifications adopted by the program administrator. A current copy of this list will be kept available for public review at the I/M program administration office. This list includes all modifications approved for use by the CARB, except those deleted by the program administrator due to cold temperature operational issues.

2. Application for the approval of modifications not included on the list can be made to CARB, subject to the approval of the I/M program administrator.

- I. Kit cars and custom-manufactured vehicles.
  1. All kit cars and custom-manufactured vehicles registered prior to January 1, 1993, are subject to the emission cutpoints for 1974 model year vehicles.
  2. All such vehicles first registered after December 31, 1992, but before January 1, 1998, are required to use engines and evaporative ECS from vehicles of the same class (e.g., passenger car) certified to meet federal emission standards applicable to 1988 model year vehicles.
  3. All such vehicles first registered after December 31, 1997, are required to use engines and evaporative ECS from vehicles of the same class (e.g., passenger car) certified to meet federal emission standards, including cold temperature CO standards, applicable to 1996 model year vehicles.
    - a. All exhaust emission controls originally intended to be used with the engine (including the computer and feedback control system) must be installed.
    - b. The vehicle must also use the same catalyst used with the engine in a certified vehicle or an aftermarket catalyst approved by the I/M program administrator for the certified vehicle.
- J. Gray market vehicles.
  1. Except as otherwise provided in this section the referee facility will:
    - a. inspect a gray market vehicle in accordance with importation documents issued by EPA or the manufacturers' emission decal; and
    - b. issue a certificate of inspection if the gray market vehicle passes the visual and functional inspection and the tailpipe emissions standards as required by Part IV of the state I/M program manual as referenced in 18 AAC 52.005(e)(1), and
    - c. the referee may place a decal on the vehicle to allow it to be tested in the field in the future.
    - d. A copy of Part IV of the state I/M program manual referenced 18 AAC 52.005(e)(1) will be made available at the I/M program administration office for public review.
  2. If the importation documents or the manufacturers' emissions decal are not available, but the gray market vehicle has a U.S. title and has not been modified to comply with EPA emissions requirements the referee facility will,
    - a. inspect the vehicle according to the model year of the vehicle and the ECS present on the vehicle at manufacturing; and
    - b. issue a certificate of inspection if the vehicle passed the tailpipe emissions standards as required by Part IV of the program manual as referenced in 18 AAC 52.005(e)(1), and
    - c. the referee facility may place a decal on the vehicle to allow it to be tested in the field in the future.
  3. If the importation documents or the manufacturers' emissions decal are not available, but the gray market vehicle has a U.S. title and has been modified to comply with EPA emissions requirements the referee facility will;
    - a. inspect the vehicle according to the model year of the vehicle and the ECS present on the vehicle at inspection; and
    - b. issue a certificate of inspection if the vehicle passed the tailpipe emissions standards as required by Part IV of the program manual as referenced in 18 AAC 52.005(e)(1), and
    - c. the referee facility may place a decal on the vehicle to allow it to be tested in the field in the future.
  1. If the importation documents or the manufacturers' emission decal are not available, and the gray market vehicle does not have a U.S. title the referee facility will not inspect the vehicle.
  2. This section does not relieve a motorist from any duty to obtain importation documents issued by EPA and the U.S. Department of Transportation.
- K. Repair of non-complying vehicles.
  1. Based on guidance issued by the program administrator, the referee facility shall specify repair procedures for a vehicle that does not comply with the requirements above. (For a gray market vehicle, repair of defective emission control components may be required, but retrofit of emission control components not originally installed on the vehicle shall not be required by the municipality.)
  2. The referee facility shall issue a certificate of inspection when a vehicle has been modified so as to comply with the above requirements, or when an applicable repair cost minimum criteria, as specified in Sections 15.85.240.B or 15.85.240.C, has been violated.

3. If a vehicle fails the inspection and does not meet the requirements for a repair cost waiver, the referee facility may provide the motorist with an official referee facility required repair form that describes the repairs that must be made within 60 days. If so directed by the referee facility, the motorist shall return the vehicle to the referee facility for verification of the repairs.

L. Documented vehicles.

1. At the discretion of the I/M program administrator, the referee facility may verify and document the status of a vehicle's ECS and emission levels prior to the vehicle being taken by program administration staff or other individuals designated by the program administrator to a certified I/M station for an overt or covert performance audit of the certified I/M station or a certified I/M mechanic.

2. At the discretion of the program administrator, the referee facility may also determine the results of emission repairs made on a documented vehicle at a certified I/M station. A copy of the description of the alterations performed by the referee facility shall be given to the certified station/mechanic at the completion of the overt or covert audit.

M. Warranty assistance.

1. A vehicle that fails an emission inspection at a certified I/M station, and that is covered by a manufacturer's emission warranty, as provided under Sections 207(a) or 207(b) of the Clean Air Act (42 U.S.C.A. § 7541(a) and (b)), may, at the vehicle owner's option, be inspected at the referee facility for verification and documentation of the inspection failure.

2. The vehicle owner may, at his or her option, subsequently return to the referee facility for verification that I/M-related repairs were performed properly.

(AO No. 99-160, § 7, 1-11-00)

Editor's note: Effective January 1, 2010, pursuant to AO 2008-84(S), § 9, this section is repealed and re-enacted to read as follows:

"A. The I/M program administrator shall provide referee services. These services shall be provided directly, through I/M program staff or through one or more service providers. These services shall include but are not limited to:

1. Determination of whether a repair cost waiver or other special waiver should be issued for a vehicle;

2. Assistance in the resolution of disputes between motorists and certified I/M stations;

3. Inspection of vehicles rejected from testing at certified I/M stations because of engine or fuel changes; and

4. Other services to the general public as delegated by the program administrator.

B. Subject to the approval of the program administrator, a facility contracted to perform referee services may charge a fee of up to \$100.00 plus the cost of a certificate, if issued, for referee services.

C. The program administrator shall establish procedures for facilities certified to provide referee services.

1. Facilities shall be equipped with instrumentation and other equipment and supplies necessary to determine whether a vehicle passes or fails an inspection test performed in accordance with Section 15.85.600.

2. Facilities shall be required to re-certify at intervals not more than two years.

3. The I/M administrator shall regularly review the performance of certified referee service providers and may withdraw certification for unsatisfactory performance.

D. The program administrator shall require certification procedures for mechanics performing referee services.

1. Certification procedures may require mechanics to attend training and pass certification tests.

2. Mechanics shall be required to re-certify at intervals not more than two years.

3. The I/M administrator shall regularly review the performance of mechanics certified to provide referee services and may withdraw certification for unsatisfactory performance.

E. Repair cost waiver. Upon referral by a certified I/M station, a motorist may apply to a certified referee services provider for approval of a repair cost waiver for a vehicle, subject to the provisions of Section 15.85.240B. Upon verification that all applicable requirements have been met, the I/M administrator

or certified referee service provider shall approve a waiver and issue a certificate of inspection for the vehicle. The I/M administrator shall monitor the yearly status of a vehicle receiving a repair cost waiver until the vehicle is brought into full compliance with I/M program requirements.

1. A repair cost waiver is valid for one inspection cycle.

F. Special waiver. A motorist may apply to a certified referee services provider for approval of a special waiver for a vehicle, subject to the provisions of Section 15.85.235B. Upon verification that all applicable requirements have been met, the I/M administrator or certified referee service provider shall approve a waiver and issue a certificate of inspection for the vehicle.

1. A special waiver is valid for one inspection cycle.

G. Motorist disputed results.

1. In the case of a dispute between a motorist and a certified I/M station or certified I/M mechanic, the motorist may schedule an appointment within to bring a vehicle to the I/M administrator to verify the results of an inspection performed at a certified I/M station.

a. The I/M administrator may utilize the services of a certified referee service provider not involved in the dispute to re-inspect and test the vehicle to verify the results of the initial inspection.

b. If an inspection on the vehicle cannot be performed, the I/M administrator may issue a special circumstances waiver for the vehicle, as provided in Section 15.85.235B.

c. No waiver shall be issued to a vehicle that is untestable due to correctable defects, such as a repairable water pump, fuel leak, or noisy engine condition. The motorist is required to repair such defects before a certified referee services provider performs an emission inspection on the vehicle.

H. Fuel system modifications.

1. Upon motorist application, a certified referee service provider shall issue a certificate of inspection for a vehicle converted to dual or alternate fuel use, if the conversion system:

a. Meets the EPA guidelines enumerated in the September 4, 1997 addendum to Mobile Source Enforcement Memorandum 1-A, or any subsequent EPA guidelines; and

b. If the vehicle meets the emission standards adopted by the I/M program for the vehicle in its unmodified configuration, when tested on all fuels that the vehicle has been modified to burn.

c. Where documentation is provided that a conversion system was installed prior to September 4, 1997 and the system met the criteria for certification by the EPA, CARB, or the State of Colorado at the time of installation, the system shall be accepted.

d. Copies of the current EPA guidelines shall be available for public inspection at the I/M administration office.

2. If the vehicle was originally catalyst-equipped, the original catalytic converter, or a replacement catalytic converter approved by the I/M program administrator, must still be on the vehicle and be fully functional.

I. Engine switching.

1. Upon motorist application, a certified referee service provider shall issue a certificate of inspection for a vehicle retrofitted with a replacement gasoline engine if the following requirements are met:

a. The resulting engine-chassis configuration has been certified by either the EPA or the CARB to have the same or lower emissions as the make and model year of the engine-chassis configuration originally installed in the vehicle; and

b. All emission controls originally installed on the resulting engine-chassis configuration, as certified by EPA or CARB, are retained; and

c. If the vehicle was originally equipped with one or more catalytic converters, the retrofitted vehicle must be equipped with either:

i. The catalytic converter(s) certified by EPA or CARB for the resulting engine/chassis combination; or

ii. A replacement catalytic converter approved by the I/M program administrator; and

d. If the vehicle was originally equipped with an O<sub>2</sub> sensor and an evaporative ECS and/or an EGR system, the evaporative ECS and the EGR system must remain functional on the retrofitted vehicle.

2. In lieu of meeting the above requirements, a motorist may submit the results of an emissions test performed on a retrofitted vehicle using the federal test procedure or an alternate loaded mode mass emissions test procedure previously approved by the program administrator. The program administrator shall issue a certificate of inspection upon the submittal of adequate proof the retrofitted vehicle has the same or lower mass emission rate as the engine-chassis configuration originally installed in the vehicle.

3. When a certified referee service provider is unable to show a vehicle has a non-direct replacement engine, the I/M program administrator shall assume the vehicle has the original engine or a direct replacement engine and not a switched engine. When such an assumption is made, the vehicle shall be tested in accordance with Section 15.85.600.

J. Engine modifications.

1. Engine modifications, including the use of aftermarket parts, are allowed provided the modifications are included on a list of approved parts or engine modifications adopted by the program administrator. A current copy of this list shall be available for public review at the I/M program administration office. This list includes all modifications approved for use by the CARB, except those deleted by the program administrator due to cold temperature operational issues.

2. Application for the approval of modifications not included on the list may be made to CARB, subject to the approval of the I/M program administrator.

K. Kit cars and custom-manufactured vehicles.

1. All kit cars and custom-manufactured vehicles registered prior to January 1, 1993, are subject to the emission cutpoints for 1974 model year vehicles.

2. All vehicles first registered after December 31, 1992, but before January 1, 1998, are required to use engines and evaporative ECS from vehicles of the same class (e.g., passenger car) certified to meet federal emission standards applicable to 1988 model year vehicles.

3. All vehicles first registered after December 31, 1997, are required to use engines and evaporative ECS from vehicles of the same class (e.g., passenger car) certified to meet federal emission standards, including cold temperature CO standards, applicable to 1996 model year vehicles.

a. All exhaust emission controls originally intended to be used with the engine (including the computer and feedback control system) must be installed.

b. The vehicle must also use the same catalyst used with the engine in a certified vehicle, or an aftermarket catalyst approved by the I/M program administrator for the certified vehicle.

L. Gray market vehicles.

1. Except as otherwise provided in this section, a certified referee service provider shall:

a. Inspect a gray market vehicle in accordance with importation documents issued by EPA or the manufacturers' emission decal; and

b. Issue a certificate of inspection, if the gray market vehicle passes the visual and functional inspection and the tailpipe emissions standards as required by Part IV of the state I/M program manual as referenced in 18 AAC 52.005(e)(1); and

c. A certified referee service provider may place a decal on the vehicle to allow it to be tested in the field in the future.

d. A copy of Part IV of the state I/M program manual referenced 18 AAC 52.005(e)(1) shall be available at the I/M program administration office for public review.

2. If the importation documents or the manufacturers' emissions decal are not available, but the gray market vehicle has a U.S. title and has not been modified to comply with EPA emissions requirements a certified referee service provider shall:

a. Inspect the vehicle according to the model year of the vehicle and the ECS present on the vehicle at manufacturing; and

b. Issue a certificate of inspection, if the vehicle passed the tailpipe emissions standards as required by Part IV of the program manual as referenced in 18 AAC 52.005(e)(1); and

c. A certified referee service provider may place a decal on the vehicle to allow it to be tested in the field in the future.



3. If the importation documents or the manufacturers' emissions decal are not available, but the gray market vehicle has a U.S. title and has been modified to comply with EPA emissions requirements a certified referee service provider shall:

- a. Inspect the vehicle according to the model year of the vehicle and the ECS present on the vehicle at inspection; and
- b. Issue a certificate of inspection, if the vehicle passed the tailpipe emissions standards as required by Part IV of the program manual as referenced in 18 AAC 52.005(e)(1); and
- c. A certified referee service provider may place a decal on the vehicle to allow it to be tested in the field in the future.

1. If the importation documents or the manufacturers' emission decal are not available, and the gray market vehicle does not have a U.S. title, a certified referee services provider shall not inspect the vehicle.

2. This section does not relieve a motorist from any duty to obtain importation documents issued by EPA and the U.S. Department of Transportation.

M. Repair of non-complying vehicles.

1. Based on guidance issued by the program administrator, a certified referee service provider shall specify repair procedures for a vehicle that does not comply with the requirements above.

a. For a gray market vehicle, repair of defective emission control components may be required, but retrofit of emission control components not originally installed on the vehicle shall not be required by the municipality.

2. A certified referee service provider shall issue a certificate of inspection when a vehicle has been modified so as to comply with the above requirements, or when an applicable repair cost minimum criteria, as specified in Sections 15.85.240B. or 15.85.240C., has been violated.

3. If a vehicle fails the inspection and does not meet the requirements for a repair cost waiver, a certified referee services provider may provide the motorist with an official referee repair form, describing the repairs that must be made within 60 days. If so directed by a certified referee services provider, the motorist shall return the vehicle to a certified referee services provider for verification of the repairs.

N. Documented vehicles.

1. At the discretion of the I/M program administrator, a certified referee service provider may verify and document the status of a vehicle's ECS and emission levels prior to the vehicle being taken by program administration staff or other individuals designated by the program administrator to a certified I/M station for an overt or covert performance audit of the certified I/M station or a certified I/M mechanic.

2. At the discretion of the program administrator, a certified referee service provider may also determine the results of emission repairs made on a documented vehicle at a certified I/M station. A copy of the description of the alterations performed by a certified referee services provider shall be given to the certified station/mechanic at the completion of the overt or covert audit.

O. Warranty assistance.

1. A vehicle that fails an emission inspection at a certified I/M station, and is covered by a manufacturer's emission warranty, as provided under Sections 207(a) or 207(b) of the Clean Air Act (42 U.S.C.A. § 7541(a) and (b)), may, at the vehicle owner's option, be inspected at a certified referee service provider for verification and documentation of the inspection failure.

2. The vehicle owner may, at the owner's option, subsequently return to a certified referee service provider for verification that I/M-related repairs were performed properly.

#### 15.85.400 Certification procedures.

A. This section describes the requirements and procedures associated with the certification of I/M stations, EIS's, and mechanics. Repair facilities and mechanics are not required to be certified in order to repair vehicles that fail the inspection test given at certified I/M stations. Incentives, however, are provided to vehicle owners to have repairs performed by certified mechanics working in certified facilities.

B. The basic requirement for becoming a certified I/M mechanic is to pass a test administered by the I/M program administrator, or designee, as discussed in Section 15.85.410.B, or a training course and test certified by the ADEC.

C. The basic requirements for obtaining certification as a certified I/M station are to comply with the requirements contained in Section 15.85.500, to use only certified I/M mechanics in the performance of inspections and I/M repairs, and to ensure that the repair and quality control procedures specified in Section 15.85.600 are used.

D. The basic requirement for the certification of an EIS for use in certified I/M stations is to demonstrate that the equipment specifications contained in 18 AAC 52.420 have been met.

E. The program administrator shall have the authority to issue certifications for I/M stations, mechanics and test equipment, and shall issue such certificates when all certification requirements have been met. I/M station certificates shall be valid for two years. The initial I/M mechanic certificate shall expire one or two years as appropriate from the date of issue, and shall subsequently require annual or biennial renewal. Certificates may be renewed upon application if the application for renewal is made at least 30 days and not more than 90 days prior to the date of expiration. Persons or stations whose certificates have expired shall immediately cease the activity requiring a certificate, but the program administrator shall accept applications for renewal during the 30-day period following the date of expiration. If the application for renewal is submitted more than 30 days after the date of expiration the applicant must fulfill the requirements of Section 15.85.410.B.

F. Applications for certification shall be made upon a form furnished by the program administrator. Applications for certification shall contain such information concerning the applicant's background and experience as the program administrator may prescribe. No certifications under the I/M program shall be issued or renewed unless the applicant has demonstrated the experience and qualifications necessary to meet the applicable requirements of the I/M program design.

(AO No. 99-160, § 7, 1-11-00)

Editor's note: Effective January 1, 2010, pursuant to AO 2008-84(S), § 12, a new subsection G is amended to this section and will read:

"G. The I/M administrator shall charge a \$10,000 fee for the initial certification of a new inspection facility or location. The fee for recertification shall be based on the volume of tests conducted in the preceding two-year certification period in accordance with the following schedule:

TABLE INSET:

Number of Tests Conducted by I/M Test Facility in Preceding Two-Year Certification Period (every 2 years)		Certification Fee
10,000 or more	\$10,000	
More than 2,000 and less than 10,000		\$5,000
2,000 or less	\$2,000"	

15.85.410 Mechanic certification.

A. I/M mechanic certificate.

1. The program administrator may certify auto repair mechanics as "Certified I/M mechanics" when they are demonstrated to have met the following requirements:

a. they have a minimum of two years experience in the automotive repair industry, or equivalent educational experience;

b. they have received required training in vehicle inspection and repair procedures; and

c. they have passed an approved test demonstrating competency in the use of such procedures.

2. The program administrator shall issue a certificate bearing the seal of the municipality to mechanics who meet the requirements for certification contained in this subsection.

3. Upon separate application, the program administrator may issue a one-year "probationary" certified I/M mechanic certificate for those individuals who have received the training and passed the tests described below, but who do not meet the education or experience criteria listed above.

B. The examination process.

1. A person wishing to become a certified I/M mechanic shall first pass a comprehensive examination established by the program administrator.

2. The examination shall consist of three elements:

- a. a comprehensive mechanic competency test (referred to as the challenge test);
- b. a program rules and regulations test;
- c. and a hands-on test.

3. Successful completion of all three elements of the examination shall be required before a person can apply for certification as an I/M mechanic. Once each month examinations shall be held at a place and time designated by the program administrator.

4. The program administrator shall prepare and maintain an annual schedule of the dates and locations for taking the written examinations. Upon written request received by the program administrator not less than ten days prior to a scheduled examination, special testing accommodations may be made for qualified individuals that are unable to take the normal examination.

5. If the applicant fails the examination, no certificate shall be issued. The program administrator shall issue instructions and forms for application to re-take the examination; however, a waiting period of 30 days is required before the exam can be taken again.

C. Mechanic competency (challenge) test.

1. Roughly three hours shall be allowed for completing the mechanic competency portion of the test, with the first portion for orientation and instructions. A minimum two and one-half hours shall be scheduled for the written competency examination. Applicants requesting additional time to complete the examination shall notify the program administrator at least ten days in advance of the scheduled examination, so that special testing arrangements can be made. Any such request for additional time shall specifically state all reasons why the additional time is being requested, plus any other accommodations which the applicant believes may be required to ensure that the applicant is provided an opportunity to show competency reasonably consistent with the opportunity provided applicants who do not require special accommodation.

2. The competency examination shall cover the following topics:

- a. basic internal combustion engine operation;
- b. fuel systems and emission control devices; and
- c. engine diagnosis and test equipment usage.

d. The passing score of the competency examination shall be that score that indicates the level of knowledge expected of a well-qualified mechanic in the area of ECS maintenance and repair. Specific areas of expected knowledge for the examination include a thorough understanding of the following items:

- i. the role of motor vehicles as sources of air pollution, particularly the problem of cold weather vehicle operation causing high carbon monoxide (CO) emissions;
- ii. the combustion processes that occur in an engine to form hydrocarbon (HC), CO and nitrogen oxide (NO) emissions;

iii. the responsibilities of vehicle manufacturers, the service industry, and individual mechanics in the areas of federal exhaust emission standards, ECS warranties, and tampering;

iv. the function and effect on exhaust emissions of all motor vehicle ECS's, including the positive crankcase ventilation (PCV) system, the exhaust gas recirculation (EGR) system, air injection systems, the catalytic converter, the thermostatic air cleaner (TAC), the early fuel evaporation (EFE) system, and the evaporative ECS;

v. the use of infrared (IR) exhaust gas analyzers in the diagnosis and repair of vehicles;

vi. the symptoms and causes of excessive HC emissions, and their diagnosis and correction, including ignition system malfunctions, the effects of ignition system malfunctions, the effects of ignition timing advance and retard, the effect of intake air leaks and their detection, causes and symptoms of lean misfire, EGR system malfunction, and engine wear and mechanical problems;

vii. The symptoms and causes of excessive CO emissions, and their diagnosis and correction, including plugged air filter, improper choke operation, malfunctioning heated-air intake systems, PCV system malfunction (plugged PCV or fuel-diluted engine oil), improper carburetor adjustments (idle speed, idle air-fuel mixture), and internal carburetor malfunctions;

- viii. The diagnosis and correction of concurrent excessive HC and CO emissions;
- ix. proper carburetor adjustment procedures, including the correct procedures for determining whether carburetor adjustment is needed. Steps to be taken before adjusting carburetor idle mixture or idle speed include warming the engine to normal operating temperature; eliminating ignition system malfunctions; verifying proper ignition timing, dwell, and advance system operation; replacing the air filter if necessary; verifying transmission in proper position per manufacturer's specifications; and verifying that all vacuum hoses are properly connected per manufacturer's specifications;
- x. the proper adjustment and the cleaning of choke mechanisms;
- xi. the sophisticated fuel control and catalytic converter systems on 1981 and later model year vehicles, including three-way catalysts and exhaust oxygen sensors in closed-loop fuel control systems.

D. Rules and regulations.

1. The rules and regulations portion of the test shall include a lecture, and question and answer period of approximately four hours, with a test time of roughly one hour. The test shall cover Anchorage I/M program requirements and procedures, with emphasis on these points:

- a. certification of mechanics and facilities;
- b. tailpipe emission standards;
- c. waiver procedures;
- d. quality control; and
- e. program administration and enforcement.

2. In order to pass the test, an applicant must demonstrate a detailed knowledge of the I/M program requirements, procedures, and repair cost minimums.

E. Challenge test.

1. The mechanic competency portion of the test may be given as a screening or challenge test for competency in the area of ECS maintenance and repair. Passage of the screening test shall qualify a person for an abbreviated course that concentrates more on the details of the I/M program requirements and procedures than on basic ECS theory, maintenance, and repair.

2. However, to pass the abbreviated course, the same demonstration of hands-on proficiency is required as for the longer course.

F. Hands-on test.

1. Upon successful completion of both the mechanic competency examination and the rules and regulations test, a demonstration of hands-on proficiency is required in order to complete the examination process.

2. The hands-on examination requires approximately 30 minutes.

G. Application for certificate.

1. A person who wants to become a certified I/M mechanic

a. must take the challenge test and if the mechanic passes, the I/M office shall mail the applicant an application form; or

b. if the mechanic is currently certificated in another Alaska I/M program or has taken and passed an ADEC certified mechanic training course then the applicant may obtain an application form by contacting the I/M program administrator. The address of the program administrator is:

Municipality of Anchorage  
Department of Health and Human Services  
I/M Program Administrator  
825 "L" Street  
Box 196650  
Anchorage, AK 99519-6650

2. Application procedure. The applicant must fill in the applicant's portion of the application, printing or typing name and address, and sign and date the application at the bottom. The signature shall be notarized. The program administrator shall reject any application upon which any entry is not clearly legible.

a. The completed application should be submitted to the referee facility prior to taking the rules and regulation test and the hands-on test, as required. The referee facility shall review the application and complete their portion. After the applicant passes the required tests, the referee facility shall forward the application to the program administrator. The program administrator shall issue a certificate for I/M mechanic certification upon receipt of a valid application and proof of successful completion of the examination process described under Section 15.85.410.B. However, the program administrator may refuse certification if the application is inadequate or inaccurate, or if the applicant has previously violated any provisions of the I/M program design or had a repair facility or mechanic certificate revoked by the program administrator.

b. Applicants who provide evidence that they have successfully passed a mechanics training course that is certified by the ADEC shall not be required to take the mechanic competency examination, unless the applicant has previously violated any provisions of the I/M program design or had a repair facility or mechanic certificate revoked by the program administrator.

H. Renewal procedure.

1. The I/M mechanic certification expires two years from the date of issue. A probationary certificate will expire one year from the date of issue.

2. To renew a certificate, the certified mechanic must submit an application for renewal to the program administrator at least 30 days but no more than 90 days before certificate expires and pass a recertification examination, including both written and hands-on portions, within 30 days after certificate expiration. The written recertification exam shall include sections on both mechanic competency and I/M program rules and regulations.

3. The mechanic shall bring a notarized application for renewal, along with the current valid certificate, to the recertification examination. The dates and locations of scheduled examinations may be obtained from the I/M program referee facility.

4. If a passing score is achieved on the written exam, the mechanic shall then take the hands-on test. If the mechanic fails either the mechanic competency or program rules and regulations sections of the written examination, or the hands-on test, the old certificate shall expire on the expiration date. The mechanic must then pass all sections to become re-certificated.

5. The mechanic may perform the certificated service only while he or she is currently certificated. If a certified I/M mechanic fails to renew the certificate before it expires, he or she no longer has the right to perform the certificated activity.

I. Lost, destroyed or mutilated certificate.

1. In the event of a lost, destroyed, or mutilated certified mechanic certificate, the person to whom it was issued may obtain a duplicate from the program administration office upon furnishing satisfactory proof of such fact.

2. Any certified mechanic who loses a certificate and who, after obtaining a duplicate, finds the original certificate shall immediately surrender the original certificate.

3. Duplicates of a certificate may be obtained if the certified mechanic to whom it was issued is employed at more than one certified I/M station.

J. Change of employer or home/mailling address. Any change in a certified I/M mechanic's home or mailing address or place of employment, or any change in the I/M-related status of the mechanic, shall be reported to the program administrator within ten days of such change by both the certified mechanic and the certified I/M station employing the mechanic. This information is needed so that changes in repair procedures and bulletins can be sent to each certified I/M mechanic.

K. Suspension or revocation of certificate. The program administrator may suspend, revoke, or refuse to renew the I/M mechanic's certificate of any mechanic who fails to comply with the procedures specified in the I/M program design. The following are some examples of actions that can result in suspension or revocation:

1. Making or authorizing in any manner or by any means whatever any statement regarding the I/M program, written or oral, that is untrue or misleading, and that is known, or that by the exercise of reasonable care should be known, to be untrue or misleading.

2. Causing or allowing a customer to sign any work order that does not list all I/M-related work authorized by the customer and the vehicle's odometer reading at the time of repair. Verbal approval for I/M repairs received over the telephone from the customer must be documented on the work order with the name of the customer, his or her telephone number, and the time and date of the approval, and be signed by the I/M mechanic or other station representative. The customer shall be requested to initial the work order when he or she picks up the vehicle to acknowledge that he or she authorized the I/M repairs performed on the vehicle.
  3. Failing or refusing to give to a customer a copy of any document requiring his or her signature, as soon as the customer signs such document.
  4. Engaging in any other conduct that constitutes fraud.
  5. Engaging in conduct constituting gross negligence.
  6. Failing to follow the inspection and repair procedures specified in Section 15.85.600 of the I/M program design.
  7. Willfully departing from or disregarding accepted trade standards for good and workmanlike repair in any material respect, in a manner that is prejudicial to another without consent of the owner or his or her duly authorized representative.
  8. Making false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service or maintenance of motor vehicles.
  9. Entering false data into an EIS.
  10. Performing repairs that are represented to the customer as being required to remedy the cause of an inspection failure or obtain a certificate of inspection when in fact they are not required.
  11. Performing, or representing to the customer as necessary, repairs in excess of those necessary to meet the repair cost minimum criteria specified in Section 15.85.240.B.
  12. Adjusting or modifying a vehicle subject to the I/M program in a manner that would cause the vehicle to fail an emissions inspection. This conduct is prohibited regardless of when the vehicle is scheduled for an I/M test.
  13. Charging for performing an emissions inspection that is represented to the customer as being required for the vehicle when in fact it is not required.
  14. Failing to maintain the confidentiality of a mechanic's access code for the EIS.
  15. Failing to maintain a current home mailing address, and place and status of I/M employment on file at the I/M program administration office.
  - L. Surrender of certificate. The surrender of an I/M mechanic's certificate is subject to the following provisions:
    1. If a mechanic decides to give up an I/M mechanic's certificate, the program administrator shall have the right to complete any ongoing investigative or disciplinary proceedings against the mechanic or the repair facility in which the mechanic was working.
    2. A mechanic holding an I/M mechanic's certificate who habitually fails to comply with I/M regulations shall surrender the certificate issued by the program administrator and shall stop performing I/M tests and emissions repairs to vehicles that have failed the I/M emissions test.
- (AO No. 99-160, § 7, 1-11-00)

#### 15.85.420 I/M station.

- A. Station certificate and shield. The program administrator may certify auto repair facilities as "certified I/M stations" when they are equipped in accordance with the requirements of Section 15.85.500 and when they use only certified I/M mechanics to perform inspections and emissions repairs in accordance with the procedures specified in Section 15.85.600. The program administrator shall issue a certificate bearing the seal of the municipality to the operators of repair facilities who meet the requirements for certification contained in this subsection. Separate certification shall be required for each inspection location, with multiple test bays at one location requiring a single certificate. Each certificate shall be valid for a single address. The program administrator shall not certify a mobile inspection station. However, subject to the prior approval of the program administrator, remote testing of vehicle fleets may be allowed.

B. Display of certificates. A certified I/M station shall prominently display, in its customer service area, and in a manner clearly legible to customers in the normal course of completing a work order, the certificate issued by the program administrator for the station itself and for each certified I/M mechanic employed by the certified I/M station.

C. Facilities that are certified by the program administrator may display a sign or shield bearing the inscription, "Certified I/M Station, Test and Repair."

1. The sign shall be bordered and lettered in light chrome yellow and the background shall be royal blue. The word "CERTIFIED" shall appear in two and one-fourth inch high gothic letters at the top of the sign. "I/M" shall appear where indicated in Figure 4-1 in four-inch high gothic letters below the word "CERTIFIED". The word "STATION" shall appear where indicated in Figure 4-1 in two and one-fourth-inch high gothic letters below "I/M". The words "TEST AND REPAIR" shall appear on two lines at the bottom of the sign as indicated in Figure 4-1 in one and one-half-inch high gothic letters.

2. All dimensions of the sign may be increased or decreased in uniform proportion, at the option of the operator of the certified I/M station.

3. The sign shall conform to the design shown in Figure 4-1 below.

GRAPHIC LINK: [Click here](#)

D. Application for certification.

1. A person who wants to obtain certification for an I/M station may obtain an application form by contacting the I/M program administrator. The address of the program administrator is:

Municipality of Anchorage  
Department of Health and Human Services  
I/M Program Administrator  
825 "L" Street  
Box 196650  
Anchorage, AK 99519-6650

2. The application shall require sufficient information to identify the facility, including name, business and street address, and other identifying data that are prescribed by the program administrator. A separate application shall be submitted for each inspection location.

3. If the business is to be carried on under a business alias, such alias shall be stated. If the facility is operated as a partnership, identifying data prescribed by the program administrator shall be stated for each partner. If the facility is a corporation, identifying data prescribed on the station application by the program administrator shall be included for each of the officers and directors of the corporation as well as for the individual in charge of each place of the facility's business in this state. Any change in this information shall be reported by the I/M station to the program administrator within ten days of such change.

4. The application shall list the names and certification numbers of all certified I/M mechanics employed by the applicant. The application shall also list all equipment and supplies that the facility operator intends to have on premises and use to meet the requirements of Section 15.85.500 of the I/M program design.

E. Certification requirements.

1. Upon receipt of the properly completed application, the program administrator shall check to determine whether the information contained on the application is valid and sufficient to warrant certification. The program administrator may conduct an on-site inspection of the proposed facility to determine whether the necessary equipment is present and in proper operating condition.

2. The program administrator may refuse certification if the application is illegible, inadequate or inaccurate, or if the applicant or any employee of the applicant has previously violated any provisions of the I/M program design or had an I/M station or mechanic certification revoked by the program administrator.

F. Recertification.

1. Every certificate shall cease to be valid two years after the date of issuance unless the certified I/M station has applied for renewal of certificate on a form prescribed by the program administrator.

2. Applications for renewal must be filed with the program administrator at least 30 but not more than 90 days prior to the date of certificate expiration.

G. Revocation of certification.

1. A certificate shall cease to be valid when the program administrator finds that any of the information provided on the application for certification that the program administrator deems material, ceases to be current.

2. In cases where the certified I/M station cannot show there was a bona fide error, the program administrator may refuse to validate or may temporarily or permanently invalidate the certificate of a repair facility for any of the following acts or omissions related to the conduct of business by the certified I/M station, any mechanic, employee, partner, officer, or member of the certified I/M station:

a. Making or authorizing in any manner or by any means whatever any statement regarding the I/M program, written or oral, that is untrue or misleading, and that is known, or that by the exercise of reasonable care should be known, to be untrue or misleading.

b. Causing or allowing a customer to sign any work order that does not include the vehicles' owners name, address, vehicle make, model, model year, odometer reading and state all I/M-related work authorized by the customer. Verbal approval for I/M repairs received over the telephone from the customer must be documented on the work order with the name of the customer, his or her telephone number, and the time and date of the approval, and be signed by the I/M mechanic. The customer shall be requested to initial the work order when he or she picks up the vehicle to acknowledge that he or she authorized the I/M repairs performed on the vehicle.

c. Failing or refusing to give to a customer a copy of any document requiring his or her signature, as soon as the customer signs such document.

d. Engaging in any other conduct that constitutes fraud.

e. Engaging in conduct constituting gross negligence.

f. Failing to follow the inspection and repair procedures specified in Section 15.85.600 of the I/M program design.

g. Failing to maintain compliance with the certified I/M station requirements contained in Section 15.85.500 of the I/M program design.

h. Willfully departing from or disregarding accepted trade standards for good and workmanlike repair in any material respect that is prejudicial to another without consent of the owner or his or her duly authorized representative.

i. Making false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service or maintenance of motor vehicles.

j. Entering false data into an EIS.

k. Having repair work done by someone other than the repair facility operator or his or her employees without the knowledge or consent of the customer unless the dealer can demonstrate that the customer could not reasonably have been notified.

l. Allowing any employee, whether a certified I/M mechanic or not, to adjust or modify any vehicle, whether subject to the I/M program or not, in a manner that would cause the vehicle to fail an emissions inspection. This conduct is prohibited regardless of when the vehicle is scheduled for an I/M test.

m. Performing repairs that are represented to the customer as being required to remedy the cause of an inspection failure or obtain a certificate of inspection when in fact they are not required.

n. Performing, or representing to the customer as necessary, repairs in excess of those necessary to meet the repair cost minimum criteria specified in Sections 15.85.240.B.

o. Charging for performing an emissions inspection that is represented to the customer as being required for the vehicle when in fact it is not required.

p. Failing to maintain the confidentiality of a mechanic's access code for the EIS.

q. Failing to keep the information on an application for certification of an I/M station current.

3. Upon refusal to issue a certificate, the program administrator shall notify the applicant thereof, in writing, by personal service or certified mail addressed to the address of the applicant set forth in the application. The applicant shall be given a public hearing under the jurisdiction of the program administrator if, within 30 days thereafter, the applicant files with the program administrator a written request for hearing, otherwise the refusal is deemed affirmed.



4. Where a certified I/M station operator has more than one place of business, the program administrator, pursuant to this subsection, shall only refuse to validate, or shall only temporarily or permanently invalidate, the certificate of the specific place of business that violated any of the provisions of this section. Such violation, or such action by the program administrator, shall not affect in any manner the right of such an operator to operate his or her other places of business.

5. No facility whose certification is denied, suspended, or revoked, shall advertise that it is a certified I/M station.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.430 Equipment certification.

Emissions analyzers to be used in the Anchorage I/M program are an Alaska version of the California BAR97 certified EIS or equivalent. Only EIS's approved by the ADEC that meet the equipment specifications contained in 18 AAC 52.420 shall be used.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.440 Mechanic training courses.

A. The program administrator shall only approve those training classes determined to be appropriate for the purposes of removing station and mechanic misconduct points as described in Section 15.85.345.E.

B. The municipality does not certify mechanic's training courses designed for mechanic certificate certification or recertification. However, applicants who submit evidence of successful completion of such a training course certified by the ADEC shall not be required to take a mechanic competency examination. (Such applicants would, however, be required to pass a rules and regulations test, and a hands-on test.)

C. Institutions wishing to obtain such certification should contact the ADEC for information on the state's requirements for course.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.500 Certified I/M station requirements.

A. This section specifies the facility and equipment requirements that must be met by a certified I/M station. Other requirements and procedures for becoming a certified I/M station are contained in Section 15.85.400, certification procedures.

B. Facility requirements.

1. A certified I/M station shall be constructed and equipped so as to comply with all federal, state, and municipal requirements including, but not limited to, land use zoning, building safety and fire codes, unless an exception from such requirements has been granted by the proper authorities. All emissions inspections and emissions-related repair work shall be performed at the location certified as a certified I/M station by the program administrator.

2. A certified I/M station shall be heated and cooled as necessary to maintain the temperature operating range specified for the EIS, and to prevent excessive temperature fluctuations.

C. Reference materials.

1. A copy of this chapter, Chapter 15.80, and all updates, shall be kept on the premises and made available to all certified I/M mechanics employed by a certified I/M station.

2. In addition, the station shall maintain an updated source of acceptable emission control repair data for all imported and domestic passenger cars and light-duty trucks for all 1968 and later model year vehicles.

D. Tools.

1. Each certified I/M test and repair station shall have available for use by its employees, all tools and test equipment necessary for any emission inspections of vehicles done by the station. If the program administrator specifies that special tools or testing equipment must be used to perform emission inspections on certain vehicles, the certified station must have available such equipment, or its equivalent, whenever inspections are being performed on those vehicles. This requirement does not apply to specific EIS's, other than meeting the general requirements contained in Section 15.85.430.

2. A certified I/M test and repair station shall have available for use by its employees, all tools and test equipment necessary for any repair of vehicles done by the station. These shall include all wrenches, socket sets, screwdrivers, thickness gauges, pliers, and other tools necessary to perform tune-up related repairs. If a vehicle manufacturer specifies that special tools or testing equipment must be used to perform certain repairs on certain vehicles, the test and repair station must have available such equipment, or its equivalent, whenever such repairs are being performed on those vehicles.

E. Inspection and repair equipment. A certified I/M station must have, as a minimum, all the equipment listed below on-site, operational, and well-maintained. The meters, gauges, etc. listed may be furnished either as separate items or as components of a complete system such as an engine analyzer.

1. High impedance digital ohmmeter.
2. Voltmeter.
3. Tachometer.
4. Vacuum pump with pressure gauge.
5. Ignition timing light.
6. Compression test gauge.
7. Exhaust emissions analyzer meeting the specifications of Section 15.85.430 that has been certified by the program administrator.
8. Calibration gases meeting the requirements of the Alaska I/M program manual part 1, Section 6.4 California gases that have been purchased from a gas blender approved by the program administrator.
9. Scan tool(s), supplemental analyzer provisions, or detailed reference materials sufficient to allow the extraction and interpretation of computer fault codes from any vehicle being repaired that is equipped with an exhaust oxygen sensor and malfunction indicator light.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.600 Inspection station procedures.

A. Each owner or operator of a certified I/M station shall ensure that all vehicles subject to the I/M program are tested in accordance with the procedures contained herein, that all equipment used is properly maintained and calibrated, and that the public is always dealt with in a courteous manner by I/M station employees.

B. All procedures contained in this section shall be interpreted in conjunction with Section 15.85.500, certified I/M station requirements.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.610 Vehicles to be inspected.

A. Certified I/M stations may inspect any vehicle, deemed to be safe, that is not equipped with an engine different from the engine originally installed in the vehicle, and that is not designed or has not been modified to run on a fuel other than gasoline. Vehicles equipped with an engine different from the engine originally installed in the vehicle, diesel-fueled vehicles, gray market vehicles and vehicles designed or modified to run on an alternative fuel shall be referred to the referee facility, except that certain fleet service I/M stations have been approved by the I/M program administrator and ADEC to test the dual fuel and alternate fuel vehicles in their fleet.

B. I/M stations shall inspect all other vehicles subject to the I/M program as defined in Section 15.85.200.

C. Vehicle prescreening, as defined in this document, is strictly prohibited.

D. Provided that no pre-screening occurs, stations may refuse to inspect any vehicle.

E. Vehicles for which an inspection fee is quoted by the station and accepted by the customer shall be inspected in accordance with the procedures set forth in this document.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.620 Preliminary inspection and safety check.

A. The certified I/M station shall first determine whether the vehicle is subject to the I/M program. Motorists who bring vehicles to a certified I/M station that are exempt from the I/M program shall be informed by the I/M station operator or employees that inspections are not required.

B. The owner or operator of the certified station, or a certified mechanic employed by the station shall inform the motorist that an inspection is not required for

1. a vehicle that is exempt under 15.85.220B.;
2. a vehicle with a registration renewal date more than 90 days in the future; and
3. a vehicle that does not require an I/M test unless requested by the motorist or required by the I/M program administrator because of a pending enforcement action.

C. The owner or operator of an I/M station, or a certified I/M mechanic employed by the station, shall refer the following vehicles to the referee facility for inspection, or to verify qualification for a waiver under Section 15.85.235:

1. a diesel-fueled vehicle;
2. a grey market vehicle;
3. a vehicle designed or modified to run on an alternate fuel; the referee facility or certified stations approved by the I/M program administrator and ADEC to test dual fuel and alternate fuel vehicles shall inspect a vehicle in this category to ensure that all required equipment is present and operable in accordance with Section 15.85.390.F;
4. a dual-fuel vehicle shall be I/M-tested by the referee facility or by certified stations approved by the I/M program administrator and ADEC to test dual fuel and alternate fuel vehicles, and shall receive one I/M test and VIR in the gasoline mode and one I/M test and VIR in the alternate fuel mode. The vehicle shall be inspected in accordance with the following procedure;

a. Gasoline mode test: Verify that the vehicle is in gasoline mode. Enter the vehicle information, using the standard procedure for a gasoline vehicle test. Then, first, perform all visual tests as directed by these regulations. Enter "disconnected," "modified," "missing" or "fail" as appropriate for any vehicle emission system that has been modified to allow for an approved CNG retrofit. Second, perform all functional tests as directed by these regulations. Again, enter "disconnected," "modified," "missing" or "fail" as appropriate for any vehicle emission system that has been modified to allow for an approved CNG retrofit. Third, perform a tailpipe test. If the vehicle fails any part of the test and the failure is not related to an approved CNG retrofit modification, diagnose and repair the vehicle and perform an after-repairs test. If the vehicle passes the test, abort the test. Depending on the software version being used, the EIS may require an abort code. If the EIS asks for a code, use 99.

b. CNG mode test: Verify that the vehicle is in CNG mode. Enter the vehicle information, using the standard procedure for a gasoline vehicle test, except that the letters "NG" shall precede the certificate number entry. Then, first, make the same visual test entries as are made for the gasoline mode test with the exception that one must enter "pass" for any vehicle emission system that has been modified to allow for an approved CNG retrofit. Second, make the same functional test entries as are made for the gasoline mode test with the exception that one must enter "pass" for any vehicle emission system that has been modified to allow for an approved CNG retrofit. Third, perform the tailpipe test. If the vehicle fails the test, diagnose and repair the vehicle and perform an after-repairs test. An after-repairs test includes both a gasoline mode test and a CNG mode test. If the vehicle passes the test issue a certificate.

5. a vehicle equipped with an engine other than the engine originally installed in the vehicle, except that:

- a. a vehicle with a vehicle inspection program underhood emissions label affixed to the vehicle by the referee facility may be I/M-tested to the specifications in the label;
- b. an engine of the same size remanufactured for the correct application is not considered a different engine for purposes of this paragraph, and a vehicle containing such an engine may be I/M-tested;
- c. for a 1974 or earlier model year vehicle with a different engine, that vehicle may be I/M-tested;
6. a vehicle is incompatible with the EIS.

D. The certified I/M station shall also conduct a pre-test safety check determine whether the vehicle is safe for testing. The following situations may preclude proper completion of an inspection/test:

1. major oil system leak;
2. major transmission leak;
3. major coolant system leak;
4. fuel system leak;
5. excessive exhaust system leak;
6. unable to hold steady engine RPM;
7. unusual engine noises;
8. engine warning light on; and/or
9. other safety problem(s) on the vehicle that the certified I/M station believes makes the vehicle unsafe for testing.

E. There shall be no charge for the preliminary inspection.

(AO No. 99-160, § 7, 1-11-00; AO No. 2006-13, § 11, 2-14-06; AO No. 2008-84(S), § 10, 7-15-08)

Editor's note: The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

#### 15.85.630 Inspection fee quotation.

A. A certified I/M station shall post a clearly legible sign in its customer service area that states:

1. the total cost for an I/M test, including the price of the certificate if the vehicle passes; or
2. the cost for an I/M test and the cost for a certificate of inspection if the vehicle passes the inspection, listed separately.
3. If different prices are charged for different vehicles or circumstances, each must be listed on the sign.

4. The I/M station shall also provide an individual cost quotation to each customer that brings his or her vehicle in for an inspection. The quotation shall be prepared by an employee of the certified I/M station and agreed to by the customer before the inspection or emissions test is conducted.

B. The customer shall be informed that the inspection cost prepared in paragraph A of this section covers only 1) the inspection of the vehicle; 2) the I/M certificate, if the vehicle passes the inspection; and 3) for test and repair stations only, a written itemized repair estimate, if the vehicle fails the inspection. However, a written repair estimate is not required to be prepared for a vehicle for which there is no charge for the initial "I" test, such as, no pass/no pay policies. The customer shall also be told that any necessary repairs are not included, and may result in an additional charge. In addition, the customer shall be informed that repairs may be performed at another facility if the customer chooses to have only the inspection test performed. The customer shall also be told that another inspection fee may be charged if he or she takes the vehicle to another facility for repairs.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.640 Test abort conditions.

A. If a vehicle becomes untestable during an inspection, the certified I/M mechanic may abort the inspection/test at any time. The EIS shall allow the operator to abort, during either the data entry or the emissions test. The EIS shall automatically request the reason for the abort and print two copies of any inspection/test results.

B. The customer shall not be charged for aborted tests. The mechanic should normally be able to determine that a vehicle is not in a testable condition during the preliminary inspection and should reject such vehicles prior to beginning the inspection/test.

C. If the condition that caused an abort appears to be due to a problem involving compatibility between a particular vehicle and the EIS, the vehicle owner should be referred to the referee facility.

D. Vehicles rejected from testing for excessive smoke shall be repaired to a testable condition before testing. If the motorist disagrees with the mechanics' determination of excessive smoke, the motorist shall be referred to the referee facility.

(AO No. 99-160, § 7, 1-11-00)

15.85.650 Beginning official I/M test.

The certified I/M mechanic must follow the I/M test as identified in the Alaska I/M Program Manual as referenced in 18 AAC52.005(e)(1), except as modified below. A copy of the Alaska I/M Program Manual will be available at the I/M program administration office.

A. General procedures. Listed below is a summary of the general steps that must be followed during the inspection and repair of gasoline-powered vehicles brought to a certified station for I/M testing. Perform all steps in the order set out in this program manual. The steps summarized here are described in detail in following sections of this document. The certified mechanic shall

1. properly complete a cost quotation and obtain an authorizing signature from the motorist;
2. perform a preliminary inspection to determine if the vehicle is safe to test;
3. perform an initial ("I") test on the vehicle;
4. if the vehicle passes the "I" test, adhere the validation sticker to the validation space provided on the paper certificate of inspection, adhere the copy sticker to the station copy of the paper certificate of inspection. Adhere the EIS insert to the windshield sticker and install the windshield sticker to the windshield and provide the motorist with a Vehicle Inspection Report (VIR);
5. if the vehicle fails the "I" test and if the motorist is charged for the test, provide the motorist with an itemized estimate of repairs. If the vehicle is computer controlled the station may charge for this estimate. The estimate will include:

- a. the cost to the motorist of the parts for each repair;
- b. the cost to the motorist of the labor for each repair; and
- c. a quotation showing which repairs the certified station can perform for an amount that satisfies the current cost minimums;

B. Early fuel evaporation (EFE).

1. For vehicles with a bi-metal spring operated EFE, if the EFE is present on the vehicle it must be operational to pass. If the EFE is not present the mechanic shall enter "N" in the EIS.
2. For vehicle with a vacuum-operated EFE, check the EFE to ensure that it operates freely, that it moves from fully closed (at rest) to fully open when vacuum is applied, that the vacuum motor does not leak, and that the flapper freely returns to the closed position when vacuum is removed. Enter the appropriate code into the EIS.
3. EFE grids. The mechanic shall use a high impedance digital ohmmeter to check a vehicle with an EFE grid. With the engine off disconnect the EFE grid at the connector nearest to the carburetor and hook up a high impedance digital ohmmeter to the wires connected to the EFE. If the resulting ohmmeter reading, rounded to the nearest tenth, is between 0 and 3.0 Ohms enter "Pass" in the EIS, and any other reading enter as "Fail".

C. Vehicles FAILING the initial test: If a vehicle fails an "I" test, the motorist must be told that

1. repairs must be made before the vehicle can pass the test and a certificate of inspection can be issued so that the vehicle registration can be renewed by DMV;
2. repairs may be performed by anyone, but if the vehicle is not repaired by a certified mechanic at a certified station, the cost minimum does not apply to those repairs; any additional repairs that are required must be made; and
3. repairs performed at a certified station may not exceed the repair cost minimum as stated in Section 15.85.240.B; if the vehicle fails after the certified station makes required repairs up to the repair cost minimum as stated in Section 15.85.240.B, the motorist will be referred to the referee facility.
4. Present estimate to motorist. Station personnel shall present the repair cost estimates to the motorist and advise that emissions repairs are required at least up to the applicable cost minimum, as stated in 15.85.240.B, but that additional emissions repairs are voluntary and must be authorized in writing. If the motorist agrees to have repairs performed and all of the necessary emissions-related parts are available, you should follow the repair procedures set out in this chapter. If the motorist does not agree that certain repairs should be performed, inform the motorist that the referee facility is available to review the results of I/M tests.

(AO No. 99-160, § 7, 1-11-00; AO No. 2000-92, § 9, 8-15-00)

Editor's note: AO 2000-92 (amended and approved 8-15-00) contains changes to this section conditioned and effective upon State approval.

#### 15.85.660 Maintenance and calibration.

A. A certified I/M station operator shall ensure all equipment used in the performance of emission repairs is properly maintained. EIS's shall be maintained and serviced by the vendor of the system or a third party approved by the vendor of the system.

B. Each EIS will undergo an automatic electrical zero and span check before the testing of each vehicle. Zero gas and span gas calibration will be required not less than every 72 hours, or the EIS will lock itself out from further I/M tests.

(AO No. 99-160, § 7, 1-11-00; AO No. 2006-13, § 12, 2-14-06)

Editor's note: The February 14, 2006 effective date of AO 2006-13 was subject to State of Alaska approval of the I/M program amendments pursuant to 18 AAC 52.035, and the state approved on May 15, 2006.

#### 15.85.670 Personnel.

A. Certified I/M stations shall use only certified I/M mechanics for the performance of emissions repairs and inspections required under the I/M program.

B. At the conclusion of both an initial and an after repairs I/M test, the VIR must be completely explained to the motorist. The municipality recommends that the mechanic who performs the test explain the VIR. However, the station may designate an employee to explain the VIR. The employee so designated shall sign the VIR, thus certifying that the VIR was properly explained to the motorist. Each section of the VIR must be separately pointed out to the motorist and separately explained, both for content and meaning. The state I/M program manual as referenced in 18 AAC 52.0005(e)(1) shall be used as a guide.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.680 Record keeping, etc.

A. Each certified I/M station shall maintain true and correct legible copies at the station of all work orders, repair estimates, VIRs, or invoices used to document the performance of I/M inspections or repairs for a period of at least two years from the date of the inspection or the repair work. Such records shall be open for inspection by the program administrator or other I/M office personnel.

B. Upon request of the customer at the time a work order is taken, the certified I/M station shall return replaced parts to the customer at the time of completion of I/M repair work excepting such parts as the certified I/M station is required to return to the manufacturer or distributor under a warranty or exchange arrangement. If such parts must be returned to the manufacturer or distributor, the customer shall be offered the opportunity to inspect such parts upon completion of the work, except that the facility shall not be required to show a replaced part when no charge is being made for the replacement part.

C. In the event of a failed emission test, the certified I/M station shall give to the customer a written estimated price for labor and parts necessary for all I/M repair work or an estimate for extended diagnosis required to complete the written estimate. (The only exception to this is that a written repair estimate is not required to be prepared for a failed test for which there was no charge.) No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer, which shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. If such consent is oral, certified I/M station employees shall make a notation on the work order/invoice of the date, time, name of person authorizing the additional repairs and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost. Upon completion of repairs, certified I/M station employees shall obtain the customer's signature or initials to an acknowledgment of notice and consent, in the following language:

"I acknowledge notice and oral approval of an increase in the original estimated price"

(signature or initials (date)

D. Nothing in this section shall be construed as requiring a certified I/M station to give a written estimated price if the station does not agree to perform the requested repair.

E. The certified I/M station shall include in the written estimated price a statement of any automotive repair service that, if required to be done, will be done by someone other than the station. No service shall be done by someone other than the certified I/M station without the consent of the customer, unless the customer cannot reasonably be notified. Stations shall be responsible, in any case, for any such service in the same manner as if they or their employees had done the service.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.700 Inspection standards.

A. This section specifies the visual and functional checks and tailpipe emission standards that shall be used in the I/M program. The inspections and standards described in this section shall be performed using the test procedures specified in Section 15.85.600. The standards are set at a level that ensures at least 95 percent of the failing vehicles will have excessive emissions in stop-and-go driving. The stringency of standards applicable to each class of vehicles is set based on the relationship between the idle and 2500 rpm modes used during I/M testing and actual emissions in stop-and-go driving. Because of the imperfect correlation between idle or 2500 rpm and stop-and-go driving, certain visual and functional defects known to cause excessive emissions are also a basis for failure.

B. Based on an analysis completed in December 1991, the tailpipe emission standards are projected to result in an initial failure rate of ten to 12 percent. Visual and functional failures are projected to increase the overall failure rate to 12 to 15 percent.

(AO No. 99-160, § 7, 1-11-00)

#### 15.85.710 Visual and functional checks.

A. 1975 through 1995 model-year vehicles for which emission inspections are specified under Section 15.85.720 shall be visually inspected to determine whether vehicles that were originally factory-equipped with the following ECS components have such components properly installed and unmodified:

1. air injection system
2. catalytic converter
3. vacuum hoses and wires
4. fuel metering system (carburetor or fuel injection)
5. manifolds and ignition
6. positive crankcase ventilation (PCV) system
7. intake air heating (thermostatic air cleaner) system
8. evaporative ECS
9. exhaust gas recirculation (EGR) system
10. oxygen sensor
11. early fuel evaporation (EFE) system

B. In addition, 1975 through 1995 model-year vehicles for which emission inspections are specified under Section 15.85.720 shall be functionally checked to determine whether the following components are correctly operating on those vehicles that were originally factory-equipped with such components:

1. Emission control warning lights
2. Major vacuum leaks
3. Positive crankcase ventilation (PCV)
4. Intake air heater
5. Early fuel evaporation (EFE)
6. Air injection system (AIS)

C. Except as provided in Section 15.85.650, any vehicle 1975 through 1995 on which any of the above systems are removed, disconnected, modified, or defective, shall fail the visual and/or functional inspections.

(AO No. 99-160, § 7, 1-11-00; AO No. 2008-84(S), § 11, 7-15-08)

15.85.720 Exhaust emission standards.

The exhaust emission standards that apply to vehicles subject to the program are referenced in 18 AAC 52.050. A copy of these standards will be available for public inspection at the I/M program administration office.

(AO No. 99-160, § 7, 1-11-00)

15.85.730 Vehicle types.

Vehicle Type Definition

LDGV light-duty gasoline-fueled vehicles (passenger cars) not exceeding 8,500 lbs. GVWR

HDTV heavy-duty gasoline-fueled vehicles over 8,500 lbs. GVWR (heavier commercial trucks, buses and motorhomes)

LDGT1 light-duty gasoline-fueled trucks not exceeding 6,000 lbs.

GVWR (lighter pick-up trucks and vans)

LDGT2 light-duty gasoline-fueled trucks over 6,000 lbs. GVWR and not exceeding 8,500 lbs. GVWR (heavier pick-up trucks and vans, and many commercial trucks)

(AO No. 99-160, § 7, 1-11-00)

15.85.740 List of aftermarket parts.

A. Parts listed in the latest version of the CARB list of approved modification to Motor Vehicle Engine and ECS Exempted Under Vehicle Code Section 27156 have been evaluated by CARB and are approved for use in the Anchorage I/M program area unless specifically disapproved by the I/M program administrator.

B. Certified stations should use approved aftermarket catalysts in any case where replacement of a defective catalyst with an original equipment catalyst would result in the repair cost minimum criteria being violated and repairs not being completed.

C. The use of other approved aftermarket parts is allowed but not encouraged. Many of the parts contained on the CARB list have been approved only because they have been shown to have no effect on vehicle emissions or fuel economy. Their approval for installation on vehicles subject to the I/M program should not be considered an endorsement by either the CARB or the I/M program administrator.

D. In addition to the listed aftermarket parts, certified I/M stations may use other aftermarket replacement parts that are functionally identical to the original equipment parts in all respects that in any way affect emissions. An example of such a part would be a replacement engine hose. Explicit approval of such a replacement part by either the CARB or the I/M program administrator is not required, although the CARB does require the manufacturers of such parts to maintain records such as test data to substantiate that the replacement parts are functionally identical to the original equipment parts.

E. Dual fuel conversion systems shall be accepted for use in the Anchorage I/M program area provided they meet the requirements of Section 15.85.390 and are allowed by the EPA, Office of Mobile Sources June 25, 1974 Mobile Source Enforcement Memorandum No. 1A, Addendum to Mobile Source Enforcement Memorandum 1A and current updates.

(AO No. 99-160, § 7, 1-11-00; AO No. 2006-13, § 13, 2-14-06)

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