

CR 92-208

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to the **Motor Vehicle Inspection and Maintenance Program**, was duly approved and adopted by this Department on April 13, 1993.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 13 day of April, 1993.

Charles H. Thompson

CHARLES H. THOMPSON
Secretary

RECEIVED

APR 15 1993
4:10 pm
Revisor of Statutes
Bureau

7-1-93

IN THE MATTER OF an Order Adopting
Rule REPEALING AND RECREATING
Chapter Trans 131, Wisconsin Administra-
tive Code, relating to the Motor Vehicle
Inspection and Maintenance Program.

ORDER ADOPTING RULE

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 110.06, 110.20(9) and 227.11(2)(a), Stats.

STATUTES INTERPRETED: s. 110.20, Stats.

General Summary of Rule. 1992 Wisconsin Acts 39 and 302 require amendments to s. 110.20, Stats., and substantial revision to Chapter Trans 131, Wis. Admin. Code. The necessity for both statutory and administrative code change was established by the 1990 amendments to the Clean Air Act which included several inspection and maintenance program enhancements. The Wisconsin Administrative Code sections below were drafted to implement those changes. Other revisions which include numerous additions, corrections and deletions were also made to this chapter in the interests of both grammatical accuracy and proper format.

Trans 131.03(1)(a) Provides a notice and description of the penalty for failure to comply with this chapter.

Trans 131.03(2)(a) Amends the inspection frequency to reflect a biennial testing schedule for newer model vehicles.

Trans 131.03(2)(b) Adds a provision requiring inspection upon ownership change registration.

Trans 131.03(3)(h) Describes documentary requirement for implementation of the above inspection requirement.

Trans 131.03(6)(b) Amends the emission test procedure.

Trans 131.03(7) Describes the emission equipment inspection and the consequences of a failure.

Trans 131.03(9)(a) Alters the formula used to calculate unacceptable exhaust system leakage.

Trans 131.03(11) Amends the engine exchange procedure to conform more closely to federal standards.

Trans 131.05(1) Describes additions to the waiver emission equipment inspection.

Trans 131.06(1) Describes methods for achieving inspection compliance.

Trans 131.07 Amends voluntary test requirements.

Trans 131.12(5) Extends the emission equipment inspection requirements to fleet vehicles.

Trans 131.15 Provides notification for inspection required due to change of ownership.

Fiscal Estimate. The Department anticipates that this rule making will have no direct fiscal impact upon the state and have no effect upon the fiscal liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education school district or sewerage district.

Final Regulatory Flexibility Analysis. The small businesses affected by this rule are the vehicle parts suppliers and the vehicle repair industry primarily located in the certified counties. The proposed rule will have the positive effect of slightly increasing their sales and service to the owners of vehicles failing to initially pass the emission testing or equipment inspection portions of this mandated program.

Preparation and Copies of Rule. This rule was prepared by Don Dean, Bureau of Field Services, P. O. Box 8917, Room 266, Madison, WI 53707-8917. Copies may be obtained, free of charge, upon request to the Bureau of Field Services by writing to the address above, or by calling (608) 266-4129.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 110.06, 110.20(9) and 227.11(2)(a), Stats., the department of transportation hereby repeals and recreates a rule interpreting s. 110.20, Stats., relating to the motor vehicle inspection and maintenance program.

SECTION 1. Chapter Trans 131 is repealed and recreated to read:

MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM (MVIP)

Trans 131.01 PURPOSE AND SCOPE. (1) STATUTORY AUTHORITY. As authorized by ss. 110.06, 110.20(9) and 227.11(2)(a), Stats., the purpose of this chapter is to

establish the department's administrative interpretation of s. 110.20, Stats., relating to a motor vehicle emissions inspection program.

(2) **APPLICABILITY.** This chapter applies to all nonexempt vehicles customarily kept in those counties certified by the department of natural resources under s. 110.20(5)(a), Stats. It also applies to all nonexempt vehicles customarily kept in any county whose board of supervisors has adopted a resolution under s. 110.20(5)(b), Stats., requesting the department establish an inspection and maintenance program, and applies to any nonexempt vehicle which a person presents for a voluntary inspection at an inspection station pursuant to s. 110.20(7), Stats., and s. Trans 131.07. For purposes of determining where a vehicle is customarily kept, the county of domicile as indicated by the vehicle owner and contained in the department's title data base shall be used. In the absence of an indicated county of domicile, the owner or lessee's post office address shall be used to determine county of domicile.

NOTE: Forms used in this chapter are MVD 2016, substitute renewal notice; MVD 2470, vehicle inspection report; MVD 2472, application for letter of temporary exemption from emission test requirements; MVD 2473, fleet station inspection permit; MV 2588, exchanged engine certificate; MV 2594, quality assurance inspection report. Copies can be obtained from the Wisconsin Department of Transportation, Vehicle Emission Section, P. O. Box 8917, Madison, WI 53707-8917.

Trans 131.02 DEFINITIONS. Words and phrases defined in s. 110.20, Stats., have the same meaning in this chapter unless a different definition is specified. In addition, in this chapter:

- (1) "CO" means carbon monoxide.
- (2) "CO₂" means carbon dioxide.
- (3) "Contractor" means a person with whom the department has a contract that provides for the operation of one or more inspection stations.
- (4) "Department" means the Wisconsin department of transportation.

(5) "Emission control system" means any equipment or feature which constitutes an operational element, device or mechanism on a motor vehicle which is part of the air pollution control system.

(6) "Emission equipment inspection" means an inspection for the presence and proper connection of selected emission equipment.

(7) "Emission standards" means the maximum vehicle emission concentrations in s. NR 485.04.

NOTE: Chapter NR 485 may be obtained from the Wisconsin Department of Natural Resources, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707.

(8) "Emission test" means an idle mode test or a combination of the loaded mode, or high idle, and idle mode tests.

(9) "Exempt vehicles" means all vehicles other than nonexempt vehicles.

(10) "Exhaust emission" or "exhaust gas" means the combination of substances emitted into the atmosphere from the tailpipe or tailpipes of a motor vehicle.

(11) "Fleet inspection station" means an inspection station operated by a fleet owner.

(12) "Fleet owner" means any owner or lessee of at least 15 motor vehicles subject to the inspection who has been issued a fleet station permit under this chapter.

(13) "Fleet vehicle" means a nonexempt motor vehicle owned or leased by a fleet owner.

(14) "Four-wheel drive vehicle" means any constant 4-wheel drive vehicle which cannot be converted to 2-wheel drive except by removing one of the vehicle's drive shafts.

(15) "Government vehicle" means a motor vehicle registered under s. 341.26(2m), Stats., or a vehicle owned or leased by the United States.

(16) "HC" means hydrocarbon.

(17) "High idle test" means that portion of an exhaust emission test conducted at an unmeasured 2500 RPM for the purposes of preconditioning the vehicle and providing diagnostic information to the vehicle owner.

(18) "Homemade vehicle" has the same meaning as provided in s. 341.268, Stats.

(19) "Inspection" means the mandatory vehicle emission test and emission equipment inspection.

(20) "Inspection report" has the same meaning as provided in sub. (34).

(21) "Inspection station" means an inspection facility operated by a party under contract with the department for the purpose of conducting vehicle emission inspections required by s. 110.20, Stats.

(22) "Inspector" means the individual who performs the vehicle emission test and emission equipment inspection for the contractor.

(23) "Loaded mode test" means an exhaust emission test conducted on a chassis dynamometer, simulating driving conditions.

(24) "Model year" means the date of manufacture of the original vehicle within the annual production period of the vehicle as designated by the manufacturer, or if a reconstructed or homemade vehicle, the first year of titling. If the manufacturer does not designate a production period, the term "model year" means the calendar year of manufacture. Determination of model year shall be as indicated on the vehicle's registration documents.

(25) "N₂" means a molecule consisting of 2 atoms of nitrogen.

(26) "NDIR" means non-dispersive infra-red.

(27) "New vehicle" means a motor vehicle to which the legal title has never been transferred to an ultimate retail purchaser as defined in s. Trans 139.02.

(28) "NO" means nitric oxide.

(29) "Nonexempt vehicle" means any motor vehicle defined under s. 340.01(35), Stats., which is required to be registered in this state or which is owned by the United States, and which has not been exempted by s. 144.42(5), Stats., and s. NR 485.04(2).

(30) "O₂" means a molecule consisting of 2 atoms of oxygen.

(31) "Person" means an individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the state or any agency thereof, and the federal government.

(32) "Proper" or "properly" means meeting original manufacturer's equipment standards or the equivalent.

(33) "RPM" means revolution per minute.

(34) "Registration" has the same meaning as provided in s. 344.01(2)(e), Stats.

(35) "Surveillance gas" means a gas used by the department to verify the calibration of emission analyzers used by inspection stations and by fleet inspection stations.

(36) "Tamper" has the same meaning as in s. 144.42(6)(a)3, Stats.

(37) "Truck" has the same meaning as "motor truck" as provided in s. 340.01(34), Stats.

(38) "Van" means a motor vehicle constructed on a truck chassis, or indicated as a truck on the manufacturer's statement of origin, with a completely enclosed driver and cargo compartment that may be used as a cargo carrying vehicle or as a passenger vehicle depending upon how it is equipped.

(39) "Vehicle" has the same meaning as provided in s. 340.01(35), Stats.

(40) "Vehicle inspection report" means a serially numbered document issued at an inspection station at the time of vehicle inspection, indicating that the vehicle has been inspected in accordance with the provisions of this chapter.

(41) "Voluntary inspection" means the voluntary presentation for an emission inspection of a nonexempt vehicle.

(42) "Waiver surveillance investigator" means the department employe or designated contractor representative, who approves or disapproves applications for waivers.

Trans 131.03 EMISSION TEST, EMISSION EQUIPMENT INSPECTION, AND REINSPECTION. (1) GENERAL. (a) All nonexempt vehicles that are customarily kept in counties certified under s. 110.20(5)(a), Stats., or in a county whose county board adopts a resolution under s. 110.20(5)(b), Stats., shall be inspected at an inspection station or a fleet inspection station. Penalty for failure to comply with this section is denial of registration renewal or suspension of vehicle registration as set forth in s. 341.63(1)(e), Stats. To reinstate vehicle registration, a fee prescribed by s. 341.36(1), Stats., is required.

NOTE: The 6 counties of Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha were certified by the Department of Natural Resources in a letter to the Department dated August 21, 1981. Sheboygan County was certified by the Department of Natural Resources in a letter to the department dated April 20, 1992.

(b) Nothing in this chapter waives an expired registration because of failure to pass inspection requirements by the registration deadline.

(c) Following initial registration of a new vehicle by a retail purchaser, a minimum of one model year shall elapse prior to the vehicle becoming subject to the requirements of this chapter.

(d) For purposes of calculating the number of model years of vehicle age under ss. 110.20(13) and 144.42(5), Stats., a model year shall be considered synonymous with a calendar year. Not satisfying the inspection requirements of this chapter prior to the date of registration expiration shall not extend vehicle age.

NOTE: For example, a 1993 model year vehicle shall be considered as being more than 5 model years old commencing January 1, 1998.

(2) WHEN INSPECTION REQUIRED. Nonexempt vehicles subject to an inspection shall have the inspection completed at an inspection station or fleet inspection station:

(a) No more than 90 days prior to renewal of annual registration, except for vehicles one, 3 or 5 model years old.

(b) Within 45 days of an ownership change registration issuance for vehicles 6 model years old or older at time of ownership change, unless the vehicle passed inspection within 90 days prior to such ownership change registration, or

(c) For government-owned vehicles, annually.

(3) DOCUMENT REQUIREMENTS. Each vehicle to be inspected at an inspection station shall be accompanied by one of the following documents which identifies the vehicle by make, model year, vehicle identification number, and license number:

(a) A current Wisconsin vehicle license renewal notice.

(b) A current Wisconsin certificate of registration.

(c) A current Wisconsin certificate of title.

(d) A vehicle inspection report if a reinspection.

(e) A letter of temporary exemption issued by the department.

(f) A letter issued by the department notifying the vehicle owner that the department has not received proof of emission compliance.

(g) A properly completed substitute renewal notice.

(h) A letter issued by the department notifying the vehicle owner that the vehicle must be inspected within 45 days of an ownership change registration.

(i) A properly completed voluntary test request form, obtainable from the manager at each of the emission testing stations.

(4) POLLUTANTS TO BE TESTED. The vehicle emission test shall consist of sampling the exhaust emissions from the tailpipe or tailpipes, and measuring the concentrations of hydrocarbons, carbon monoxide, and carbon dioxide.

(5) EMISSION STANDARDS. Vehicles that do not meet the exhaust emission standards under ch. NR 485 shall fail the emission test portion of the inspection.

(6) EMISSION TESTING. (a) General requirements. 1. Vehicles shall be tested in an as-received condition. The engine shall be operating at the manufacturer's recommended engine idle speed without excessive smoke, at normal operating temperature, not overheating, as indicated by gauge, warning light or boiling radiator, and with all accessories off.

2. The vehicle shall be nearly level when tested in order to prevent abnormal fuel distribution.

3. Vehicles with multiple exhaust pipes may be tested by simultaneous sampling of all tailpipes, or by sampling each tailpipe separately and numerically averaging the emissions measurements.

(b) Emission test procedures. 1. The vehicle shall be idled in neutral. Exhaust emission concentrations shall be recorded after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first.

2. If the vehicle passes this idle test, it shall have passed the emission test portion of the inspection.

3. If the vehicle fails this idle test, then for all vehicles for which the driver's seat is yielded to the inspector, the following loaded mode tests shall be performed:

a. For automatic transmission equipped vehicles other than 4-wheel drive vehicles, the loaded mode test shall be performed in drive. For manual transmission equipped vehicles other than 4-wheel drive vehicles, the loaded mode test shall be performed in second or higher gear.

b. For constant or automatic locking 4-wheel drive equipped vehicles, a high idle test shall be performed in lieu of the loaded mode test. This test shall be performed by increasing idle engine speed to an unmeasured 2500 RPM.

4. Exhaust emission concentrations shall be recorded after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. Engine speed shall be returned to idle.

5. The vehicle shall be idled in neutral. Exhaust emission concentrations shall be recorded after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first.

6. The set of exhaust emission concentration values for the final idle test shall then be used to determine compliance with the HC and CO emission concentrations of ch. NR 485. If the vehicle passes this idle test, it shall have passed the emission test portion of the inspection.

(c) High idle test. The high idle test may be performed in lieu of the loaded mode test on a vehicle if:

1. The vehicle has a tire on a driving wheel with less than 2/32 inch of tread, with metal protuberances, or with obviously low tire pressure, as determined by visual inspection, or any other condition in the opinion of the contractor, that precludes loaded mode testing for reasons of health or safety, or both, to personnel, facilities, equipment or vehicle.

2. The person presenting the vehicle for inspection refuses the loaded mode inspection, or does not yield the driver's seat to the inspector.

3. The contractor experiences a mechanical or electrical malfunction in the operation of the dynamometer. Under such circumstances, the use of the high idle test shall not extend beyond the end of the working day.

4. A fleet inspection station chooses not to conduct a loaded mode test.

(7) EMISSION EQUIPMENT INSPECTION. (a) Nonexempt vehicles model year 1975 or newer subject to annual inspection, beginning in the 6th year after the model year and every 3rd year thereafter, or subject to change of ownership inspection, undergo an emission equipment inspection conducted by the contractor to determine the presence, if originally equipped, of:

1. A proper fuel filler restrictor;
2. A proper catalytic converter;
3. A proper fuel cap;
4. An evaporative emission control canister;
5. A positive crankcase ventilation system;
6. An exhaust gas recirculation system; and
7. An air injection system.

(b) Vehicles shall be inspected for the emission equipment under par. (a) using the model year of the vehicle as indicated on the vehicles' registration documents, except as allowed by subs. (10) and (11). Vehicles which meet the equipment requirements of this subsection, as applicable, shall pass the emission equipment portion of the inspection. Vehicles which fail to meet the equipment requirements of this subsection, as applicable, shall fail the emission equipment portion of the inspection.

(c) Failing the emission equipment inspection is considered to be the same as failing the inspection. Vehicles failing the emission equipment inspection shall not be reregistered within the state of Wisconsin until such failing items have been repaired or replaced as necessary as required by s. 144.42(6), Stats.

(d) Vehicles with expired registration presented for an annual inspection shall receive an emission equipment inspection provided that such inspection was required during the time that the vehicle was not registered.

(8) REINSPECTIONS. (a) Vehicles failing either the exhaust emission standards or the emission equipment inspection may be reinspected at any inspection station after the vehicle has been repaired or adjusted according to s. 110.20, Stats., and this chapter.

(b) The vehicle shall be accompanied by its previous vehicle inspection reports. Repair information, as completed by the person performing the repairs, shall be indicated in the space provided on the reports.

(c) If the vehicle passes the reinspection, the contractor shall issue a vehicle inspection report indicating compliance. If the vehicle does not pass the reinspection, the contractor shall issue a vehicle inspection report indicating non-compliance. If the owner desires to request a waiver of compliance from emission test standards, the waiver surveillance investigator shall review the request and shall approve or deny the request in accord with s. Trans 131.04.

(d) The following limitations on the total number of inspections shall apply for each vehicle requiring compliance with this chapter:

1. Not more than 2 reinspections per vehicle.
2. If the vehicle is still unable to meet applicable emission limitations, the owner or driver may apply for a waiver of compliance from emission test standards in accord with s. Trans 131.04.

(9) TESTING PROHIBITED. The inspector shall refuse to perform the inspection required by this section for any vehicle if:

(a) Leakage within the exhaust system significantly dilutes the exhaust gas being sampled, or there are any other conditions that could materially affect the validity of the exhaust gas concentrations. Exhaust gas dilution shall be considered significant whenever the concentration of CO₂ + CO is measured to be less than 6% by volume. When the measured CO₂ + CO

concentration is less than 6% by volume, the driver shall be verbally notified of the invalid test and no vehicle inspection report shall be printed.

(b) The vehicle is carrying explosives or other hazardous material which is recognized as a safety hazard by the contractor.

(c) The vehicle is towing a trailer or another vehicle which is considered a safety hazard by the contractor.

(d) Gasoline, oil or other fluid leaks are considered a safety hazard by the contractor.

(e) The vehicle exhibits excessive idle speed, in the judgment of the contractor.

(f) The vehicle is emitting excessive smoke, in the judgment of the contractor.

(g) The vehicle operator refuses to disclose the odometer reading to the inspector.

(10) RECONSTRUCTED AND HOMEMADE VEHICLES. All reconstructed and homemade vehicles shall be inspected for compliance with the emission standards and equipment applicable to the model year of the vehicle as indicated on the vehicles' registration documents, unless the owner requests the vehicle be inspected by engine year and the owner provides a signed statement to the waiver surveillance investigator certifying engine number, year and make. In addition, the vehicle owner shall locate the engine number on the engine for purposes of number verification by the waiver investigator.

(11) VEHICLES WITH EXCHANGED ENGINES. (a) A motor vehicle with an exchanged engine shall be inspected for compliance with the emission standards applicable to the model year of the vehicle.

(b) The owner of a vehicle of model year 1975 through model year 1980 may request that the vehicle be inspected for compliance with the underhood emission equipment requirements applicable to the engine year if the owner provides a signed statement to the waiver surveillance

investigator certifying engine number, year and make. In addition, the vehicle owner shall locate the engine number on the engine for purposes of number verification by the waiver investigator.

(c) The owner of a vehicle of model year 1981 through model year 1992 may request that the vehicle be inspected for compliance with the underhood emission equipment requirements applicable to the engine year if an engine exchange certificate is on file with the department no later than December 31, 1992, and if the owner provides a signed statement to the waiver surveillance investigator certifying engine number, year and make. In addition, the vehicle owner shall locate the engine number on the engine for purposes of number verification by the waiver investigator.

(d) Vehicles of model year 1993 or newer are not eligible for engine exchange consideration.

(12) TRUCKS AND VANS. (a) All trucks shall be tested in accord with the exhaust emission standards and emission equipment standards for light duty trucks as applicable to the manufacturer's GVW rating as indicated on the vehicle's doorpost. If there is no manufacturer's GVW rating available, then the vehicle shall be tested according to the registered GVW as indicated on the vehicle's entry document described in sub. (5), or as indicated on the vehicle's license plate.

(b) All vans shall be tested in accord with the exhaust emission standards and emission equipment requirements applicable to light duty trucks.

(c) For the purposes of this subsection, "GVW" means gross vehicle weight.

(13) VEHICLE INSPECTION REPORT. (a) The operator of each vehicle inspected shall be provided with a vehicle inspection report, MVD2470, at the time an inspection is completed.

The inspection report shall indicate:

1. The test serial number.

2. The date of the test.
3. The vehicle identification number.
4. The year and make of the vehicle.
5. Present odometer reading in thousands of miles.
6. Emission test results and standards for the vehicle.
7. Emission equipment inspection results by item for the vehicle.
8. The final result.
9. Instructions indicating that the report, together with the vehicle, is to be returned to any emission test station upon reinspection.
10. Space to indicate repair by owner, garage, or repair facility and the name and address of the repairer.
11. Space to indicate cost of parts and labor for emission-related repair.
12. Space to indicate the emission-related repair performed.
13. Advisory diagnostic information.
14. Vehicle license number, if available.
15. Other information as the department may reasonably require to enable it to determine compliance with this chapter.

(b) Each driver of a vehicle failing any portion of the inspection shall receive an inspection report supplement containing repair, retest and waiver application instructions, as well as a list of possible causes of emission test failure.

Trans 131.04 WAIVER OF COMPLIANCE. (1) **ELIGIBILITY.** A vehicle, including a fleet vehicle, which fails to pass the designated emission test standards upon an initial inspection, and which after repair or adjustment, or both, again fails to pass the emission test,

shall be eligible for a waiver of compliance for a period of up to one year as determined by the waiver surveillance investigator provided the following conditions are met:

(a) For all 1981 and newer model year vehicles which were less than 5 years of age and were driven not more than 50,000 miles at the time of the annual emission inspection, the operator must either present a written statement from a vehicle dealership or other designated agent declaring that the vehicle is not eligible for emission control system warranty work, or present a dated invoice indicating that eligible emission control system warranty work has been performed.

(b) The repairs and adjustments made to the vehicle's emission control system, including costs for parts and labor, have been performed on the vehicle within 90 days prior to renewal of annual registration or within 90 days of vehicle ownership change registration and such repairs and adjustments are indicated in the space provided on the vehicle inspection report by the person performing the repairs. If the labor for vehicle repair is performed without charge or cost, only the cost of replacement parts shall be indicated and an itemized receipt indicating the parts purchased, cost and date of purchase shall be provided.

(c) The vehicle shall be able to pass an emission equipment inspection as described in s. Trans 131.05.

(2) CRITERIA. A vehicle which meets the eligibility requirements of sub. (1) shall be granted a waiver of compliance for a period of up to one year from emission test standards if any one of the following conditions are met:

(a) The actual cost of repairs performed on the vehicle as reported in accord with sub. (1)(b) exceeds the repair cost limit as provided in s. 110.20(13), Stats. Costs covered by any warranty and costs incurred to repair or replace any missing or tampered emission control device that caused the vehicle to fail an emission equipment inspection are to be excluded.

(b) Technical difficulties in the manufacturer's design or construction of the vehicle prevent emission testing of the vehicle.

Trans 131.05 WAIVER EMISSION EQUIPMENT INSPECTION. (1) PURPOSE.

When a waiver of compliance from emission test standards is requested, the emission equipment shall be inspected on each vehicle by the waiver surveillance investigator. This waiver equipment compliance inspection is designed to detect tampering or disrepair on the vehicle. The waiver equipment compliance inspection does not include removal or disassembly of parts except for removal of the fuel cap. The waiver surveillance investigator shall look for the following:

- (a) Presence of a properly sized fuel filler restrictor.
- (b) Presence of a properly connected catalytic converter on vehicles originally equipped.
- (c) Presence of a proper fuel cap.
- (d) Presence of a proper evaporative emission control canister system.
- (e) Presence of a properly connected positive crankcase ventilation system.
- (f) Presence of a proper exhaust gas recirculation system.
- (g) Presence of a proper air pump system.
- (h) Presence of a properly installed thermostatic air cleaner system.

(2) EXCEPTION. The owner of a vehicle of model year 1968 through model year 1974 with an exchanged engine may request that the vehicle be inspected for compliance with the emission equipment requirements applicable to the engine year, if the owner provides a signed statement to the waiver surveillance investigator certifying engine number, year and make. In addition, the vehicle owner shall locate the engine number on the engine for purposes of number verification by the waiver investigator.

(3) CONSEQUENCES. Vehicles failing the waiver emission equipment compliance inspection shall not be granted a waiver of compliance until the failing emission equipment items are repaired or replaced.

Trans 131.06 INSPECTION COMPLIANCE. (1) REGISTRATION ELIGIBILITY.

To be eligible for license plate renewal or ownership change registration, a vehicle must:

(a) Pass the emission equipment inspection when required, and

(b) Either pass the emission test or receive a waiver of compliance from emission test standards.

(2) EVIDENCE. Evidence of inspection compliance shall consist of:

(a) A vehicle inspection report indicating either "passed" or on which the waiver surveillance investigator has indicated "waived"; or

(b) An entry on the department's data records indicating the vehicle license number, vehicle identification number, test serial number, and the notation "passed" or "waived."

Trans 131.07 VOLUNTARY INSPECTIONS. (1) CRITERIA. The contractor shall inspect any nonexempt vehicle which is presented for inspection at an inspection station provided:

(a) The vehicle is accompanied by a properly completed request for voluntary emission inspection form, obtainable from the manager at each of the emission testing stations.

(b) The vehicle is not prohibited from testing pursuant to s. Trans 131.03(9).

(c) The driver presents payment to the contractor of a monetary fee as determined by contract.

(2) EFFECT. The voluntary presentation of a vehicle for inspection in accordance with sub. (1) shall not impose any mandatory requirement upon a vehicle owner to comply with

requirements of this chapter with the exception of the repair or replacement of any failing emission equipment inspection items as required under s. Trans 131.03(7)(c).

Trans 131.08 LETTER OF TEMPORARY EXEMPTION FROM TEST REQUIREMENTS. (1) **ELIGIBILITY.** When a vehicle subject to the emission inspection requirements of this chapter will not be available for an inspection due to the vehicle's absence or inoperative condition, or the owner's or lessee's absence or incapacity, during the 90 day period prior to the license expiration date, the owner or lessee may request of the department a letter of temporary exemption from the requirements of this chapter.

(2) **APPLICATION.** The department shall provide an application form, MVD2472, on which the vehicle owner or lessee shall identify the vehicle involved, provide the reason for requesting a letter of temporary exemption, certify that the vehicle will not be available for emission inspection during the 90 day period prior to the license expiration date, and state the date when the vehicle will again be operated within a Wisconsin county subject to the emission inspection requirements of this chapter.

(3) **ISSUANCE.** Upon approval of the application by the department, a letter of temporary exemption shall be issued to the vehicle owner or lessee. Such approval shall allow the owner or lessee to proceed with vehicle registration renewal. As a condition of granting the letter of temporary exemption, the department may require that the vehicle be inspected within 30 days of when the applicant indicates that the vehicle will again be operated within a Wisconsin county subject to the emission inspection requirements of this chapter.

(4) **DURATION.** A letter of temporary exemption shall not be valid longer than the period of registration renewal.

Trans 131.09 AUDITS OF INSPECTION FACILITIES. (1) GENERAL. Representatives of the department shall conduct audits of testing equipment, procedures and records as follows:

(a) Contractor operated facilities shall be audited on an unscheduled basis, normally not less than monthly.

(b) Fleet station facilities shall be audited on an unscheduled basis, normally not less than quarterly.

(c) Scheduled audits of both types of facilities may be performed at any time.

Trans 131.10 EQUIPMENT CALIBRATION PROCEDURES, EXHAUST GAS ANALYZER SPECIFICATIONS. (1) GENERAL. All equipment utilized for emission inspections shall be calibrated and maintained according to the manufacturer's specifications or as superseded by contract.

(2) SPECIFICATIONS. Concentrations shall be measured by volume. The contractor's NDIR exhaust gas analyzers shall comply with the following specifications:

(a) Analyzers shall have the following accuracy:

1. When calibrated with a span gas of approximately 20% of full scale:

a. HC: ± 12 ppm from 0 to 400 ppm, ± 50 ppm from 401 to 1000 ppm, and ± 120 ppm from 1001 to 2000 ppm, measured as hexane.

b. CO: $\pm 0.06\%$ from 0 to 2%, $\pm 0.25\%$ from 2.01 to 5%, and $\pm 0.6\%$ from 5.01 to 10%.

c. CO₂: $\pm 0.9\%$ from 4 to 10%, and $\pm 0.5\%$ from 10.01 to 14%.

2. When calibrated with a span gas of approximately 80% of full scale:

a. HC: ± 12 ppm from 0 to 400 ppm, ± 30 ppm from 401 to 1000 ppm, and ± 60 ppm from 1001 to 2000 ppm, measured as hexane.

b. CO: $\pm 0.06\%$ from 0 to 2%, $\pm 0.15\%$ from 2.01 to 5%, and $\pm 0.3\%$ from 5.01 to 10%.

c. CO₂: $\pm 0.9\%$ from 4 to 10%, and $\pm 0.5\%$ from 10.01 to 14%.

(b) Response time of the analyzers shall be not more than 15 seconds to 95% of the final reading.

(c) Analyzer drift, up-scale and down-scale zero and span wander:

1. The zero drift shall not exceed $\pm 0.1\%$ CO and ± 15 ppm HC, measured using hexane gas, during a one-hour period.

2. The span drift shall not exceed $\pm 0.1\%$ CO and ± 15 ppm HC, measured using hexane gas, during a one-hour period when sampling approximately 2% CO and 400 ppm HC, measured using hexane gas.

(d) Calibration: The analyzer shall have the capability of being calibrated electronically or by gas, or both.

(e) Flow restriction indicator: The analyzer shall be operated within manufacturer's specifications for sample flow. The sampling system shall be equipped with a visual or audible, or both, warning that sample flow is not within operating requirements.

(f) Interference effects:

1. Sampling the following concentrations of noninterest gases shall not cause the HC reading to change by more than ± 10 ppm: 15% CO₂ in N₂, 10% CO in N₂, 3000 ppm NO in N₂, 10% O₂ in N₂, and 3% H₂O vapor in air.

2. Sampling the following concentrations of noninterest gases shall not cause the CO reading to change by more than $\pm 0.05\%$: 15% CO₂ in N₂, 1600 ppm HC in N₂, 3000 ppm NO in N₂, 10% O₂ in N₂, and 3% H₂O vapor in air.

(g) Repeatability: The repeatability of the EMS used shall be within ± 10 ppm HC and $\pm .05\%$ CO during 5 successive measurements of the same sample when sampling 320 ppm HC, measured using hexane gas, and 1.6% CO.

(h) Sensitivity: The analyzer sensitivity shall be 10 ppm HC and .05% CO in the range up to 2% CO and 400 ppm HC, measured using hexane gas.

(i) Temperature and humidity operating range: The EMS shall be capable of meeting all specifications from 10 to 90% relative humidity and 5°C to 27°C temperature.

(j) Range of measurement: The analyzer shall have a range of 0-2000 ppm HC, measured using hexane gas, 0 to 10% CO, and 0 to 15% CO₂.

(3) DEFINITION. For the purposes of this section, "EMS" means emission measurement system.

Trans 131.11 FLEET INSPECTION STATION PERMITS. (1) GENERAL REQUIREMENTS. Any owner or lessee of at least 15 vehicles subject to the inspection requirements of this chapter and who maintains and repairs these vehicles on a regular basis may apply to the department for a permit, MVD2473, to establish a fleet inspection station. The department shall not issue a fleet inspection station permit unless an inspection by the department indicates that the applicant maintains and operates an established facility which meets the following requirements:

(a) The applicant shall provide a building or a portion thereof devoted principally to maintaining or repairing the fleet's motor vehicles on a regular basis. Such a facility shall be of sufficient space to conduct maintenance or repair of at least one fleet motor vehicle.

(b) The applicant shall have an NDIR emission analyzer that meets the analyzer accuracy specifications of s. Trans 131.10(2)(a). NDIR emission analyzer calibration equipment and routine maintenance items shall also be available.

(c) The applicant shall have available, and maintain in good working condition, the tools and equipment necessary for the proper adjustment and repair of vehicles within the applicant's fleet.

(2) PERMIT REQUIREMENTS. Each permit issued by the department shall be subject to the provisions of sub. (1) and the following:

(a) A fleet inspection station shall inspect and certify compliance for only those vehicles leased or owned by the fleet owner.

(b) Permits shall expire 2 years from date of issuance and are non-transferable.

(c) A permit shall only be applicable to the fleet's inspection facility located at the address shown on the fleet inspection station permit.

(d) Changes in name or address of permittee shall be promptly reported to the department.

(e) A fleet owner whose station permit has expired or has been revoked shall cease the activity requiring a permit and return all unused vehicle inspection report forms to the department.

(f) An automotive repair technician who meets the educational or proficiency requirements of s. Trans 131.12(3) shall be employed to conduct all required inspections.

(g) The department may require the applicant's automotive repair technician to demonstrate proficiency in the use, calibration and maintenance of the NDIR gas analyzer.

(h) Inspection of fleet vehicles shall meet the requirements of s. Trans 131.12.

(i) The department's representative may designate the reinspection of a fleet vehicle at a time convenient to the fleet owner and state inspector.

(j) The fleet owner shall withhold application for registration renewal on each inspected vehicle for at least 5 working days after the fleet owner has forwarded the original vehicle inspection report for that vehicle to the department under s. Trans 131.12(6)(d).

Trans 131.12 INSPECTION OF FLEET VEHICLES. (1) EQUIPMENT AND RECORDS. All fleet testing equipment and instrumentation shall be maintained in good working order. Periodic calibration and maintenance of fleet testing equipment shall be performed as required by s. Trans 131.14. In addition:

(a) A record of all calibrations and leak checks performed on each fleet instrument shall be maintained by the fleet owner indicating the date and signature of the automotive repair technician performing the procedure. These records shall be retained for a period of 2 years and shall be made available for review by the department; and

(b) The fleet inspection station equipment, calibration gases, records, and premises may be subject to both scheduled and unscheduled audits for quality control and quality assurance by department representatives.

(2) INSPECTION FREQUENCY. All fleet vehicles for which a fleet inspection station permit has been issued shall be inspected within 90 days prior to renewal of annual registration or, for government vehicles, once each calendar year while the vehicles are part of the fleet.

(3) FLEET INSPECTION STATION INSPECTOR PROFICIENCY. Persons employed as automotive repair technicians by the holder of a fleet inspection station permit, and who are to conduct the inspections, shall be required to provide documentation to the department that they:

(a) Have satisfactorily completed a one-year vocational degree program in automotive servicing, or a 2-year vocational or associate degree program in automotive repair technology, or equivalent, from an accredited vocational, technical and adult education institution, or

(b) Have satisfactorily completed course work in vehicle emissions control principles for automotive repair technicians as offered by a vocational, technical and adult education school, or

(c) Are automotive repair technicians certified in the area of automotive emissions by the national institute for automotive service excellence, or

(d) Have received appropriate training in the utilization of the emission measuring equipment with which the fleet station is equipped, or

(e) Meet other equivalency requirements acceptable to the department.

(4) EMISSION INSPECTION PROCEDURE. (a) The exhaust emission inspection shall be conducted according to s. Trans 131.03(6), except that the idle speed of each tested fleet vehicle shall be adjusted to manufacturer's specifications if it deviates from the specified value by more than plus or minus 100 RPM.

(b) A visual check of the fleet vehicle's exhaust system shall be made to insure that it is free from leakage or any other condition which could materially affect the validity of exhaust gas concentrations.

(5) EMISSION EQUIPMENT INSPECTION. Each fleet vehicle shall be inspected for emission equipment according to s. Trans 131.03(7)(a).

(6) VEHICLE INSPECTION REPORTS. Vehicle inspection reports, as supplied by the department, shall be issued and processed as follows by the fleet station:

(a) A vehicle inspection report shall be completed for each fleet vehicle after it has passed the inspection. Vehicle identification data, the fleet station identification number, and the date of inspection shall be indicated on the report along with idle emission readings for HC and CO and such further information as the department may reasonably require to enable it to determine compliance with this chapter.

(b) Voided or unusable inspection reports shall be returned to the department for replacement.

(c) Only the fleet inspection station automotive repair technician may sign a vehicle inspection report.

(d) A legible copy of each completed inspection report shall be retained at the fleet inspection station where the inspection is conducted for a minimum of 2 years after inspection. The original completed vehicle inspection report shall be forwarded to the department.

(e) The fleet owner is responsible for the security and accountability of the vehicle inspection report forms.

(7) INSPECTION OF NDIR ANALYZERS. (a) A fleet inspection station emission analyzer shall not be used for an official emissions inspection if it cannot identify the department's surveillance gases within the tolerances specified in s. Trans 131.10(2), or if there is a leak in the sampling systems or the calibration port, or if the sample handling system is restricted.

(b) A fleet station may lease or borrow an emission analyzer for temporary use while the station's approved analyzer is being repaired provided that a department representative has approved its use.

Trans 131.13 TERMINATION OF FLEET INSPECTION STATION PERMITS.

(1) CRITERIA. The department may terminate a fleet inspection station permit issued under s. 110.20(14), Stats., and this chapter if the permittee:

(a) Violates any provision of this chapter.

(b) Misrepresents a material fact in obtaining a permit.

(c) Fails to make and keep proper records showing fleet vehicles inspected, fails to submit the records to the department, or to make such records available to the department.

Trans 131.14 MAINTENANCE AND CALIBRATION OF FLEET INSPECTION

EQUIPMENT. (1) GENERAL. All equipment utilized for the fleet emission inspections shall be calibrated and maintained according to the manufacturer's specifications and recommendations or as superseded by this chapter.

(2) SPECIFICATIONS. Emission analyzer equipment utilized by a fleet emission inspection station shall use the following calibration and maintenance procedures, unless the instrument manufacturer's procedures are more restrictive:

(a) Exhaust analyzers shall be warmed up for at least 30 minutes prior to performing any test or equipment calibration, span or zero checks.

(b) If, during a test, the sample flow restriction indicator becomes activated, the test shall be stopped and restarted after the necessary repairs or adjustments to the analyzer have been completed.

(c) The exhaust gas analyzers shall be spanned and adjusted, if necessary, using gas traceable to national bureau of standards $\pm 2\%$ within one week of the emission test. These span gases shall have concentrations within -50% to +100% of 1.2% CO and 220 ppm HC.

(d) The exhaust gas analyzers shall be zeroed and spanned prior to each test. An electrical check is acceptable.

(e) The exhaust analyzer shall not be used to test fleet vehicles unless a multipoint calibration has been performed within 30 days prior to testing.

(f) A multipoint calibration shall be performed before the analyzer is used for fleet certification testing following replacement of optical or electrical components that could cause a variation in the analyzer reading.

Trans 131.15 NOTIFICATION OF INSPECTION REQUIREMENTS. As part of the notification process for vehicle registration renewal under s. 341.08(4m), Stats., or for inspection required due to ownership change registration under s. 110.20(6)(a)2, Stats., the department shall include notification to vehicle owners whose vehicles are or may be subject to the inspection requirements of this chapter.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 13 day of April, 1993.



CHARLES H. THOMPSON

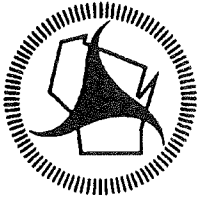
Secretary

Wisconsin Department of Transportation

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Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
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RECEIVED

April 14, 1993

APR 15 1993

Revisor of Statutes
Bureau

Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703


RE: CLEARINGHOUSE RULE 92-208

In the Matter of the Adoption of **TRANS 131**, Wisconsin Administrative Code, relating to the **Motor Vehicle Inspection and Maintenance Program**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 92-208**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker
Dorothy Kapke
Jim McDonnell
Roger Cross
Doug Thompson
Don Dean
Ed Hammer