COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

310 CMR 60.00 AIR POLLUTION CONTROL FOR MOBILE SOURCES

310 CMR 60.02 MASSACHUSETTS MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM

60.02: Massachusetts Motor Vehicle Emissions Inspection and Maintenance Program

(1) Introduction.

(a) Authority. 310 CMR 60.02 is promulgated by the Commissioner of the Department of Environmental Protection pursuant to M.G.L. c. 111, § 142M and M.G.L. c. 21A, §§ 2(28) and 16.

(b) Headings are for convenience only and do not affect the substance of 310 CMR 60.02.

(c) Purpose. 310 CMR 60.02 establishes a program to inspect the emissions of motor vehicles and to ensure that a vehicle that fails an emissions inspection is repaired properly in a reasonable time period, the motorist obtains a waiver for the vehicle, or the vehicle's registration is suspended in accordance with 540 CMR 4.00.

(d) Severability. Each subsection of 310 CMR 60.02 shall be deemed severable, and in the event that any subsection of 310 CMR 60.02 is held invalid, the remainder shall continue in full force and effect.

(2) Definitions. The following words and phrases when used in 310 CMR 60.00, except as otherwise required by the context, have the following meanings.

All Wheel Drive Vehicle means a motor vehicle in which all four wheels are constantly and automatically connected to the drive train.

Assembled Vehicle means a unique vehicle constructed from parts of other motor vehicles.

Certified Configuration means the constituent parts of a motor vehicle necessary to maintain the vehicle in conformance with any approval or order issued by the U.S.

Environmental Protection Agency or the California Air Resources Board certifying the vehicle as meeting applicable emissions standards.

Commissioner means the commissioner of the Department of Environmental Protection or his or her designee.

Cutpoint means the motor vehicle emissions level above which a vehicle fails an emissions inspection and at or below which a vehicle passes an emissions inspection.

Data Link Connector means the connector where diagnostic scan tools interface with the vehicle's on-board diagnostic system.

Department means the Massachusetts Department of Environmental Protection.

Dynamometer means a device which applies a load to a vehicle's drive wheels during an emissions inspection while the vehicle is being operated in a stationary and secure position to simulate actual driving conditions.

Diagnostic Trouble Code means a code stored in the On-board Diagnostics (OBD) system indicating the reason the malfunction indicator light is (or was) illuminated.

Diesel Engine means an engine using a compression ignition thermodynamic cycle.

Diesel Vehicle means a vehicle powered by a diesel engine.

Emission Control System means any device or combination of parts designed by the manufacturer to control the emissions of a motor vehicle.

Emissions Certification Category means the category of vehicles certified to the same emissions standard within a vehicle class.

Emissions Inspection or Inspection means the procedures specified by the Department that determine whether a vehicle meets emissions inspection standards provided in 310 CMR 60.02(11) or 310 CMR 60.02(12).

Emission Repair means repair of a motor vehicle for the purpose of such vehicle passing or attempting to pass an emissions inspection.

Glider Kit means a vehicle body, including cab, which is placed upon the chassis with its original drive train, of a vehicle with a Gross Vehicle Weight Rating (GVWR) of more than10,000 pounds that changes the function or capacity of the original chassis, and which creates a need for a change to the Vehicle Identification Number (VIN) because the cab has been replaced. Modifications to the original chassis may be necessary to allow

installation of the glider kit.

Gross Vehicle Weight Rating (GVWR) means the maximum loaded weight for which the vehicle is designed, as specified by the vehicle manufacturer.

Heavy Duty Diesel Vehicle means a motor vehicle with a GVWR greater than 14,000 pounds, equipped with a diesel engine, and operating on any fuel or combination of fuels.

Heavy Duty Nondiesel Vehicle means a motor vehicle with a GVWR greater than 14,000 pounds, not equipped with a diesel engine, and operating on any fuel or combination of fuels.

Initial Inspection means the first inspection of a vehicle under 310 CMR 60.02 or any subsequent inspection where the vehicle passed the previous inspection, received a waiver, or received an economic hardship failure repair extension.

Inspection See definition for emissions inspection.

Inspection Certificate means a written statement indicating:

(a) that the required inspection for a motor vehicle has been performed and the motor vehicle inspected has passed or failed said inspection; or

(b) that the motor vehicle is exempt from the inspection.

Said certificate shall be in a form prescribed by the Registrar and the Commissioner.

Inspection Station means a facility that is licensed by the Registry to conduct motor vehicle safety and emissions inspections.

Inspection Fee means the fee established by the Commonwealth and paid by the motorist for a motor vehicle inspection pursuant M.G.L. c. 7, § 3B.

Inspector means any properly trained person with a valid certification from the Department and licensed by the Registry to perform motor vehicle safety and emissions inspections.

Kit Vehicle means a unique vehicle or a replica of any vehicle, the production volume of which is less than 500 vehicles per year.

Light-duty Diesel Vehicle means a vehicle with a GVWR of 8,500 pounds or less, equipped with a diesel engine, and operating on any fuel or combination of fuels.

Light-duty Nondiesel Vehicle means a vehicle with a GVWR of 8,500 pounds or less, not equipped with a diesel engine, and operating on any fuel or combination of fuels.

Malfunction Indicator Light means the instrument panel light used by the OBD system to notify the vehicle operator of an emissions related problem.

Medium-duty Diesel Vehicle means a vehicle with a GVWR greater than 8,500 and less than or equal to 14,000 pounds, equipped with a diesel engine, and operating on any fuel or combination of fuels.

Medium-duty Nondiesel Vehicle means a vehicle with a GVWR greater than 8,500 and less than or equal to 14,000 pounds, not equipped with a diesel engine, and operating on any fuel or combination of fuels.

Model-year means the vehicle manufacturer's annual production period for each engine family which includes January 1st of a calendar year or, if the manufacturer has no annual production period for the engine family, the year in which the vehicle was manufactured. If a motor vehicle is manufactured in two or more states, the model-year shall be determined by the date on which the chassis is completed.

Motor Vehicle or Vehicle means any equipment or mechanical device propelled primarily on land by power other than muscular power, including passenger vehicles and trucks operating on any fuel type. "Motor vehicle" or "vehicle" does not mean railroad or railway engines or cars, vehicles operated by the system known as trolley motor or trackless trolley, vehicles used primarily for off roadway use such as construction and farm equipment, or devices used for domestic purposes such as a lawnmower or snowblower.

Motor Vehicle Inspection and Maintenance Program means the program for the inspection and repair of motor vehicles conducted in accordance with the combined emissions and safety regulations established by the Department and the Registry pursuant 310 CMR 60.02 and 540 CMR 4.00, respectively.

Motorist means the person in control of a vehicle subject to the motor vehicle inspection and maintenance program.

New Vehicle means a motor vehicle to which the equitable or legal title has never been transferred to an ultimate purchaser.

On-board Diagnostics System (OBD System) means a system, as installed and programmed by the original equipment manufacturer or its designee, or by a vendor recognized or authorized by the U.S. Environmental Protection Agency or the California Air Resources Board or the original equipment manufacturer to install or program such system according to the requirements of the U.S. Environmental Protection Agency or the California Air Resources Board of vehicle components and condition monitors and sensors controlled by an on-board computer running software designed to signal the

motorist when a problem is detected with an emissions control system or component, or with the on-board diagnostic system.

On-board Diagnostics Test (OBD Test) means an assessment of the condition of a vehicle's emissions control system, including the vehicle's OBD system, pursuant to Department inspection procedures established pursuant to 310 CMR 60.02, including workstation software prompts.

Opacity Test means an emissions test of a diesel vehicle's exhaust performed by measuring the density of the smoke that the vehicle emits. Such test may be performed while the vehicle is under load on a dynamometer according to Department-approved inspection procedures.

Original Equipment Manufacturer means the entity that originally manufactured the motor vehicle or motor vehicle engine prior to sale to the ultimate purchaser.

Person means an individual, agency or other government entity, corporation, partnership, association, or similar entity.

Readiness Codes means the codes stored by a vehicle's OBD system that indicate whether a vehicle's OBD system has been able to complete its checks for proper functioning of the vehicle's emissions-related components and systems.

Registered Repair Technician means any person registered with the Department who meets the Department's standards for registration.

Registrant means the person to whom a certification of registration is issued pursuant to 540 CMR 2.00 *et seq*.

Registrar means the Registrar of the Registry of Motor Vehicles.

Registry means the Registry of Motor Vehicles.

Reinspection means any emissions inspection performed on a motor vehicle after it has failed an emissions inspection and repair has been attempted.

Repair Form means the form provided by the inspector to the motorist whose vehicle has failed the emissions inspection to record the type and cost of emissions repairs performed on the vehicle.

SAE JI667 Opacity Test means *The Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicle*, 1996-02, issued by the Society of Automotive Engineers (SAE), as modified by the Department.

Tampering means the act of a person to remove or render inoperative any device or element of design installed on or in a motor vehicle in compliance with regulations under § 203(a) of the federal Clean Air Act, or to cause a vehicle to operate using a fuel which the vehicle is not certified to use, or to operate on a fuel not approved or certified by the U.S. Environmental Protection Agency or the California Air Resources Board.

Transient Loaded-mode Test means the portion of the emissions inspection administered while the vehicle is operating on a dynamometer.

Two-speed Idle Test means an emissions measurement taken while a vehicle is operating first at idle, then while the engine is operating at 2500 revolutions per minute with the transmission in neutral, and a final time when the vehicle is again operating at idle.

Ultimate Purchaser means, with respect to a motor vehicle or motor vehicle engine, the first person who in good faith purchases or leases the motor vehicle or motor vehicle engine for purposes other than resale.

Used Motor Vehicle means a motor vehicle owned or leased by any person other than the ultimate purchaser for purposes other than resale.

Vehicle Class means a category to which a vehicle is assigned by the U.S. Environmental Protection Agency or the California Air Resources Board pursuant to their requirements for certifying the vehicle as meeting applicable emissions standards.

Vehicle Identification Number or VIN means a unique number assigned to each vehicle by the vehicle manufacturer or the Registry.

Workstation means the complete set of inspection equipment approved by the Department and required by the Registrar by or pursuant to 540 CMR 4.00 for an inspection station.

(3) Applicability.

(a) The following motor vehicles are subject to emissions inspection except as otherwise provided at 310 CMR 60.02(3)(b) or (c):

1. all motor vehicles registered in Massachusetts;

2. any motor vehicle owned or operated by a federal agency in Massachusetts (regardless of whether such vehicles are registered in Massachusetts); and

3. diesel vehicles with a GVWR greater than 10,000 pounds operating

on Commonwealth roads but not registered in Massachusetts.

(b) Prior to October 1, 2008, the following motor vehicles are exempt from the emissions inspection:

1. any motor vehicle with a model year earlier than 1984;

2. any motor vehicle for 24 months from the date of registration in Massachusetts after sale or lease to the ultimate purchaser (for the sale or lease of vehicles beginning with model year 1998);

3. tactical military vehicles;

4. any motor vehicle or class of motor vehicles determined by the Department to present prohibitive emissions inspection problems or to be inappropriate for emissions inspection;

5. any motor vehicle operated exclusively by electric power;

6. any motorcycle or moped; and

7. any vehicle that has been granted a waiver or exemption by the U.S. Environmental Protection Agency or the California Air Resources Board from emissions standards or equipment requirements to the extent of said waiver or exemption.

(c) Effective beginning October 1, 2008, the following motor vehicles are exempt from the emissions inspection:

1. any diesel vehicle with a model year earlier than 1984;

2. any light duty diesel vehicle with a model year earlier than 1997 or 15 or more model years old;

3. any medium duty diesel vehicle with a GVWR of not more than 10,000 pounds and with a model year earlier than 2007 or 15 or more model years old;

4. any light duty nondiesel vehicle with a model year earlier than 1996 or 15 or more model years old;

5. any medium duty nondiesel vehicle with a model year earlier than 2008 or 15 or more model years old;

6. any heavy duty nondiesel vehicle not equipped with an OBD system or 15 or more model years old;

7. any new vehicle registered first in Massachusetts for the motor vehicle inspection upon its initial registration to the ultimate purchaser, except a kit vehicle;

8. tactical military vehicles;

9. any motor vehicle or class of motor vehicles determined by the Department to present prohibitive emissions inspection problems or to be inappropriate for emissions inspection;

10. any motor vehicle operated exclusively by electric power;

11. any vehicle that has been granted a waiver or exemption by the U.S. Environmental Protection Agency or the California Air Resources Board from emissions standards or equipment requirements to the extent of said waiver or exemption; and

12. any motorcycle or moped.

(4) Scheduling of Emissions Inspections Prior to October 1, 2008.

(a) Motor Vehicles Registered in Massachusetts. The registrant of each motor vehicle shall obtain an emissions inspection for a motor vehicle in accordance with 310 CMR 60.02. Registrants shall submit their vehicles for inspection no later than the month and year of expiration on the previously issued inspection certificate.

1. First Initial Inspection. The registrant of each motor vehicle shall obtain an emissions inspection for that motor vehicle as part of its first motor vehicle inspection following the expiration of the exemption at 310 CMR 60.02(3)(b)2.

2. A registrant of a vehicle that failed to obtain an emissions inspection pursuant to the schedule at 310 CMR 60.02(4)(a)1. and (4)(a)4. or instead received only a safety inspection shall obtain an initial emissions inspection the next time the vehicle is submitted for a motor vehicle inspection.

3. Late Safety Inspection. Notwithstanding 310 CMR 60.02(4)(a)2. and (4)(a)4., the registrant of a motor vehicle shall obtain an initial

emissions inspection for the motor vehicle if the vehicle is presented for inspection 60 days or more after the vehicle was due for a safety inspection.

4. After First Initial Inspection. The registrant of each motor vehicle shall obtain an emissions inspection for a motor vehicle every other time the vehicle is submitted for a motor vehicle inspection except in accordance with 310 CMR 60.02(4)(c), (4)(a)2. and (4)(a)3.

(b) Initial Registration of Motor Vehicles. For any motor vehicle first registered in Massachusetts, the motorist shall obtain an emissions inspection as part of his or her motor vehicle inspection for the vehicle within seven days from the date the vehicle is first registered in Massachusetts unless otherwise exempt in accordance with 310 CMR 60.02(3)(b).

(c) Inspections Upon Transfer. For any used motor vehicle, the motorist shall obtain an emissions inspection as part of his or her motor vehicle inspection for the vehicle within seven days of the date on which the motor vehicle is registered in Massachusetts to the new owner unless otherwise exempt in accordance with 310 CMR 60.02(3)(b)1., 3., 4., 5., 6., or 7.

(d) Massachusetts Vehicles not Located in State. For any motor vehicle which is not garaged or operated in Massachusetts at the time that vehicle's emissions inspection was due, a motorist may operate the vehicle for 15 days after the vehicle's return to Massachusetts, provided said motor vehicle bears proof satisfactory to the Department of an adequate emissions inspection from another jurisdiction. The motorist shall obtain the vehicle's initial emissions inspection within said 15 days. A motorist also may obtain an initial inspection prior to the expiration of the vehicle's current inspection certificate.

(e) Diesel Vehicles with a GVWR of over 10,000 Pounds. Diesel vehicles with a GVWR of over 10,000 pounds registered in Massachusetts are subject to 310 CMR 60.02(4)(a) through (d). In addition, all diesel vehicles with a GVWR of over 10,000 pounds operating on Massachusetts roads are subject to emissions testing during roadside inspections, and emissions inspection standards are applicable to emissions testing conducted during roadside inspections.

(f) Inspections for Program Evaluation. The Department may require a registrant to have his or her vehicle inspected upon notice from the

Department for program evaluation. If the vehicle fails such inspection, the registrant may choose not to have the vehicle repaired and present the vehicle for inspection as provided at 310 CMR 60.02(4)(a).

(5) Scheduling of Emissions Inspections Effective Beginning October 1, 2008.

(a) Motor Vehicles Registered in Massachusetts. The registrant of each motor vehicle shall obtain an emissions inspection every time the vehicle is submitted for a motor vehicle inspection in accordance with 310 CMR 60.02. Registrants shall submit their vehicles for inspection no later than the last day of the month and year of expiration on the previously issued inspection certificate.

(b) Initial Inspection of New Kit Vehicles. When any kit vehicle is first registered in Massachusetts, including upon sale or lease to the ultimate purchaser or completion of assembly, the registrant shall obtain a visual inspection in accordance with 310 CMR 60.02(12)(c). If the certified configuration installed in the kit vehicle is from a model year vehicle subject to an OBD test, the kit vehicle shall also receive an OBD test for the model year of the certified configuration installed in the kit vehicle.

(c) Initial Registration of Motor Vehicles. A motorist shall obtain an emissions inspection as part of the motor vehicle inspection for the vehicle within seven days from the date the vehicle is first registered in Massachusetts unless exempt under 310 CMR 60.02(3)(c).

(d) Inspections upon Transfer. For any used motor vehicle, the motorist shall obtain an emissions inspection as part of his or her motor vehicle inspection for the vehicle within seven days of the date on which the motor vehicle is registered in Massachusetts to the new owner unless exempt in accordance with 310 CMR 60.02(3)(c).

(e) Massachusetts Vehicles not Located in State. For any motor vehicle which is not garaged or operated in Massachusetts at the time that vehicle's emissions inspection was due, a motorist may operate the vehicle for 15 days after the vehicle's return to Massachusetts, provided said motor vehicle bears proof satisfactory to the Department of an adequate emissions inspection from another jurisdiction. The motorist shall obtain the vehicle's initial emissions inspection within said 15 days.

(f) Diesel Vehicles with a GVWR Greater Than 10,000 Pounds. Diesel vehicles with a GVWR greater than 10,000 pounds registered in Massachusetts are subject to 310 CMR 60.02(5)(a) through (e), (g) and

(h). In addition, all diesel vehicles with a GVWR greater than 10,000 pounds operating on Massachusetts roads are subject to emissions testing during roadside inspections, and emissions inspection standards are applicable to emissions testing conducted during roadside inspections.

(g) Inspections for Program Evaluation. The Department may require a registrant to have his or her vehicle inspected upon notice from the Department for program evaluation. If the vehicle fails such inspection, the registrant may choose not to have the vehicle repaired and present the vehicle for inspection as provided at 310 CMR 60.02(5)(a).

(h) A motorist may obtain an initial inspection at any time prior to the month and year of expiration on the inspection certificate previously issued where the vehicle passed the previous inspection, received a waiver, or received an economic hardship failure repair extension.

(6) Motorist Requirements.

(a) Inspection Documents. When presenting a motor vehicle for an inspection, a motorist shall provide the following documents to the inspector to identify the vehicle by make, model-year, vehicle identification number, and license plate number:

1. a valid certificate of registration; and

2. if the inspection is a reinspection, a valid and completed emissions repair form.

(b) Inspection Fee. The motorist shall pay the inspection fee when presenting a motor vehicle for an inspection. No fee is required for an inspection that is not completed.

(c) Inspection Failure. If a vehicle fails an initial inspection, the motorist either shall repair the vehicle such that it passes a reinspection, or shall obtain a waiver or an economic hardship repair extension within 60 days.

(d) Referrals. The motorist shall present the vehicle to a location as instructed by the Registry, the Department, or via printed instructions from a workstation, for purposes related to emissions inspection.

(7) Emission Test Applicability Prior to October 1, 2008.

(a) Transient Loaded-mode Test. The following motor vehicles are subject to

the transient loaded-mode test:

1. all motor vehicles older than model year 1996 with a GVWR of 10,000 pounds or less and operating on any fuel type, except diesel fuel; and

2. all motor vehicles model year 1996 or newer with a GVWR of 10,000 pounds or less and operating on any fuel type, except diesel fuel, that lack an on-board diagnostic system.

(b) Two-speed Idle Test. All motor vehicles with a GVWR of more than 10,000 pounds and operating on any fuel type, except diesel fuel, and lacking an on-board diagnostic system are subject to the two-speed idle test. All motor vehicles, including all-wheel drive vehicles, that the Department deems unsuitable for a transient loaded-mode test as provided for in the Department-approved inspection procedures also are subject to the two-speed idle test.

(c) On-board Diagnostics Test. The following motor vehicles are subject to the on-board diagnostic test in accordance with Department-approved inspection procedures:

1. all motor vehicles model year 1996 or newer operating on any fuel type, except diesel, and equipped with an on-board diagnostics system; and

2. all motor vehicles model year 1997 or newer operating on diesel fuel and equipped with an on-board diagnostics system.

3. Alternative Test. Any class of motor vehicles otherwise subject to the on-board diagnostics test is subject to the transient loaded-mode test, the two-speed idle test, the opacity test, or the SAE J1667 opacity test in accordance with 310 CMR 60.02(7)(a), (b), (d) and (e) if the Department determines that the vehicle class is not compatible with the then existing OBD test software or hardware. Any such vehicle class subject to an alternative test also may be subject to any part of the on-board diagnostics test for which the vehicle or class of vehicles is suitable and the test hardware and software is compatible and a visual inspection of the malfunction indicator light.

(d) Opacity Test. All diesel vehicles with a GVWR of 10,000 pounds or less are subject to an opacity test appropriate for their weight and size as

determined by the Department. Motorists with vehicles with a GVWR of 10,000 pounds or less and more than 8,500 pounds and subject to the opacity test may elect to have their vehicle tested by the SAE J1667 test instead.

(e) SAE J16671[1] OpacityTest. All diesel vehicles with a GVWR greater than 10,000 pounds and not otherwise subject to an OBD test are subject to the SAE J1667 opacity test. The Department may exempt from roadside emissions inspection such vehicles if the vehicle has been tested in another state or jurisdiction.

(f) Fuel Cap Test. All motor vehicles, except those vehicles model year 2004 and newer that receive an on-board diagnostics test, are subject to the fuel cap test.

(g) The Department may waive the requirement for any test for classes of vehicles that the Department determines are highly likely to pass such test based on statistical data from other emissions tests, including data from other states.

(h) Engine Switching. A motor vehicle with an exchanged or replaced engine is subject to the emissions inspection standards for the fuel type, model-year, and type of vehicle chassis contained on its certificate of registration.

(i) Assembled Vehicles. An assembled or reconstructed vehicle, including a vehicle with a prefabricated body, is subject to the emissions inspection applicable to the fuel type, model year, and type of vehicle chassis indicated on the vehicle's certificate of registration.

(j) Kit Vehicles. Registrants of kit vehicles may request the Department to apply less stringent emissions standards for the transient loaded-mode test if the vehicle is operated for less than 2000 miles in the previous 12 months.

(8) Emission Test Applicability Effective Beginning October 1, 2008.

(a) On-board Diagnostics Test. Unless exempt pursuant to 310 CMR 60.02(3)(c), the following motor vehicles are subject to the on-board diagnostic test in accordance with Department-approved inspection

---

[1] Copies of SAE J1667 may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001.

procedures:

1. all light-duty nondiesel motor vehicles model year 1996 or newer;

2. all light-duty diesel motor vehicles model year 1997 or newer,

3. all medium-duty diesel motor vehicles model year 2007 or newer;

4. all medium-duty nondiesel motor vehicles model year 2008 or newer; and

5. all heavy-duty diesel and nondiesel motor vehicles equipped with OBD systems.

(b) SAE J1667[2] Opacity Test.

1. Unless exempt pursuant to 310 CMR 60.02(3)(c), diesel vehicles with a GVWR greater than 10,000 pounds and not otherwise subject to an OBD test are subject to the SAE J1667 opacity test. The Department may exempt from roadside emissions inspection such vehicles if the vehicle has been tested in another state or jurisdiction.

2. Any diesel vehicle subject to the opacity test pursuant to 310 CMR 60.02(3)(a) and (c) and 60.02(8)(b)1., shall not be subject to such test prior to April 1, 2009. After that date any such diesel vehicle shall not be subject to such opacity test is the test software or hardware has not been approved by the Department for use.

(c) Engine Switching. A motor vehicle with an exchanged or replaced engine shall be subject to the engine switching requirements in 310 CMR 60.02(12)(d).

(d) Assembled Vehicles. An assembled or reconstructed vehicle, including a vehicle with a prefabricated body, is subject to the emissions inspection applicable to the fuel type, model year, and type of vehicle chassis indicated on the vehicle's certificate of registration.

(e) Kit Vehicles. Kit vehicles are subject to an emissions test based on the year of the certified configuration installed in the kit vehicle:

---

[2] Copies of SAE J1667 may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001.

1. if the certified configuration installed in the kit vehicle is from a model year vehicle subject to an OBD test, then the kit vehicle shall be subject to the kit vehicle visual test upon initial registration and to annual OBD testing requirements for the model year of the certified configuration installed in the kit vehicle; or

2. if the certified configuration installed in the kit vehicle is from a model year vehicle not subject to an OBD test, then the kit vehicle shall be subject to the kit vehicle visual test upon initial registration and transfer of ownership.

(f) Glider Kits. Vehicles with glider kits are subject to an emissions test based on the year of the chassis on which the glider kit is installed:

1. if the chassis is subject to an OBD test, then the vehicle shall be subject to a visual inspection upon initial registration to verify that the OBD system is properly installed and to OBD testing requirements for the model year of the chassis, or

2. if the chassis is not subject to an OBD test, then the vehicle shall be subject to an opacity test if the year of the chassis and fuel type of the engine are subject to an opacity test.

(9) Advisory Scan of New Motor Vehicles Effective Beginning October 1, 2008. For any vehicle required to be equipped with an OBD system and registered first in Massachusetts after sale or lease to the ultimate purchaser, except a kit vehicle, the registrant shall obtain an advisory scan of the vehicle's OBD system. The advisory scan is not an emissions inspection. The scan may be performed as part of the pre-delivery motor vehicle inspection performed by the seller if the seller is so authorized by the Registry. The items or characteristics to be scanned and the properties that constitute a problem shall be established by the Department. The items or characteristics to be scanned and the properties that constitute a problem shall be based on: the type of vehicle, the vehicle fuel type(s), the model year of the vehicle, vehicle certification requirements of the U.S. Environmental Protection Agency or the California Air Resources Board, and the vehicle's OBD system design. A list of the items or characteristics to be scanned and the properties that constitute a problem shall be published by the Department on the web site for the Enhanced Emissions and Safety Test Program. Upon completion of the advisory scan of a new motor vehicle, the inspector, or a person authorized by the Registry if the seller is authorized to perform the advisory scan as part of the pre-delivery motor vehicle inspection, shall provide to the motorist a printed

report of the vehicle's advisory scan results in the format required by the Department.

(10) Inspector Procedures.

(a) The inspector shall perform emissions inspections in accordance with 310 CMR 60.02 and all Department-approved inspection procedures, including all workstation software prompts, at inspection stations licensed by the Registry.

(b) The inspector shall perform emissions inspections using Department-approved equipment and shall perform all Department-required quality control and maintenance procedures on the equipment and adhere to all safety procedures as provided in the Department-approved inspection procedures.

(c) The inspector shall record the information identified as provided in the Department's emissions inspection procedures and the workstation software prompts.

(d) Once initiated, the inspector shall complete an emissions inspection. The inspector shall terminate the inspection if an unsafe condition or workstation error or inspector error arises during the inspection process.

(e) The inspector shall refuse to perform an emissions inspection on a motor vehicle if:

1. the motorist fails to present the documentation specified at 310 CMR 60.02(6)(a)1.;

2. the vehicle is carrying explosives or other materials considered to be a safety hazard by the inspector;

3. fuel, oil, or other leaks are observed by the inspector that are considered a safety hazard by the inspector; or

4. the inspector observes any other hazard that would compromise the safe conduct of the inspection.

(f) Upon completion of the emissions inspection, the inspector shall provide to the motorist a printed inspection report of the vehicle's inspection results in the format required by the Department.

(g) Upon completion of the motor vehicle inspection, the inspector shall affix an inspection certificate to the windshield of the vehicle inspected indicating the proper results of the inspection.

(11) Emissions Inspection Standards Prior to October 1, 2008. A motor vehicle shall fail the emissions inspection if it does not meet the applicable standards established in 310 CMR 60.02(11). The emission standards shall be applicable to cars and trucks, as defined by the U.S. Environmental Protection Agency or the California Air Resources Board when the vehicle was certified.

(a) Transient Loaded-mode Emissions Test Standards. Vehicles subject to the transient loaded-mode test shall have emissions no higher than the cutpoints listed in 310 CMR 60.02(11)(a): *Table A* as indicated for the vehicle's class and model year. The Department may establish in the Department-approved inspection procedures alternative test cycles that have equivalent stringency to these standards. The Department may adjust the standards at its discretion to be less stringent than the cutpoints listed in 310 CMR 60.02(11)(a): *Table A* during the implementation phase of the emissions inspection program to address: air pollution; motorist convenience; inspection failure rates; or, motorists' difficulty in obtaining proper repairs.

TABLE A
Transient Loaded – Mode Emission Test Cutpoints in Grams Per Mile

	Hydrocarbons	Carbon Monoxide	Oxides of Nitrogen
Cars			
1996 and newer	0.80	15.0	2.0
1991 – 1995	1.2	20.0	2.5
1984 – 1990	2.0	30.0	3.0
Trucks less than or equal to 6,000 pounds GVWR			
1996 and newer			
3,750 LVW or less	0.80	15.0	2.0
Greater than 3,750 LVW	1.0	20.0	2.5
1991 – 1995	2.40	60.0	3.0
1988 – 1990	3.20	80.0	3.5
1984 – 1987	3.20	80.0	7.0
Trucks greater than 6,000 pounds GVWR			
1996 and newer			
5,750 ALVW or less	1.00	20.0	2.5
greater than 5,750 ALVW	2.40	60.0	4.0
1991 – 1995	2.40	60.0	4.5
1988 – 1990	3.20	80.0	5.0
1984 – 1987	3.20	80.0	7.0

LVW means loaded vehicle weight.
ALVW means adjusted loaded vehicle weight.

(b) Two-speed Idle Test Standards. Vehicles subject to the two-speed idle test shall have emissions no higher than the cutpoints indicated for the vehicle's model year in Table B. The following emissions control devices or equipment also shall be present and functional as indicated by procedures specified by the Department: catalytic converter, air pump,

exhaust gas recirculation valve, and positive crankcase ventilation valve.

TABLE B
Two-speed Idle Emission Test Cutpoints

Model Years	Hydrocarbons (parts per million)	Carbon Monoxide (percent per standard volume)
All Vehicle Classes		
1987 and newer	100	0.60
1984 – 1986	220	0.80

(c) Opacity Standards for Diesel Vehicles. Vehicles subject to an opacity test shall have emissions opacity no greater than the cutpoints in Table C as indicated for the vehicles class and model year.

TABLE C
Opacity Test Cutpoints

	Percent Opacity
Diesel cars and trucks less than 8,500 pounds GVWR	20%
Diesel trucks 8,500 to 10,000 pounds GVWR	40%
Diesel trucks greater than 10,000 pounds GVWR	
1984 – 1990 model years	55%
1991 and newer	40%
Diesel buses greater than 10,000 pounds GVWR	
1984 – 1993 model years	40%
1994 and newer	30%

(d) Fuel Cap (Pressure Decay) Test. Using a Department approved method, the fuel cap shall fail the pressure test if it loses more than six inches of water column (WC) pressure over a period of ten seconds from a starting

pressure of 28 ± one inch of water.

(e) On-board Diagnostics Test. A vehicle shall fail the on-board diagnostics test if:

1. the data link connector is missing, has been tampered with, or malfunctions, or the OBD system has been altered in such a way as to make OBD system testing impossible;

2. the malfunction indicator light is commanded by the OBD system to be illuminated; or,

3. the vehicle's OBD system reveals insufficient readiness codes are set for the components of the OBD system except as provided for reinspections at 310 CMR 60.02(12)(c).

(12) Emissions Inspection Standards Effective Beginning October 1, 2008. A motor vehicle shall fail the emissions inspection if it does not meet the applicable standards established in 310 CMR 60.02(12).

(a) Opacity Standards for Diesel Vehicles. Any vehicle subject to an opacity test shall have emissions opacity no greater than the cutpoints in Table D as indicated for that vehicle's class and model year.

TABLE D
Opacity Test Cutpoints
Effective Beginning October 1, 2008

	Percent Opacity
Diesel trucks greater than 10,000 pounds GVWR	
1984 – 1990 model years	40%
1991 – 1996 model years	30%
1997 and newer model years	20%
Diesel buses greater than 10,000 pounds GVWR	
1984 – 1987 model years	40%
1988 – 1993 model years	30%
1994 and newer model years	20%

(b) On-board Diagnostics Test. A vehicle shall fail the on-board diagnostics test if:

1. the data link connector is missing, has been tampered with, or malfunctions, or the OBD system has been altered in such a way as to make OBD system testing impossible;

2. the malfunction indicator light is commanded by the OBD system to be illuminated;

3. the malfunction indicator light does not illuminate properly when commanded on by the OBD system;

4. the vehicle's OBD system reveals insufficient readiness codes, for light-duty nondiesel vehicles as prescribed in 40 CFR 85.2222 or as otherwise determined by the Department in consultation with the U.S. Environmental Protection Agency, and as determined by the Department for all other vehicles, are set for the components of the OBD system except as provided for reinspections at 310 CMR 60.02(14)(b); or

5. the vehicle's OBD system reveals other OBD system malfunctions or conditions as identified by the Department.

(c) Kit Vehicle Visual Test. A kit vehicle shall be subject to a visual test to verify compliance with the following emissions requirements; and kit vehicle registrants shall supply any documentation required by the inspector, the Department, or the registry:

1. The components of the drivetrain (e.g., engine, transmission, and differential) shall be exclusively or substantially used or rebuilt. Regardless of the combination of new and used components, the engine shall be used, or used and rebuilt. The engine block and cylinder head(s) shall be used; other components of the engine may be new. For purposes of 310 CMR 60.02(12)(c), "used" means the component has been in a vehicle that has been titled to an ultimate purchaser. For purposes of 310 CMR 60.02(12)(c), a "rebuilt component" is defined as a used component which has been refurbished with new or other used parts;

2. Kit vehicles shall have the same transmission configuration (i.e., manual, automatic, semi-automatic, and number of forward gears) as the originally certified configuration, and have an N/V ratio

(speed of vehicle in miles per hour/speed of engine in revolutions per minute) which matches the N/V ratio of the originally certified configuration within 3% in every gear;

3. All emissions-related components and settings shall conform in all material respects to those of one previously certified configuration (all emissions-related components shall match or be traceable to one previously certified configuration);

4. All catalytic converters, oxygen sensors, and charcoal canisters shall be new, original equipment parts, or replacement parts equivalent to the original equipment parts;

5. If the originally certified configuration required unleaded fuel, then the vehicles shall have fuel filler neck restrictors and unleaded fuel labels which meet the requirements of 40 CFR 80.24;

6. The vehicle weight of the kit configuration can be no more than 500 pounds greater than the weight of the originally certified configuration; and

7. Each vehicle and its accompanying documentation shall be clearly labeled as to the make, model year, chassis year, engine year, engine family, subfamily, and tune-up specifications represented by the originally certified vehicle.

(d) Engine Switching Requirements. A motor vehicle with an exchanged or replaced engine shall be subject to the following requirements:

1. the vehicle configuration following the engine switch shall be a certified configuration;

2. the certified configuration shall be of the same emissions certification category, as established by the U.S. Environmental Protection Agency or the California Air Resources Board;

3. engine switching between vehicle California-certified and federally-certified vehicles is prohibited;

4. engine switching between vehicle classes is prohibited; and

5. for heavy-duty vehicles, the engine switched into a heavy duty truck shall be of a certified configuration of the same model year or

newer as the year of the engine originally installed in the vehicle.

(13) Reinspections Prior to October 1, 2008.

(a) The inspector shall inspect every vehicle presented for reinspection in accordance with the emissions inspection requirements of 310 CMR 60.02 and Department-approved inspection procedures.

(b) The inspector shall perform the reinspection in accordance with the same requirements as an initial emissions inspection for the failed portion of the inspection. Thus, if a vehicle obtained a transient loaded mode test, a two speed idle test, an opacity test, an OBD test or a visual inspection of the malfunction indicator light for the initial inspection pursuant to310 CMR 60.02(7), the vehicle shall receive the same test(s) on reinspection.

(c) Notwithstanding 310 CMR 60.02(13)(b), if a vehicle failed the on-board diagnostics test during the most recent initial inspection and insufficient readiness codes are set at there inspection, the inspection shall abort and the inspector shall turn the vehicle away.

(d) If a vehicle returns for a safety reinspection 60 days or more after failing an initial safety inspection that did not include an emissions test, the vehicle shall be subject to an emissions and safety inspection at that time. Such inspection shall be considered the vehicle's initial emissions inspection.

(e) If the vehicle passes reinspection, the vehicle shall receive an emissions inspection certificate indicating compliance with emissions inspection requirements.

(f) Unless a vehicle that has failed an emissions inspection passes a reinspection within 60 days or obtains a waiver, the vehicle shall not be operated on a public road and the registration of any such Massachusetts-registered motor vehicle shall be suspended in accordance with 540 CMR 4.00.

(14) Reinspections Effective Beginning October 1, 2008.

(a) The inspector shall inspect every vehicle presented for reinspection in accordance with the emissions inspection requirements of 310 CMR 60.02, Department-approved inspection procedures, and workstation software prompts.

(b) If a vehicle failed the on-board diagnostics test during the most recent initial inspection and does not meet readiness criteria as prescribed by 310 CMR 60.02(12)(b)4. at the reinspection, the vehicle shall be turned away consistent with Department-approved inspection procedures. A vehicle not meeting readiness criteria as prescribed by 310 CMR 60.02(12)(b)4. upon reinspection is not considered to have received an emissions reinspection.

(c) If the vehicle passes reinspection, the vehicle shall receive an emissions inspection certificate indicating compliance with emissions inspection requirements.

(d) Unless a vehicle that has failed an emissions inspection passes a reinspection within 60 days, obtains a waiver, or obtains an economic hardship failure repair extension, the vehicle shall not be operated on a public road and the registration of any such Massachusetts registered motor vehicle shall be suspended in accordance with 540 CMR 4.00.

(15) Challenge Inspections.

(a) A motorist may challenge the results of an emissions inspection or reinspection. To challenge the results of an emissions inspection or reinspection, a motorist shall notify the Registry, in a form and manner as specified by the Registry, within two days (excluding Sundays, Commonwealth and federal holidays) of the inspection being challenged, and shall submit his or her vehicle for another emissions inspection or other facility as at an inspection station or other facility as designated by the Registry or the Department.

(b) If the vehicle fails a challenge inspection or reinspection, the motorist shall pay the inspection station or other facility for the cost of the inspection. If the vehicle passes the challenge inspection, the inspector shall issue the appropriate inspection certificate and report but shall not charge any inspection fee to the motorist.

(16) Waivers Prior to October 1, 2008

(a) A motorist may apply for a waiver of emission inspection standards if the following conditions are met:

1. the vehicle failed a reinspection; and

2. emissions-related repairs were performed on the vehicle by a

registered repair technician.

(b) The motorist shall present the vehicle to a location designated by the Registry or the Department along with the following documentation when applying for a waiver:

1. the vehicle's most recent reinspection report;

2. a repair form completed and signed by a registered repair technician, if the registered repair technician did not previously supply the information in a manner specified by the Department;

3. receipts for all emissions-related repairs completed by a registered repair technician since the vehicle's most recent initial inspection; and

4. any other documents required by the Department.

(c) An emissions waiver certificate shall be granted if all of the following requirements are met:

1. the emission control system is present and there is no evidence of tampering;

2. for transient loaded mode and two speed idle emissions tests, emissions levels are less than three times the standard for each pollutant tested;

3. for transient loaded mode and two speed idle emissions tests, the vehicle's emissions continue to meet standards for pollutants that met the standards at the most recent initial inspection;

4. the malfunction indicator light is not commanded on by the OBD system for any diagnostic trouble code(s) for misfire or catalytic converter efficiency;

5. repairs were performed that were appropriate for the type of emissions inspection failure(s) that occurred and resulted in improvements in emissions levels for transient loaded mode and two speed idle emissions tests, or were appropriate for the diagnotic trouble code(s) that caused the malfunction indicator light to be commanded on by the OBD system;

6. the motorist has used all relevant manufacturer warranty coverage including recalls to repair the vehicle;

7. repair expenditures exceed the following limits:

   a. $400 for vehicles up to but not exceeding five model years old;

   b. $300 for vehicles over five but not exceeding ten model years old;

   c. $200 for vehicles over ten model years old.

8. all safety requirements are met.

(d) Costs associated with the following repairs are not eligible for consideration toward the waiver cost limit:

1. tampering-related repairs to the emissions control system except where it can be verified that the part in question or one similar to it is no longer available for sale;

2. repairs to an emissions control system which has been dismantled or rendered inoperable except where it can be verified that the part in question or one similar to it is no longer available for sale;

3. repairs to an OBD system that will not communicate with emission inspection equipment;

4. repairs to an OBD system to meet minimum test criteria for readiness;

5. repairs under any warranty;

6. repairs that are subject to a manufacturer's recall;

7. repairs unrelated to emissions performance or inappropriate for the type of emission inspection failure that occurred for transient loaded mode and two speed idle emissions tests, or unrelated to the diagnostic trouble code(s) that caused the malfunction indicator light to be commanded on by the OBD system;

8. repairs performed prior to the most recent initial inspection failure;

and

9. repairs not performed by a registered repair technician.

(e) An emissions waiver certificate is valid until the vehicle's next emissions inspection.

(f) An emissions waiver certificate is not transferable upon the sale of the vehicle or transfer of the vehicle's registration.

(g) Diesel vehicles with a GVWR greater than 10,000 pounds are not eligible for a waiver from opacity standards.

(17) Waivers Effective Beginning October 1, 2008.

(a) A motorist may apply for a waiver of emission inspection standards if the following conditions are met:

1. the vehicle failed a reinspection; and

2. emissions-related repairs appropriate for the diagnostic trouble code(s) that caused the malfunction indicator light to be commanded on by the OBD system were performed on the vehicle by a registered repair technician.

(b) The motorist shall present the vehicle to a location designated by the Registry or the Department along with the following documentation when applying for a waiver:

1. receipts for all emissions-related repairs completed by a registered repair technician since the vehicle's most recent initial inspection indicating the problem(s) diagnosed and the problem(s) to which the repairs are applicable; and

2. any other documents required by the Department.

(c) An emissions waiver certificate shall be granted if all of the following requirements are met:

1. all safety inspection requirements are met;

2. the vehicle is registered with the Registry as a private passenger motor vehicle or auto home pursuant to 540 CMR 2.05;

3. the emission control system is present and there is no evidence of tampering;

4. the malfunction indicator light is not commanded on by the OBD system for any diagnostic trouble code(s) for misfire, catalytic converter efficiency, particulate filter efficiency, or for equipment related to energy storage in a hybrid vehicle;

5. the malfunction indicator light is functioning properly;

6. repairs were performed that were appropriate for the diagnostic trouble code(s) that caused the malfunction indicator light to be commanded on by the OBD system;

7. the motorist has used all relevant manufacturer warranty coverage including recalls to repair the vehicle;

8. repair expenditures exceed the following limits:

    a. $750 for vehicles five model years old or newer;

    b. $650 for vehicles over five but not exceeding ten model years old; and

    c. $550 for vehicles over ten model years old.

Beginning January 1, 2010, the expenditure limits in 310 CMR 60.02(17)(c) shall be subject to automatic annual adjustment. On January 1, 2010, the expenditure limit in 310 CMR 60.02(17)(c)8.a. shall be adjusted by the percentage, if any, by which the Consumer Price Index ("CPI") for the preceding calendar year differs from the CPI of 1989 and the adjusted expenditure limit shall be rounded to the nearest $5.00[3]. The expenditure limit in 310 CMR 60.02(17)(c)8.b. shall then be adjusted by subtracting $100 from the adjusted expenditure limit in 310 CMR 60.02(17)(c)8.a. The expenditure limit in 310 CMR 60.02(17)(c)8.c. shall then be adjusted by subtracting $200 from the adjusted expenditure limit in 310 CMR 60.02(17)(c)8.a. The Department will publish these

---

[3] The CPI for any calendar year is the average of the CPI for all-urban consumers published by the Department of Labor, as of the close of the 12 month period ending August 31st of each calendar year, as prescribed by40 C.F.R. §51.360(a)(7)(i). The revision of the CPI that is most consistent with the CPI for calendar year 1989 shall be used, as prescribed by 40 C.F.R. § 51.360(a)(7)(ii).

adjusted expenditure limits on the web site for the Enhanced Emissions and Safety Test Program.

(d) Costs associated with the following repairs are not eligible for consideration toward the waiver cost limit:

1. tampering-related repairs to the emissions control system except where it can be verified that the part in question or one similar to it is no longer available for sale;

2. repairs to an emissions control system which has been dismantled or rendered inoperable, except where it can be verified that the part in question or one similar to it is no longer available for sale;

3. repairs to a vehicle to correct an engine switch that does not meet the requirements of 310 CMR 60.02(13)(d);

4. repairs to an OBD system to correct its failure to communicate with emission inspection equipment;

5. repairs to an OBD system to return the malfunction indicator light to proper operation;

6. repairs to an OBD system to meet minimum test criteria for readiness, except that if it was necessary to replace the vehicle's powertrain control module to meet minimum test criteria for readiness and the vehicle failed upon reinspection because the malfunction indicator light was commanded by the OBD system to be illuminated, then one-half of the cost for such replacement may be combined with the repairs appropriate for the diagnostic trouble code(s) that caused the malfunction indicator light to be commanded on by the OBD system to meet the applicable waiver cost limit;

7. repairs under any warranty;

8. repairs that are subject to a manufacturer's recall;

9. repairs unrelated to emissions performance or inappropriate for the diagnostic trouble code(s) that caused the malfunction indicator light to be commanded on by the OBD system;

10. repairs performed prior to the most recent initial inspection failure;

and

11. repairs not performed bya registered repair technician, except where the Department has determined that specialty repairs not typically performed by a registered repair technician are necessary.

(e) An emissions waiver certificate is valid until the vehicle's next emissions inspection.

(f) An emissions waiver certificate is not transferable upon the sale of the vehicle or transfer of the vehicle's registration.

(g) Diesel vehicles with a GVWR greater than 10,000 pounds are not eligible for a waiver from opacity standards.

(18) Diagnostic Waivers Prior to October 1, 2008.

(a) A motorist may apply for a waiver of emissions standards for transient loaded mode and two speed idle emissions tests based on the non-repairability of a vehicle if the following conditions are met:

1. the vehicle failed a reinspection; and

2. a registered repair technician performed all emission-related repairs possible.

(b) The Registry or its designee shall:

1. examine the vehicle to verify that the emissions-related repairs performed were appropriate for the particular emissions failure(s) that occurred;

2. ensure that the emission control system is present and there is no evidence of tampering;

3. ensure that sufficient emissions-related repairs were performed on the vehicle by a registered repair technician.

4. ensure that a repair form was completed and signed by a registered repair technician;

5. ensure that the vehicle passes all physical and functional checks of its emissions control systems;

6. determine that no additional repairs can be made that will reduce emission levels;

7. ensure that repairs performed since the most recent initial inspection did not cause an overall increase in the vehicle's emissions; and

8. ensure that all safety requirements are met.

(c) If the conditions of 310 CMR 60.02(18)(a) and (b) are met, a diagnostic waiver certificate shall be issued to the vehicle exempting it from compliance with the emissions test standards that the vehicle failed to meet.

(d) A diagnostic waiver is valid until the vehicle's next emissions inspection.

(e) A diagnostic waiver is not transferable upon the sale of the vehicle or transfer of the vehicle's registration.

(19) Economic Hardship Failure Repair Extensions Effective Beginning October 1, 2008.

(a) A motorist may apply for an economic hardship failure repair extension if the following conditions are met:

1. the vehicle failed its most recent reinspection;

2. the vehicle does not qualify for a waiver pursuant to 310 CMR 60.02(17);

3. the economic hardship failure repair extension is not for any emissions inspection or reinspection required by 310 CMR 60.02(5)(c) associated with initial registration in Massachusetts or by 310 CMR 60.02(5)(d) associated with a transfer of ownership;

4. documentation of the malfunction(s) causing the economic hardship failure(s) and an estimate of related repairs is provided by a registered repair technician;

5. each diagnostic trouble code recorded during the most recent reinspection qualifies as an economic hardship failure.

6. the motorist has used all relevant warranty coverage including

recalls to repair the vehicle.

(b) The motorist shall present the vehicle to a location designated by the Registry or the Department along with the following documentation when applying for an economic hardship repair extension:

1. an estimate provided by a registered repair technician of the cost of repairs related to the emissions failure;

2. the vehicle's current registration; and

3. any other documents required by the Registry or the Department.

(c) An economic hardship failure repair extension shall be granted after an OBD emissions inspection failure if all of the following requirements are met:

1. the cost of a single component repair or replacement to correct a diagnostic trouble code for the component is more than 1.5 times the repair expenditure limit applicable for the model year of the vehicle specified in 310 CMR 60.02(17)(c)8.a., b., or c., including any adjustment for CPI;

2. the vehicle does not qualify for a waiver pursuant to 310 CMR 60.02(17);

3. the economic hardship failure repair extension is not for any emissions inspection or reinspection required by 310 CMR 60.02(5)(c) associated with initial registration in Massachusetts or by 310 CMR 60.02(5)(d) associated with a transfer of ownership;

4. the Department or its designee agrees with the findings of the registered repair technician regarding the cause of the economic hardship failure, that the repair estimate is related to repairs appropriate for the economic hardship failure, and that the repair estimate provided by the registered repair technician is reasonable;

5. each diagnostic trouble code recorded during the most recent reinspection qualifies as an economic hardship failure;

6. the motorist has used all relevant warranty coverage including recalls to repair the vehicle.

7. all safety inspection requirements are met;

8. the vehicle is registered with the Registry as a private passenger motor vehicle or auto home pursuant to 540 CMR 2.05;

9. the emission control system is present and there is no evidence of tampering; and

10. the repair estimate is related to repairs appropriate for the economic hardship failure.

(d) An economic hardship repair extension is valid until the vehicle's next emissions inspection.

(e) A vehicle granted an economic hardship failure repair extension may not be issued a waiver or an economic hardship failure repair extension in *lieu* of passing its next emissions inspection or reinspection.

(20) Inspector Training and Certification.

(a) No person shall perform an emissions inspection unless such persons are certified by the Department or its designee and licensed by the Registry.

(b) To become an inspector a person shall receive Department-approved training, be certified by the Department, and licensed by the Registry to perform inspections.

(c) To meet the certification requirement, a person shall:

1. pass the Department-approved exam;

2. demonstrate to the satisfaction of the Department or its designee, the ability to conduct a proper inspection, and perform proper quality control and workstation maintenance procedures; and

3. not have a pattern of noncompliance with respect to performing motor vehicle inspections.

(d) Certification. The Department shall certify a person who meets the requirements at 310 CMR 60.02(20)(c).

(e) The Department may require inspectors to obtain additional training and pass additional exams prior to renewing their certifications if the

Department determines that such training and examinations are appropriate to accommodate changes in the test equipment, changes in test procedures, or other changes in the motor vehicle inspection and maintenance program. The Department shall make any such determination in writing. An emissions inspector certificate shall renew automatically upon renewal of the emissions inspector license unless the Department makes such determination prior to the inspector's license renewal.

(21) Repair Technician Registration Prior to October 1, 2008.

(a) To become a registered repair technician an applicant shall complete the Departmental approved repair technician training module and meet at least one of the following requirements:

1. be ASE L-1certified; or

2. have passed the Department-approved assessment test demonstrating that his or her abilities are equivalent to, or better than, ASE L-1 certification and obtain ASE L-1 certification within 18 months of passing the assessment test; or

3. have successfully completed the Department-approved repair technician training course and obtain ASE L-1 certification within 18 months of passing the last module in the training course.

(b) To become a registered repair technician, specializing in the repair of diesel vehicles, an applicant must complete the Department-approved repair technician training module and meet at least one of the following requirements:

1. be ASE L-2 certified or have equivalent certification from an engine manufacturer; or

2. have passed the Department-approved assessment test demonstrating that his or her abilities are equivalent to, or better than ASE L-2 certification and obtain ASE L-2 certification within 36 months of passing the assessment test; or

3. obtain ASE L-2 certification within 36 months of passing the training course.

(22) Repair Technician Registration Effective Beginning October 1, 2008.

(a) To become a registered repair technician, an applicant shall complete any Department required repair technician training, and meet at least one of the following requirements:

1. be ASE L-1 certified;

2. have equivalent certification from a motor vehicle or engine manufacturer, as determined by the Department or its designee (registered repair technicians qualifying under 310 CMR 60.02(22) would be registered repair technicians only for the motor vehicle or engine manufacturer's vehicles to which the equivalent certification applies), and be employed by a dealership for that manufacturer or by a repair facility recognized or authorized by the engine manufacturer; or

3. have equivalent certification from another certification organization, as determined by the Department or its designee.

(b) To become a registered repair technician, specializing in the repair of diesel vehicles, an applicant shall complete the Department-approved repair technician training module and meet at least one of the following requirements:

1. be ASE L-2 certified; or

2. have equivalent certification from a motor vehicle or engine manufacturer, as determined by the Department or its designee (registered repair technicians qualifying under 310 CMR 60.02(22) would be registered repair technicians only for the motor vehicle or engine manufacturer's vehicles to which the equivalent certification applies), and be employed by a dealership for that manufacturer or by a repair facility recognized or authorized by the engine manufacturer; or

3. have equivalent certification from another certification organization, as determined by the Department or its designee.

(c) The Department may remove a registered repair technician's registration if:

1. any requirement for qualification as a registered repairer is not met or maintained;

2. the registered repair technician provides false documentation to the Department or its designee, the Registry, or a motorist, of repairs performed on a vehicle;

3. the registered repair technician provides false documentation to the Department or its designee, the Registry, or the motorist, of the cost of repairs performed on a vehicle; or

4. the Department, the Registry, or any state or federal agency or court of competent jurisdiction determines that the registered repairer has performed or been a party to fraudulent or deceptive business practices, including, but not limited to: charging motorists for repairs not performed; or, recommending or performing repairs unrelated to the cause of an emissions inspection failure and representing those repairs as related to the cause of an emissions inspection failure, or has violated any laws, rules, regulations, or other requirements or orders related to the protection of the environment.

(d) Any automotive repair facility listed by the Department as employing a registered repair technician may be removed from the Department's list of such automotive repair facilities if:

1. the listed automotive repair facility no longer employs a registered repair technician;

2. the listed automotive repair facility provides false documentation to the Department or its designee, the Registry, or a motorist of repairs performed on a vehicle;

3. the listed automotive repair facility provides false documentation to the Department or its designee, the Registry, or the motorist of the cost of repairs performed on a vehicle; or

4. the Department, the Registry, or any state or federal agency or court of competent jurisdiction determines that any owner, operator, or employee of the listed automotive repair facility, while in the exercise of his or her responsibilities or duties related to the automotive repair facility, has performed or been a party to fraudulent or deceptive business practices, including, but not limited to, charging motorists for repairs not performed, recommending or performing repairs unrelated to the cause of an emissions inspection failure and representing those repairs as

related to the cause of an emissions inspection failure, or has violated any laws, rules, regulations, or other requirements or orders related to the protection of the environment.

(23) Prohibition Against Tampering. All persons are prohibited from tampering with any vehicle emissions control device or system. No person or entity shall take any action or fail to take any action that causes a motor vehicle to no longer comply with federal or state law, with standards for the motor vehicle emissions inspection, or with requirements for motor vehicle registration. 310 CMR 60.02(23) shall not be construed as preventing the temporary alteration of equipment for the purpose of motor vehicle repair or quality assurance by the Department, Registry, or their designees.

(24) Enforcement.

(a) No motorist may operate any vehicle without a valid inspection certificate.

(b) No motorist may operate any motor vehicle in violation of 310 CMR 60.02.

(c) Registration Suspension. A motor vehicle which does not comply with the applicable emissions inspection requirements shall be subject to registration suspension pursuant to 540 CMR 4.00 until the vehicle passes the applicable emissions inspection or obtains a waiver.

(d) No person shall give false information to an inspection station, an inspector, the Registry, or the Department or its designee concerning any repairs or associated expenditures to be considered for determining eligibility for a waiver or economic hardship repair extension waiver.

(e) Inspection Certificates.

1. No person shall issue an inspection certificate indicating compliance with 310 CMR 60.02 for a motor vehicle that has not been inspected or reinspected in accordance with, or is not in compliance with, the standards for the applicable motor vehicle emissions inspection pursuant to 310 CMR 60.02.

2. An inspector shall issue an inspection certificate indicating compliance only for a motor vehicle that he or she has inspected and determined to comply with the applicable standards for motor vehicle emissions inspections pursuant to 310 CMR 60.02.

3. An inspector shall issue a certificate indicating failure of the emissions inspection to any motor vehicle that he or she has inspected and determined does not comply with the applicable standards for motor vehicle emissions inspection pursuant to 310 CMR 60.02.

4. No person or entity may alter, falsify, or counterfeit an inspection certificate, waiver certificate, or diagnostic waiver certificate.

5. No person shall affix an inspection certificate, waiver certificate, or diagnostic waiver certificate to a motor vehicle other than the motor vehicle for which the certificate was issued.

(f) * * *

---

* * *Note: EPA did not approve subsection 310 CMR 60.02(24)(f).