

**METROPOLITAN PUBLIC HEALTH DEPARTMENT  
DIVISION OF POLLUTION CONTROL**

**REGULATION NO. 8**

**Inspection and Maintenance of  
Light-Duty Motor Vehicles**

**As provided for in the Code of Laws of the  
Metropolitan Government of Nashville and  
Davidson County, Tennessee, Chapter 10.56,  
“Air Pollution Control”, Section 10.56.090 and  
Section 10.56.240.**

**Adopted May 13, 1981  
As Amended February 15, 1984  
As Amended November 9, 1993  
As Amended July 10, 2001  
As Amended July 31, 2001  
As Amended December 14, 2004  
As Amended June 8, 2007  
By the Metropolitan Board of Health  
of Nashville and Davidson County, Tennessee**

## TABLE OF CONTENTS

		PAGE
Section 8-1	Definitions	1
Section 8-2	Motor Vehicle Inspection Requirements	5
Section 8-3	Exemption From Motor Vehicle Inspection Equipment	5
Section 8-4	Motor Vehicle Emission Performance Test Criteria	6
Section 8-5	Motor Vehicle Anti-Tampering Test Criteria	7
Section 8-6	Motor Vehicle Emissions Performance Test Methods	7
Section 8-7	Motor Vehicle Anti-Tampering Test Methods	8
Section 8-8	Motor Vehicle Inspection Program	9
Section 8-9	Motor Vehicle Inspection Fee	11
Section 8-10	Severability	11

**RESOLUTION NO. RS2007-2013**

**A resolution approving an amendment to Regulation No. 8 of the Metropolitan Board of Health to reduce the fee charged for emissions inspections of light-duty motor vehicles and approving a contract amendment between the Metropolitan Government and SysTech International, LLC, for the provision of services relating to automobile emission testing.**

WHEREAS, Section 10.56.240 of the Metropolitan Code authorizes the Metropolitan Board of Health to adopt and promulgate regulations for a program of inspection and maintenance (I&M) of internal combustion engines and requires that any such regulation be approved by resolution of the Metropolitan Council; and,

WHEREAS, the Board of Health adopted and promulgated its Regulation No. 8 that established the I&M program; and,

WHEREAS, Regulation No. 8 and subsequent amendments thereto have been approved by resolutions of the Metropolitan Council; and,

WHEREAS, Section 8-9 (a) of Regulation No. 8 currently sets the fee charged for emissions inspections of light-duty motor vehicles at \$10.00 per inspection; and,

WHEREAS, at the request of the Metropolitan Council, the Board of Health has reviewed the fee charged for inspections and has determined that Regulation No. 8 should be amended to reflect a reduced fee of \$9.00 per inspection; and,

WHEREAS, the Metropolitan Government previously entered into a contract with SysTech International, LLC, for the provision of services relating to automobile emission testing; and

WHEREAS, both parties wish enter into an Amendment to the contract, as evidenced by the signatures on the contract attached hereto as Exhibit 1 and incorporated herein; and

WHEREAS, it is in the best interest of the citizens of The Metropolitan Government of Nashville and Davidson County that this amendment to Regulation No. 8 and to the contract Amendment with SysTech International, LLC, be approved.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. That Section 8-9 (a) of Regulation No. 8 of the Metropolitan Board of Health, attached hereto and incorporated herein, be amended to reduce the fee for emissions inspections from \$10.00 per inspection to \$9.00 per inspection.

SECTION 2. That the contract Amendment by and between the Metropolitan Government and SysTech International, LLC, attached as Exhibit 1 to this resolution is hereby approved and the Mayor, or his designee, is authorized to execute it on behalf of the Metropolitan Government.

SECTION 3. This resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Ryman, Brenda Gilmore, Billy Walls

Attachment(s) on file in the Metropolitan Clerk's Office

## RESOLUTION NO. RS2005-694

### **A resolution approving amendments to Regulation No. 8 of the Metropolitan Board of Health regarding inspection and maintenance of light-duty motor vehicles.**

Whereas, Tennessee Code Annotated 68-201-115 provides that local pollution control programs must have air pollution control regulations that are at least as stringent as those regulations promulgated by the Tennessee Air Pollution Control Board; and

Whereas, the Metropolitan Health Department was designated as the local promulgator and enforcer of air pollution control regulations for Davidson County by the federal Environmental Protection Agency ("EPA") in accordance with the Clean Air Act of 1968; and

Whereas, pursuant to that designation, the Metropolitan Health Department acting by and through the Metropolitan Board of Health was bound to promulgate regulations as stringent as those promulgated by the EPA; and

Whereas, the Tennessee Department of Environment and Conservation was designated by the EPA and the Clean Air Act as the state-wide enforcer and promulgator of air pollution control regulations, with the exception of those areas designated as local enforcement areas, such as Davidson County, as long as those local enforcement areas promulgated regulations as stringent as those promulgated by the state and by the EPA; and

Whereas, the EPA will defer the designation of localities as "non-attainment areas" provided eligible localities enter into an Early Attainment Compact "EAC"; and

Whereas, EAC's will allow designated localities to avoid the sanctions and controls that could imposed upon areas designated as "non-attainment areas" provided the conditions of the EAC are met; and

Whereas, the Tennessee Air Pollution Control Board promulgates and enforces air pollution control regulations for the State of Tennessee, and has entered into the Tennessee Early Action Compact ("EAC") for clean air; and

Whereas, a condition of the EAC adopted by the Tennessee Air Pollution Control Board is an 8-hour ozone standard that lowers the amount of allowable ozone in the air; and

Whereas, the Tennessee Air Pollution Control Board has chosen to make more types of vehicles subject to the vehicle inspection program to satisfy the requirements of the new standard; and

Whereas, the Tennessee Air Pollution Control Board recently amended Regulation 1200-3-29 to require that diesel light duty vehicles and light duty vehicles weighing not more than 10,500 pounds be subject to emissions testing; and

Whereas, Davidson, Hamilton, Rutherford, Sumner, Williamson, and Wilson counties were specifically included in the area of applicability for Regulation 1200-3-29; and

Whereas, Regulation 1200-3-29 became effective for Hamilton, Rutherford, Sumner, Williamson and Wilson counties on December 14, 2004; and

Whereas, Section 10.56.240 of the Metropolitan Code authorizes the Metropolitan Board of Health to adopt and promulgate regulations for a program of inspection and maintenance (I&M) of internal combustion engines and requires that any such regulation be approved by resolution of the Metropolitan Council; and,

Whereas, the Board of Health adopted and promulgated its Regulation No. 8 that established the I&M program; and,

Whereas, Regulation No. 8 and subsequent amendments thereto have been approved by resolutions of the Metropolitan Council; and,

Whereas, in order to comply with the new state regulation, the Board of Health, on December 14, 2004, adopted amendments to Regulation No. 8 that redefined "Heavy-duty Motor Vehicle" to mean motor vehicles with a GVWR in excess of 10,500 pounds; and "Light-duty Motor Vehicle" to mean motor vehicles with an GVWR of not more

than 10,500 pounds; and, further adopted amendments that removed the exemption of diesel powered light-duty motor vehicles, thereby making such vehicles subject to the provisions of Regulation No. 8; and,

Whereas, it is in the best interest of The Metropolitan Government of Nashville and Davidson County for the Metropolitan Council to approve the amendments to Regulation No. 8.

Now, therefore, be it resolved by the Council of The Metropolitan Government of Nashville and Davidson County:

Section 1. That the amendments to Regulation No. 8 of the Metropolitan Board of Health, amending Sections 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, and 8-7 thereof, to redefine "Heavy-duty Motor Vehicle" to mean motor vehicles with a GVWR in excess of 10,500 pounds; and "Light-duty Motor Vehicle" to mean motor vehicles with an GVWR of not more than 10,500 pounds; and, to remove the exemption of diesel powered light-duty motor vehicles, thereby making such vehicles subject to the provisions of Regulation No. 8 , a copy of which amended Regulation No. 8 is attached hereto and made a part of this Resolution, be and the same are hereby approved.

Section 2. That this Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Erik Cole

**RESOLUTION NO. RS2001-716**

**A RESOLUTION APPROVING AMENDMENTS TO  
REGULATION NO. 8 OF THE METROPOLITAN BOARD  
OF HEALTH REGARDING INSPECTION AND  
MAINTENANCE OF LIGHT-DUTY MOTOR VEHICLES.**

WHEREAS, Section 10.56.240 of the Metropolitan Code authorizes the Metropolitan Board of Health to adopt and promulgate regulations for a program of inspection and maintenance (I & M) of internal combustion engines and requires that any such regulation be approved by regulation of the Metropolitan Council; and,

WHEREAS, the Board of health adopted and promulgated its Regulation No. 8 that established the I&M program, including inspection fees; and,

WHEREAS, the inspection fees of Six Dollars (\$6.00) for individually-owned light-duty vehicles and Three Dollars (\$3.00) per vehicle for fleet-owned light-duty vehicles have remained unchanged since the inception of the I&M program in January 1985; and,

WHEREAS, on July 10,2001 and July 31, 2001, the Board of Health adopted two amendments to Regulation No.8, the first of which added a new testing procedure required by federal law called the Onboard Diagnostics Test (OBD), and the second which increased the inspection fees to Ten Dollars (\$10.00) for individually-owned light-duty vehicles and Five Dollars (\$5.00) for fleet-owned light-duty vehicles; and,

WHEREAS, the State of Tennessee has already adopted OBD requirements and identical inspection fee increases to be applied in Sumner, Wilson, Rutherford, and Williamson Counties where the State operates I&M programs; and,

WHEREAS, it is in the best interest of The Metropolitan Government of Nashville and Davidson County for the Metropolitan Council to approve the amendments to Regulation No. 8.

Now, therefore, be it resolved by the Council of The Metropolitan Government of Nashville and Davidson County:

SECTION 1. That the amendments to Regulation No. 8 of the Metropolitan Board of Health, amending Sections 8-1, 8-4, 8-5, 8-6, 8-7, and 8-9 thereof, to add Onboard Diagnostic Testing and to increase the inspection fees to Ten Dollars (\$10.00) for individually-owned light-duty vehicles and Five Dollars (\$5.00) for fleet-owned vehicles, a copy of which amended Regulation No. 8 is attached hereto and made a part of this Resolution, be and the same are hereby approved.

SECTION 2. That this Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored By: Saletta Holloway & Howard Gentry AMENDMENT NO. 1 TO RESOLUTION NO. RS2001-716

Mr. President:

I move to amend Resolution No. RS2001-716 by adding the following sentence at the end of Section 1 thereof:

The increase in the inspection fees to Ten Dollars (\$10.00) and Five Dollars (\$5.00) respectively as stated in Section 8-9 of regulation No. 8 shall take effect on October 2, 2001.

A RESOLUTION APPROVING AN AMENDMENT TO  
REGULATION NO. 8 OF THE METROPOLITAN BOARD OF  
HEALTH REGARDING INSPECTION AND MAINTENANCE  
OF LIGHT-DUTY MOTOR VEHICLES.

---

WHEREAS, Metropolitan Code, Section 10.56.240, authorizes the Metropolitan Board of Health to adopt, promulgate and enforce rules and regulations regarding an inspection and maintenance program for light-duty motor vehicles; and,

WHEREAS, in 1981 the Metropolitan Board of Health adopted its Regulation No. 8, implementing an inspection and maintenance program of light-duty motor vehicles; and,

WHEREAS, on November 9, 1993, the Metropolitan Board of Health adopted amendments to Regulation No. 8, adding a three-point anti-tampering check for pollution control equipment as mandated by regulations promulgated by the United States Environmental Protection Agency; and

WHEREAS, said amendment to Regulation No. 8 cannot take effect until it is approved by Resolution of the Metropolitan Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. That the amendment to Regulation No. 8 of the Metropolitan Board of Health, which adds a new Section 8-7 requiring a three-point anti-tampering check of pollution control equipment to the light-duty motor vehicle testing program, a copy of which amended Regulation No. 8 is attached hereto and made a part of this Resolution, be and the same is hereby approved.

SECTION 2. That this Resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO AVAILABILITY OF FUNDS;

---

Acting Director, Metropolitan Finance Department

APPROVED AS TO LEGALITY OF FORM AND COMPOSITION

---

Metropolitan Attorney

**RESOLUTION NO. R84-163**

A RESOLUTION EMENDING RESOLUTION NO. 83-1471 BY APPROVING CERTAIN AMENDMENTS ADOPTED BY THE METROPOLITAN BOARD OF HEALTH TO ITS REGULATION NO. 8 RELATIVE TO MANDATORY INSPECTION AND MANDATORY INSPECTION AND MAINTENANCE FOR LIGHT-DUTY MOTOR VEHICLES.

---

WHEREAS, the Metropolitan Council adopted Resolution No. 83-1471 on May 17, 1983, which approved those portions of Regulation No. 8 of the Metropolitan Health Department, Pollution Control Division, relative to mandatory inspection and maintenance of light-duty vehicles; and,

WHEREAS, the Metropolitan Board of Health has adopted certain amendments to Regulation No. 8 which allow for a portion of said inspection to be conducted by a private contractor.

BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE.

SECTION 1. That Resolution No. 83-1471 be amended by approval of the amendments to Regulation No. 8, Metropolitan Health Department, Pollution Control Division, as adopted by the Metropolitan Board of Health on February 15, 1984, and that said amendments be, and the same are hereby approved.

SECTION 2. That this Resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Approved By The  
Metropolitan Council of Nashville and Davidson County  
February 21, 1984

## RESOLUTION NO. R83-1471

A RESOLUTION APPROVING REGULATIONS ADOPTED BY THE METROPOLITAN BOARD OF HEALTH PURSUANT TO SECTION 10.56.240 OF THE METROPOLITAN CODE AND PROVIDING FOR A MANDATORY INSPECTION AND MAINTENANCE PROGRAM FOR LIGHT DUTY MOTOR VEHICLES.

---

WHEREAS, Metropolitan Code Section 10.56.240(d) empowers the Metropolitan Board of Health to adopt regulations requiring regularly inspection and maintenance of light-duty motor vehicles; and

WHEREAS, Metropolitan Code Section 10.56.240(d) also states that any regulation be approved by resolution of the Metropolitan Council before it may take effect as law; and

WHEREAS, the Metropolitan Board of Health at its regular meeting on May 13, 1981, adopted regulations requiring mandatory yearly inspection and maintenance of light-duty motor vehicles, empowered by internal combustion engines, to promote automobile safety as well as air pollution control; and

WHEREAS, the Metropolitan Government is faced with the likely prospect of federally-imposed sanctions mandated by the Congress in the Clean Air Act of 1978, including the prohibitions and the loss of a substantial amount of federal funds, should this Government not initiate a program requiring inspection and maintenance for light-duty motor vehicles;

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. That the regulations adopted by the Metropolitan Board of Health under authority of Section 10.56.240(d) of the Metropolitan Code, requiring inspection and maintenance of light-duty motor vehicles, which regulations are attached hereto and made a part of this Resolution are hereby approved, with the exception of Sections 8-5 and 8-7 thereof, by the Metropolitan Council pursuant to Metropolitan Code Section 10.56.240(d).

SECTION 2. This resolution and the regulations herein approved shall take effect as to fleet operations as defined in all other vehicles covered in said regulations on July 1, 1984, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Approved by the  
Metropolitan Council of Nashville and Davidson County  
May 17, 1983

## **Regulation of Emissions From Light-duty Motor Vehicles through Mandatory Vehicle Inspection and Maintenance Program**

This Regulation is adopted for the purpose of preventing, abating and controlling air pollution caused by excessive air contaminants discharged into the air from the operation of light-duty motor vehicles. This Regulation is promulgated as provided for in Section 10.56.240, "Internal Combustion Engines", and Section 10.56.090, "Board-Powers and Duties," Chapter 10.56, of the Metropolitan Code of Laws.

### **SECTION 8-1: Definitions**

All terms not defined herein shall have the meaning given in Chapter 10.56, "Air Pollution Control," Section 10.56.010, "Definitions," of the Metropolitan Code of Laws.

- (a) **"Air Pollutant"** - means any particulate matter or any gas or vapor other than water or any combination thereof including any physical, chemical, biological, radioactive substance or matter which is emitted into or otherwise enters the ambient air.
- (b) **"Antique Motor Vehicle"** - means any motor vehicle over twenty-five (25) years old which is owned solely as a collectors' item and is used for participation in club activities, exhibits, tours, parades and similar uses, but in no event for general transportation.
- (c) **"Carbon Dioxide"** - means a compound consisting of the chemical formula (CO<sub>2</sub>).
- (d) **"Carbon Monoxide"** - means a compound consisting of the chemical formula (CO).
- (e) **"Catalytic Converter"** - means a pollution control device containing a catalyst for converting automobile exhaust into mostly harmless products.
- (f) **"Certificate of Compliance"** - means a certification issued by a Department vehicle inspector or a fleet vehicle inspector that the motor vehicle identified on the certificate complies with the emission performance and anti-tampering criteria appropriate to the vehicle as specified in this Regulation.
- (g) **"Check Engine Light"** – for the definition see Malfunction Indicator Light (MIL).
- (h) **"Contractor"** - means a person, business, firm, partnership, or corporation with whom the Department has a contract which provides for the operation of one or more official inspection stations.
- (i) **"Department"** - means the Department of Health of the Metropolitan Government, including the Metropolitan Board of Health, agents, employees, and divisions.
- (j) **"Department Vehicle Inspector"** - means any person employed by the Department and/or contractor who is certified by the Director as qualified to perform vehicle emissions performance and anti-tampering inspections.
- (k) **"Diagnostic Trouble Codes (DTC's)"** – is an alphanumeric code which is set in a vehicle's onboard computer when a monitor detects a condition likely to lead to (or has already produced) a component or system failure or otherwise contribute to exceeding emissions standards by 1.5 times the certification FTP standard.
- (l) **"Diesel Powered Motor Vehicle"** - means a motor vehicle powered by a compression-ignition internal combustion engine.

- (m) **“Director”** - means the chief administrative officer of the Metropolitan Board of Health or his designated representative.
- (n) **“Electric Powered Motor Vehicle”** - means a motor vehicle which uses a propulsive unit powered exclusively by electricity.
- (o) **“Emission”** - means the act of releasing or discharging air pollutants into the ambient air from any source.
- (p) **“Exhaust Emissions”** - means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.
- (q) **“Exhaust Gas Analyzer”** - means a device for sensing the amount of air pollutants, including carbon monoxide and hydrocarbons, in the exhaust emissions of a motor vehicle. For the purposes of this Regulation, this shall mean analyzing devices of the non-dispersive infrared type or any other analyzing device that provide equal or greater accuracy as approved by the Director.
- (r) **“Factory-installed Motor Vehicle Pollutant Control System”** - means a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with United States government motor vehicle emission control laws and regulations.
- (s) **“Federal Test Procedure (FTP)”** – is the test procedure used to determine the compliance of vehicles with federal emission standards.
- (t) **“Fleet”** - means fifty (50) or more light duty motor vehicles owned by the same person or business entity which are in use, registered in Davidson County, and not owned or held primarily for the purpose of resale.
- (u) **“Fleet Inspection Location”** - means any motor vehicle inspection facility operated by a fleet operator holding a valid fleet inspection permit.
- (v) **“Fleet Inspection Permit”** - means a certificate issued by the Director authorizing a fleet operator to conduct motor vehicle inspection in accordance with this Regulation and other requirements as determined by the Department.
- (w) **“Fleet Operator”** - means the person owning a group of motor vehicles which constitute a fleet as defined in this regulation.
- (x) **“Fleet Vehicle Inspector”** - means any person retained by a fleet operator holding a valid fleet inspection permit and who is certified by the Director as qualified to perform vehicle emissions performance and anti-tampering inspections.
- (y) **“Gasoline Inlet Restrictor”** - means the leaded fuel nozzle restrictor installed on motor vehicles which was designed for the use of unleaded gasoline only.
- (z) **“Gasoline Powered Motor Vehicle”** - means any motor vehicle powered by a spark-ignition internal combustion engine.
- (aa) **“GVWR”** - means the gross vehicle weight as determined from combined manufacturer vehicle and maximum load rating.
- (bb) **“Heavy-duty Motor Vehicle”** - means any motor vehicle having a combined manufacturer vehicle and maximum loading rate (GVWR) to be carried thereon in excess of 10,500 pounds (4773 kilograms or more).

- (cc) **“Hydrocarbon”** - means a class of chemical compounds consisting of hydrogen and carbon.
- (dd) **“Idle Speed”** - means the unloaded engine speed of a motor vehicle when the accelerator pedal is fully released. In a vehicle equipped with an automatic transmission the drive selector shall be in neutral or park. In a vehicle equipped with a manual transmission, the gear selector shall be in neutral and the clutch fully engaged. In all vehicles, engine operated accessories shall be turned off.
- (ee) **“Internal Combustion Engine”** - means any engine in which the combustion of gaseous, liquid or pulverized solid fuel takes place within one or more cylinders.
- (ff) **“Light-duty Motor Vehicles”** - means any motor vehicle having a combined manufacturer vehicle and maximum load rating to be carried thereon (GVWR) of not more than 10,500 pounds (4773 kilograms).
- (gg) **“Malfunction Indicator Light (MIL)”** – is known as the Check Engine light. The Malfunction Indicator Light is illuminated on the dashboard when conditions exist likely to result in emission exceeding FTP standards by 1.5 times or worse. Alternatives include “Service Engine Soon”, as well as an unlabeled icon of an engine.
- (hh) **“Manufacturers Idle-speed Specifications”** - means the engine idle speed specified for a particular motor vehicle as printed on the engine compartment emissions system data plate or in the owners manual.
- (ii) **“Metropolitan Motor Vehicle Regulatory License”** - means the annual motor vehicle license required by Section 5.32.140 of the Metropolitan Code as a condition for legal operation of certain classes of motor vehicles.
- (jj) **“Metropolitan Wheel Tax”** - means the annual commercial vehicle tax required by Section 5.32.020 of the Metropolitan Code as a condition for legal operation of certain classes of motor vehicles.
- (kk) **“Model Year”** - means annual production period of new motor vehicles or new motor vehicle engine designated by the calendar year in which such production ends. If the manufacturer does not designate a production period, the year with respect to such vehicles or engines shall mean the twelve (12) month period beginning January of the year in which production thereof begins. The model year of a motor vehicle constructed by other than the original manufacturer shall be assigned by the Director.
- (ll) **“Motor Vehicle”** - means any self-propelled vehicle used for transporting persons or commodities on public roads.
- (mm) **“Motorcycle”** - means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and having a curb weight of 2000 pounds (907 kilograms) or less.
- (nn) **“New Motor Vehicle”** - means any motor vehicle that has never been previously titled or registered in this or any other jurisdiction and whose ownership document remains as a manufacturer’s certificate of origin.
- (oo) **“Official Inspection Station”** - means a facility operated by the Department and/or contractor to conduct motor vehicle inspections pursuant to this Regulation.

- (pp) **“Onboard Diagnostics (OBD)”** – is a system of vehicle component and condition monitors controlled by a central, onboard computer designed to signal the motorist when conditions exist which could lead to a vehicle’s exceeding its certification standards by 1.5 times the FTP standard.
- (qq) **“OBD Data Link Connector (DLC)”** – is the interface which is usually located under the dashboard on the driver’s side between a vehicle’s OBD computer and the OBD scanner. Connecting an OBD scanner to the DLC allows inspectors and vehicle repair technicians to read the readiness status of the vehicle's various onboard monitors as well as any diagnostic trouble codes.
- (rr) **“Opacity”** - means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
- (ss) **“Person”** - means any individual natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, city, county, municipality, district or other political subdivision, department, bureau, agency or other entity recognized by law as the subject of rights and duties, and any officer, agent, or employee thereof. The masculine, feminine, singular, or plural is included in any circumstances.
- (tt) **“Pollution Control Device”** - means equipment designed by the manufacturer for installation on a motor vehicle for the purpose of reducing pollutants emitted from the vehicle, or a system or engine modification on a motor vehicle which causes a reduction of pollutants emitted from the vehicle.
- (uu) **“Readiness Codes”** – are status flags stored by a vehicle’s onboard computer which is different from the DTC in that it does not indicate a vehicle fault, but rather whether or not a given monitor has been run (i.e., whether or not the component or system in question has been checked to determine if it is functioning properly).
- (vv) **“PPM”** - means parts per million by volume.
- (ww) **“RPM”** - means engine crankshaft revolutions per minute.
- (xx) **“Tampering”** - means to remove, render inoperative, cause to be removed, or make less operative any emission control device, unless such removal or act to render inoperative or less operative is for the purpose of motor vehicle disposal or salvage operation.
- (yy) **“Vehicle Exhaust System”** - means all devices, equipment and systems which transport exhaust emissions from the exhaust ports of the motor vehicle engine to the atmosphere.

## SECTION 8-2: Motor Vehicle Inspection Requirements

- (a) All light-duty motor vehicles either registered in Davidson County, or directly with the motor vehicle division of the Tennessee Department of Revenue pursuant to T.C.A. 55-4-207 and used within or assigned to user within Davidson County, except those exempted in Section 8-3 of this Regulation, are required to be inspected annually for compliance with the emissions performance and anti-tampering criteria provisions of Sections 8-4 and 8-5 of this Regulation. Owners of vehicles so inspected are required to obtain a Certificate of Compliance. A Certificate of Compliance shall be valid for 90 days following the date of issuance, except for those registered pursuant to T.C.A. 55-4-207, which shall be valid for one year.
- (b) A Certificate of Compliance shall be issued only by a Department and/or contractor vehicle inspector and only after the vehicle demonstrates compliance with the test criteria established in Sections 8-4 and 8-5 of this Regulation.
- (c) All light-duty motor vehicles required to obtain a Certificate of Compliance except those vehicles contained in a fleet which has a valid fleet inspection permit and those vehicles registered in Davidson County but not subject to either the Metropolitan Wheel Tax or the Metropolitan Motor Vehicle Regulatory License requirements shall obtain a valid Certificate of Compliance within ninety (90) days prior to the required date for payment of the wheel tax or the motor vehicle regulatory license fee as appropriate to the class of motor vehicles.
- (d) All light-duty motor vehicles required to obtain a Certificate of Compliance and which are either contained in a fleet having a valid fleet inspection permit or are vehicles registered in Davidson County but exempted from the Metropolitan Wheel Tax and Metropolitan Motor Vehicle Regulatory License requirements shall obtain a valid Certificate of Compliance within ninety (90) days prior to a compliance date for that particular motor vehicle. A schedule of compliance dates for such vehicles shall be established by the Director.
- (e) The Certificate of Compliance must be presented prior to the issuance of the Metropolitan Wheel Tax or the Metropolitan Vehicle Regulatory License.

### **SECTION 8-3: Exemption From Motor Vehicle Inspection Equipment**

- (a) The following classes of motor vehicles are exempted from the requirement established in Section 8-2 of this Regulation.
  - (1) New motor vehicles being registered for the first time;
  - (2) Heavy duty motor vehicles;
  - (3) Motorcycles;
  - (4) Antique motor vehicles;
  - (5) Electric-powered light-duty motor vehicles; and
  - (6) Gasoline-powered light-duty motor vehicles with a designated model year prior to 1975.

- (b) When a motor vehicle is equipped with other than the original engine, the vehicle shall be classified for purposes of the emission performance test by the model year of the chassis.

**SECTION 8-4: Motor Vehicle Emission Performance Test Criteria**

- (a) Vehicles shall not be allowed to complete emission performance testing if one or more of the following conditions exist when the vehicle is presented for testing:
  - (1) For 1975 to 1995 model vehicles if the vehicle exhaust system leaks in such a way as to dilute the exhaust emissions being sampled by the exhaust gas analyzer; the sum of carbon monoxide and carbon dioxide concentrations recorded for the idle speed reading from an exhaust outlet must not be less than six (6) percent; and
  - (2) The visible emission from the gasoline-powered vehicles is such that it would interfere with operation of the emission test equipment.
- (b) Vehicle models 1975 to 1995 with idle speed emission values, which exceed the test standards specified in Table 1, shall fail the emission performance test.

<b>TABLE 1</b>				
<b>MAXIMUM IDLE SPEED EMISSIONS ALLOWABLE</b>				
<b>DURING IDLE SPEED EMISSIONS TEST</b>				
	<b>CO %</b>		<b>HC (PPM)</b>	
<b>Vehicle Model Year</b>	<b>Light-Duty Vehicles Less Than Or Equal To 6000 Lbs. GVWR</b>	<b>Light-Duty Vehicles Greater Than 6000 Lbs. GVWR</b>	<b>Light-Duty Vehicles Less Than Or Equal To 6000 Lbs. GVWR</b>	<b>Light-Duty Vehicles Greater Than 6000 Lbs. GVWR</b>
1975	5.0	6.5	500	750
1976	5.0	6.5	500	750
1977	5.0	6.5	500	750
1978	4.0	6.0	400	600
1979	4.0	6.0	400	600
1980	3.0	4.5	300	400
1981 And Newer	1.2	4.0	220	400

- (3) Light-duty diesel-powered motor vehicle models 1975 through 2001 shall be subject to the Curb Idle test as follows:
  - (i) A diesel vehicle shall not emit visible emission in excess of ten (10) percent opacity for ten (10) or more consecutive seconds, as measured at idle engine speed.

- (4) All 1996 and newer gasoline-powered motor vehicles and all 2002 and newer diesel-powered motor vehicles shall be subject to an OBD inspection. An OBD check shall consist of two parts. A visual check of the MIL and an electronic examination of the OBD computer. The vehicle is required to pass a MIL command on test and a bulb check test. After the vehicle has passed the MIL command on test and the bulb check test, it must not have any DTC set and all of the required readiness codes must be set in order to pass an OBD inspection.

#### **SECTION 8-5: Motor Vehicle Anti-Tampering Test Criteria**

- (a) Each gasoline-powered motor vehicle subject to an emission performance test under this Regulation is also subject to visual anti-tampering inspection and shall comply with the following minimum anti-tampering requirements:
  - (1) At a minimum, the emission control devices subject to an inspection are the catalytic converter, and fuel filler cap. If emission control devices are found in a tampered condition, such devices shall be replaced prior to any retesting or reinspection as provided for in Section 8-9(c).
  - (2) Each gasoline-powered motor vehicle subject to an OBD inspection is also subject to an anti-tampering test, and shall comply with a DLC check and a fuel cap pressure test.
  - (3) Each diesel-powered motor vehicle subject to an emission performance test is also subject to an anti-tampering test and shall comply at a minimum with a catalytic converter check, if applicable, and a fuel cap check.
  - (4) Each diesel-powered motor vehicle subject to an OBD inspection is also subject to an anti-tampering test, and shall comply with a DLC check and fuel cap check.

#### **SECTION 8-6: Motor Vehicle Emissions Performance Test Methods**

- (a) For gasoline-powered motor vehicles, the motor vehicle emissions performance test shall consist of the sampling of exhaust emissions at idle speed and measurement of CO<sub>2</sub> dilution, CO concentration and HC concentration.
- (b) For gasoline-powered motor vehicles, sampling of exhaust emissions shall consist of measurement of CO<sub>2</sub> dilution, CO concentration and HC concentration during idle operation using an approved exhaust gas analyzer. Measurements taken during the initial idle phase may be succeeded by measurements taken during a second idle phase which has followed an engine conditioning phase consisting of engine operation at approximately 2500 RPM for approximately 20 seconds. The lowest emission readings from either of these idle speed test phases shall be used to determine pass or failure of the emissions performance test.
- (c) For diesel-powered motor vehicles, the motor vehicle emission performance test shall consist of the Curb Idle test procedures for diesel vehicles as follows:

- (1) Diesel-powered vehicles shall be inspected with an opacity meter that is a full-flow, direct reading, continuous reading light extinction type using a collimated light source and photo-electric cell, accurate to within plus or minus five (5) percent.
  - (2) Separate measurements shall be made on each exhaust outlet on diesel vehicles equipped with multiple exhaust outlets. The reading taken from the outlet giving the highest reading shall be used for comparison with the standard for the vehicle being tested.
- (d) For gasoline-powered motor vehicles with a model year of 1996 and newer and for diesel-powered motor vehicles with a model year of 2002 and newer, an Onboard Diagnostic test shall be performed. All vehicles that have a readily accessible OBD system shall be tested. The results of the test shall be used to determine pass or failure of the vehicle.

#### **SECTION 8-7: Motor Vehicle Anti-Tampering Test Methods**

- (a) For 1975 to 1995, the motor vehicle anti-tampering test shall consist of the following:
- (1) The vehicle will be visually checked to see that the appropriate fuel cap is securely in place. If the appropriate fuel cap is not in place, it will result in the failure of the anti-tampering test.
  - (2) The vehicle will be visually checked to see if the catalytic converter is the correct type for the certified vehicle configuration and is properly installed. If the catalytic converter has been tampered with, removed, or is the incorrect configuration, it will result in the failure of the anti-tampering test.
- (b) Each gasoline-powered motor vehicle with a model year of 1996 and newer is subject to an anti-tampering test, and shall comply with the DLC and a fuel cap pressure test. The anti-tampering test shall consist of the following elements:
- (1) Vehicle shall be visually checked to see if the appropriate fuel cap is securely in place.
  - (2) If the fuel cap is present, it shall be removed and a fuel cap pressure test shall be performed to assure the cap is working properly. (Federal Test Procedures 26-21 Pass/Fail Standard). If the fuel cap fails the pressure test, it shall result in a failure of the anti-tampering test.
  - (3) If the DLC has been tampered with or is missing, it must be repaired or replaced prior to any retesting or reinspection. If the vehicle is incompatible with OBD test equipment or is readily unavailable, then the vehicle is required to pass the idle speed emission values specified in Section 8-4(b).

- (c) Each diesel-powered motor vehicle with a model year of 2002 and newer is subject to an anti-tampering test, and shall comply at a minimum with a DLC check and a fuel cap check. The anti-tampering test shall consist of the following elements:
  - (1) Vehicle shall be visually checked to see if the appropriate fuel cap is securely in place.
  - (2) If the DLC has been tampered with or is missing, it must be repaired or replaced prior to any retesting or reinspection. If the vehicle is incompatible with the OBD test equipment or if the DLC is readily unavailable, then the vehicle is subject to the Curb Idle test as specified in Section 8-6 (c-1-2).
- (d) A pass/fail determination will be made for each of the test elements in Paragraph (a), (b), or (c). If a vehicle fails any of the elements in paragraph (a), (b), or (c), it will result in the failure of the motor vehicle inspection and a Certificate of Compliance will not be issued until the repairs have been made to the vehicle.

### **SECTION 8-8: Motor Vehicle Inspection Program**

- (a) The motor vehicle inspection program shall be operated by the Metropolitan Public Health Department or contractor.
- (b) All vehicle inspections shall be conducted at official inspection stations operated by the Department and/or contractor except those fleet inspections provided for in Section 8-8(c) of this Regulation.
- (c) In lieu of the requirement in Section 8-8(b) of this Regulation, vehicles owned or operated by a fleet operator to whom a fleet inspection permit has been issued may be inspected by a licensed fleet vehicle inspector at a site other than an official inspection station.
- (d) A light-duty fleet vehicle operator may make application to the Director for a fleet vehicle inspection permit. Minimum requirements for issuance of a permit shall be:
  - (1) Possession of an approved exhaust gas analyzer, tools and equipment determined by the Director to be adequate for conducting the required emissions inspection;
  - (2) Demonstration of knowledge of methods and procedures for conducting required emissions performance and anti-tampering inspections according to criteria developed by the Director;

- (3) Provision of appropriate facility for vehicle testing and appropriate secure storage facility for storage of Certificates of Compliance and records of inspections;
  - (4) Agreement to supply inspection and Certificate of Compliance issuance information as requested by the Director and to allow access to testing facility, testing equipment, testing personnel, testing data, Certificate of Compliance inventory and fleet vehicles as requested by the Director; and
  - (5) Retention of licensed fleet vehicle inspector to conduct fleet vehicle inspections.
- (e) A fleet inspection permit shall be valid for one year from date of issuance and may be renewed through application to the Director within thirty (30) days prior to the date of expiration. A fleet inspection permit is not transferable and may be denied, suspended or revoked by the director for failure to comply with this Regulation and other requirements as determined by the Department.
- (f) A person employed or retained by a fleet operator holding a valid fleet inspection permit may make application to the Director for a fleet vehicle inspector's license. Minimum requirements for issuance of this license shall be:
- (1) Successful completion of a vehicle inspector training course prepared and offered by the Department;
  - (2) Successful completion of mechanics training course approved by the Director;
  - (3) Agreement to participate in additional training activities from time to time as specified by the Director; and
  - (4) Provision of written evidence that applicant is employed or retained by the fleet operator.
- (g) A fleet inspector's license shall be valid for one year from date of issuance and may be renewed through application to the Director within thirty (30) days prior to the date of expiration. A fleet vehicle inspector's license is not transferable and may be denied, suspended or revoked by the Director for failure to comply with this Regulation and other requirements as determined by the Department.
- (h) All vehicles issued Certificate of Compliance under the provisions of Section 8-8(c) of this Regulation shall be subject to retesting at either the fleet inspection location or an official inspection station as deemed necessary by the Director in order to maintain compliance with the intent of this Regulation.

## **SECTION 8-9: Motor Vehicle Inspection Fee**

- (a) There shall be a fee of \$9.00 dollars for each emission test payable at the time of inspection unless the vehicle qualifies for an inspection without charge as specified in Paragraph (c).
- (b) There shall be a fee of \$5.00 dollars for each Certificate of Compliance supplied to licensed fleet inspectors for issuance to motor vehicles which comply with the testing provisions of this Regulation.
- (c) Each vehicle which fails its initial inspection is entitled to one reinspection at no charge if the vehicle is accompanied by the entire initial inspection report.
- (d) Motor vehicle owners or operators shall be given in writing the results of all inspection procedures carried out at any official inspection station.
- (e) There shall be a fee of fifty (\$50.00) dollars for each initial annual Fleet Vehicle Inspector's License issued to a fleet vehicle inspector; there shall be a fee of fifteen (\$15.00) dollars for each annual renewal of a Fleet Vehicle Inspector's License.

#### **SECTION 8-10: Severability**

The provisions of any Part, Section, Subsection, Paragraph, phrase or clause of this Regulation that shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the judgment shall not affect, compare, or invalidate the remainder of this Regulation, but should be confined in its operation to the Part, Section, Subsection, Paragraph, phrase or clause of this Regulation that shall not be directly involved in the controversy in which such judgment shall have been redeemed.