

**REPORT OF THE
AIR POLLUTION CONTROL STUDY COMMISSION
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 8

**COMMONWEALTH OF VIRGINIA
RICHMOND
1980**

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Mary A. Marshall, Vice Chairman
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**Report of the
Air Pollution Control Study Commission
To
The Governor and the General Assembly of Virginia
Richmond, Virginia
December, 1979**

To: Honorable John N. Dalton, Governor of Virginia
and
The General Assembly of Virginia

I. INTRODUCTION

Having labored diligently during the past two years to meet the mandate set forth by Senate Joint Resolution No. 37, the State Air Pollution Control Study Commission hereby submits for the information of the Governor and the General Assembly draft legislation relating to an inspection and maintenance program for automobile emissions.

The draft legislation (attached as Appendix B. of this report) complies with the provisions of the Clean Air Act Amendments of 1977 and represents the best efforts of the Commission. Should the General Assembly decide to implement inspection/maintenance in the Commonwealth, the legislation can serve as a vehicle for such implementation.

The Commission voted 5-4 to submit this legislation. Voting in favor of submittal were Mr. Axel T. Mattson, Mr. I. Russell Berkness, Mr. Peter O. Ward, Delegate Mary A. Marshall, and Senator Howard P. Anderson. Voting against submittal were Senator Elmo G. Cross, Jr., Delegate O. Wayne O'Bryan, Delegate Richard L. Saslaw, and Delegate W. Ward Teel.

II. BACKGROUND

Over the past two decades a body of federal policy has gradually developed to deal with air pollution on a national basis. The development of federal policy culminated in two comprehensive pieces of legislation-the Clean Air Act Amendments of 1970 and 1977. These acts substantially enlarged and strengthened the regulatory elements of federal policy, and committed the nation to an ambitious set of goals for clean air.

The primary responsibility for the prevention and control of air pollution was placed on state and local governments. Federal financial assistance, however, was deemed essential for the development of cooperative federal, state, regional, and local programs to prevent and control air pollution. Thus, for the first time, federal legislative recognition was given to the fact that air pollution is a national problem, requiring national solutions. Through the 1970 Act, Congress gave the federal government the power to establish clean air goals designed to protect public health and to take action to see that those goals were met.

The Clean Air Act Amendments of 1970 also reflected the premise that effective control of air pollution would result from the employment of two complementary strategies. National ambient air quality standards, designed to protect public health and welfare, were to be established at threshold levels below which no adverse effects would occur. Emission standards, based on control technology, would be imposed to bring pollution concentrations below ambient standards.

The 1977 Clean Air Act Amendments retained this fundamental approach to air pollution control. The new law also retained the state implementation plan, the basic mechanism through which this approach would be implemented. Although the basic objectives and strategy of air quality control remained unchanged by the new law, Congress did provide some new manipulative weapons to the Environmental Protection Agency. Among these weapons were sanctions pertaining to implementation plan revisions. No highway grants may be awarded unless reasonable efforts are being made to include new "nonattainment area" requirements in implementation plans. No air pollution control grants may be awarded unless approved plan revisions are being implemented. EPA may even withhold sewage treatment plant construction grants in lieu of an approved plan.

In 1978 the General Assembly of Virginia declared the policy of the Commonwealth to achieve and maintain such levels of air quality as would protect human health, welfare, and safety. Senate Joint Resolution No. 37 (see Appendix A.) requested the State Air Pollution Control Board to present to the General Assembly recommendations that would address the air quality attainment and maintenance problems as required by the 1977 Clean Air Act Amendments. The State Air Pollution Study Commission was created to provide legislative guidance on any such recommended legislation. The General Assembly also acted in 1978 to establish civil penalties for violations of the rules, regulations, or orders of the State Air Pollution Control Board (H.B. 698), and to provide for the issuance of permits by the Board (H.B. 699).

The members of the Study Commission are Senator Howard P. Anderson, Chairman, Halifax; Delegate Mary Marshall, Vice Chairman, Arlington; Mr. I. Russell Berkness, Richmond; Senator Elmo G. Cross, Jr., Hanover; Mr. Axel T. Mattson, Yorktown; Delegate Thomas W. Moss, Jr., Norfolk; Delegate D. Wayne O'Bryan, Hanover; Delegate Richard L. Saslaw, Annandale; Delegate W. Ward Teel, Christiansburg; Senator Charles L. Waddell, Sterling; and Mr. Peter O. Ward, Jr., Lynchburg.

III. WORK OF THE COMMISSION

The Commission addressed a central problem—that in every metropolitan area of the United States people are caught in an automotive dilemma. Citizens have come to rely on the comfort and convenience of private transportation, and this excessive reliance on the automobile has a detrimental effect on the quality of the air we breathe.

Despite the energy crisis, our geography, population patterns, and life styles dictate that the automobile will continue to play a dominant role in the national and state transportation systems for a long time. Because of the danger to human health from automobile emissions, the Commission has considered legislative measures which can diminish that danger. Other recommended legislation concerning the assessment and collection of noncompliance penalties (H.B. 1355) and qualifications of members of the State Air Pollution Control Board (H.B. 782) was passed by the General Assembly in 1979. The work of the Commission has since focused on vehicle emission control inspection and maintenance programs. Inspection/maintenance, hereafter referred to as I/M, is required in the Richmond and northern Virginia areas for the State to comply with section 172 of the federal Act.

The Commission established five criteria in considering an I/M program for Virginia: the cost to individual vehicle owners, consumer convenience and protection, the cost to the state, the effect on air quality and the environment, and the administration of the program. In addition to the meetings of the Commission, public meetings were held in Norfolk, Roanoke, Falls Church, Richmond, and Fairfax. The meetings were attended by private citizens, representatives from industry, environmentalists, and others having special or general interests in the federal Clean Air Act.

The Commission examined various types of I/M program administration in which the testing program can be administered through centralized or decentralized inspection facilities. Centralized testing can be accomplished with either state-owned and state-operated facilities or contractor facilities. Decentralized testing is done through the licensing of private garages and service stations to conduct the inspections. EPA requires decentralized systems to start by January, 1982, and centralized systems to begin testing by January, 1983.

The Commission finds that a centralized state-operated system is inappropriate for the Commonwealth because of the high capital cost requirements of such program. The contractor option also has disadvantages which effectively remove it from further consideration. The primary disadvantage is that there would be only a small number of inspection stations. This would cause an increase in time and travel distance for motorists to have their vehicles inspected. A small number of inspection facilities could also mean unavoidably long waiting lines. A major disadvantage is that the consumer would not be able to get one-stop inspection and maintenance. This would necessitate a reinspection after needed repairs were performed.

IV. MAJOR FINDINGS

The private garage option offers several advantages which make it the most practical control strategy for mobile source pollution in Virginia. The large number of inspection sites offers greater

convenience to the public, and may thus reduce the time and travel distance required to get inspections. One-stop inspection and maintenance is also possible with this approach. This eliminates the need for a return trip to have the vehicle reinspected. Perhaps the greatest advantage of a private garage system in Virginia is the fact that the state has had a private garage safety inspection program since 1932.

Some disadvantages to the private garage system must also be pointed out. The inspection procedure may vary from station to station, thus leading to inconsistent quality of inspections. The increased number of inspection stations and people involved in the process will increase the difficulty of efficient and accurate data collection. The inspection and maintenance functions would not be separate; while convenient to the motorist, abuses in repair costs could occur.

An I/M program for the Commonwealth is intended to reduce the quantity of automotive pollutants. Among such pollutants, ozone is produced by a complex series of chemical reactions initiated when hydrocarbons and nitrogen oxide emissions from automobiles are exposed to sunlight. This type of pollution first gained attention in the 1940's as the major cause of smog in Los Angeles. This "photochemical smog" has since become common in many cities.

Ozone, the main element of photochemical smog, is an irritant to all mucous membranes and its main health effects are on the respiratory system. It is virtually intolerable at levels of one part per million. At considerably lower concentrations ozone, in conjunction with other airborne pollutants, causes a variety of health effects that are aggravated when people are active outdoors. These levels frequently occur in the summer air of many American cities.

Another pollutant, carbon monoxide, is a colorless, odorless, tasteless gas commonly found in urban areas in concentrations that can be harmful to people. It is a by-product of combustion, and the automobile is the single largest source of this pollutant. Carbon monoxide is inhaled into the lungs and enters the bloodstream by combining with hemoglobin, the substance that carries oxygen to the cells. The result is that the amount of oxygen being distributed throughout the body by the bloodstream is reduced in the presence of carbon monoxide, and this can have a profound impact on health.

Carbon monoxide also impairs heart function. The effect of this on a healthy person is to reduce significantly his ability to perform manual tasks, such as working, jogging, and walking. The pollutant also affects the central nervous system at relatively low concentrations. Tests of automobile drivers, after exposure to carbon monoxide, have shown slower reaction times in response to breaking signals.

A number of areas in Virginia have, pursuant to EPA guidelines, been determined to be nonattainment areas (areas which are not yet in compliance with the National Ambient Air Quality Standards) for ozone:

- a. Roanoke area including the Cities of Roanoke and Salem and Roanoke County
- b. Stafford County
- c. The Richmond area including the City of Richmond, Henrico and Chesterfield Counties
- d. The Peninsula area including the City of Hampton and Newport News
- e. The southeast area including the Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach
- f. Northern Virginia including the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park, and the Counties of Arlington, Fairfax, Loudoun, and Prince William. In addition, the following areas of northern Virginia have been identified as nonattainment for carbon monoxide: Alexandria City, Arlington County, and Fairfax County.

It has been calculated that all three of the areas which are nonattainment for carbon monoxide will be in attainment by 1982. Additional calculations show that Stafford County, the Hampton Roads area, and the western Virginia area will be in attainment for photochemical oxidants by 1982. Thus the remaining nonattainment areas are required to have an I/M program in order to comply with

the provisions of the Clean Air Act.

Respectfully submitted,

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APPENDIX A.

LD2112

SENATE JOINT RESOLUTION NO. 37

Offered January 30, 1978

Creating the State Air Pollution Study Commission.

Patrons—Edmunds and Anderson

Referred to the Committee on Rules

WHEREAS, it is the declared policy of the Commonwealth to achieve and maintain such levels of air quality as will protect human health, welfare and safety; and

WHEREAS, the State Air Pollution Control Board, working in conjunction with the Environmental Protection Agency pursuant to the provisions of the Clean Air Act, has been developing and implementing plans for the attainment of required air quality levels; and

WHEREAS, attainment of the required levels of air quality as mandated by federal law must be considered in proper perspective with promoting the economic and social development of the Commonwealth and the enjoyment of her attractions; and

WHEREAS, after July one, nineteen hundred seventy-nine, the Commonwealth will lose funds for highway construction and air pollution grants unless the Environmental Protection Agency approves Virginia's plan to correct air quality deficiencies in nonattainment areas; and

WHEREAS, other amendments to the Clean Air Act require strict transportation control efforts, increased penalties and permit changes; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the State Air Pollution Control Board is hereby requested to present to the General Assembly recommendations that will address the air quality attainment and maintenance problems on a broad scale State-wide basis as is required by the 1977 amendments to the Clean Air Act.

The study shall also include an analysis of the extent to which present laws, doctrines and policies may frustrate the implementation of a revised State implementation plan which would assure cost effective long term solutions to air pollution control problems in the Commonwealth. In formulating such recommendations, the Board shall identify the extent and nature of the air pollution control problem by areas of the State, and adopt an official position with respect to each problem pursuant to § 10-17.18 of the Code. The Board recommendations shall include any draft legislation required to accomplish each recommendation.

In carrying out the purposes specified in this resolution, a State Air Pollution Control Study Commission is hereby created to provide legislative guidance on any recommended legislation and to assist the Board in holding public hearings throughout the State in order to ensure maximum participation on the part of the local governments, industries, and the citizens of the Commonwealth.

The Commission shall be composed of nine members appointed as follows: three shall be members of the Committee on Agriculture, Conservation and Natural Resources of the Senate appointed by the chairman thereof; three shall be members of the Committee on Conservation and Natural Resources of the House of Delegates appointed by the Chairman thereof; and the Governor shall appoint one member of the State Air Pollution Control Board and two persons from the State at large. The members of the Commission shall elect a Chairman and Vice-Chairman from the membership thereof. If a vacancy occurs for any reason, the appropriate above-named person or committee shall appoint a successor. All agencies of the Commonwealth shall assist the Board or Commission upon request.

All members of the Commission shall be entitled to such compensation as is set forth in § 14.1-18, to be determined by the Chairman, for each day or part thereof devoted to their duties as members of the Commission. In addition to such compensation, all members shall be reimbursed for the actual and necessary expenses incurred in the performance of Commission duties. Funds required to accomplish the purposes stated herein shall be taken from appropriations made to the State Air Pollution Control Board.

The Commission shall conclude its study and make its report to the Governor and General Assembly not later than December one, nineteen hundred seventy-eight, and shall set forth therein such measures as will promote the public interest and be conducive to the needs and well-being of the Commonwealth.

APPENDIX B.

A BILL to amend and reenact §§ 10-17.18, 46.1-41 and 52-4 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 4 of Title 46.1 an article numbered 10.1, consisting of sections numbered 46.1-326.2 through 46.1-326.13, to establish an air pollution emission inspection program; appropriation of funds; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 10-17.18, 46.1-41 and 52-4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 4 of Title 46.1 an article numbered 10.1, consisting of sections numbered 46.1-326.2 through 46.1-326.13, as follows:

§ 10-17.18. Further powers and duties of Board.—(a) The Board at all times shall have the power to control and regulate its internal affairs; initiate and supervise research programs for the purpose of determining the causes, effects and hazards of air pollution; initiate and supervise statewide programs of air pollution control education; cooperate with and receive money from the federal government or any county or municipal government, and receive money from any other source, whether public or private; develop a comprehensive program for the study, abatement and control of all sources of air pollution in the State; advise, consult and cooperate with agencies of the United States, and all agencies of the State, political subdivisions, private industries and any other affected groups in furtherance of the purposes of this chapter.

(a1) The Board may adopt emissions standards controlling the release into the atmosphere of air pollutants from motor vehicles.

(b) The Board, after having made an intensive and comprehensive study of air pollution in the various areas of the State, its causes, prevention, control and abatement, shall have the power to formulate, adopt and promulgate, amend and repeal rules and regulations abating, controlling and prohibiting air pollution throughout the State or in such areas of the State as shall be affected thereby; provided, however, that no such rule or regulation and no such amendment or repeal shall be adopted, so as to prohibit the burning of leaves from trees by persons on property where they reside if the local governing body of the county, city or town in which such persons reside has enacted an otherwise valid ordinance regulating such burning in all or a part of said county, city or town, nor shall any other rule or regulation and no such amendment shall be adopted except after public hearing to be held after thirty days' prior notice thereof by public advertisement of the date, time and place of such hearing, at which opportunity to be heard with respect thereto shall be given to the public; and provided, further, that no such rule or regulation and no such amendment or repeal, shall be or become effective until sixty days after the adoption or entry thereof as aforesaid. The rules and regulations shall not promote or encourage any substantial degradation of present air quality in any air basin or region which has an air quality superior to that stipulated in the rules and regulations.

(c) After any rule or regulation has been adopted by the Board pursuant to subsection (b) of this section, it may in its discretion grant local variances therefrom, if it finds after a thorough investigation and hearing that local conditions warrant. In the event local variances are permitted, the Board shall issue an order to this effect, after a hearing is held, which order shall be subject to revocation or amendment at any time if the Board after hearing determines such amendment or revocation is warranted.

(d) After the Board shall have adopted the rules or regulations provided for in subsection (b) of this section, it shall have the power to: initiate and receive complaints as to air pollution; hold or cause to be held hearings and enter orders diminishing or abating the causes of air pollution and orders for the purpose of enforcement of its rules or regulations pursuant to § 10-17.18:1; institute legal proceedings, including suits for injunctions for the enforcement of its orders, rules and regulations and the abatement and control of air pollution and for the enforcement of penalties, all in accordance with this chapter.

(e) The Board, in making rules and regulations, in approving variances, control programs, or permits, and the courts in granting injunctive relief under the provisions of this chapter, shall take into consideration such relevant facts and circumstances as may be presented bearing upon the

reasonableness of the activity involved and the regulations proposed to control it, including:

(1) The character and degree of injury to, or interference with safety, health or the reasonable use of property which is caused or threatened to be caused;

(2) The social and economic value of the activity involved;

(3) The suitability or unsuitability of such activity to the area in which it is located; and

(4) The practicability, both scientific and economic, of reducing or eliminating the discharge resulting from such activity.

(f) In all cases the Board and in cases involving injunctive relief, the courts shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the area involved and to any lawful business, occupation or activity involved resulting from requiring compliance with the specific requirements of any order, rule or regulation.

(g) [Repealed.]

(h) The Board may designate one of its members, the executive director, or a staff assistant to conduct the hearings provided for in this chapter, provided that a record of the hearing proceedings shall be made and furnished to the Board for its use in arriving at its decision resulting from each hearing so conducted.

§ 46.1-41. Owner to secure registration and certificate of title.—Except as otherwise provided in §§ 46.1-42 through 46.1-49, 46.1-119 and 46.1-120 every person, or his duly authorized attorney-in-fact, including every railway, express and public service company, owning a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this State shall, before the same is so operated, apply to the Division for and obtain the registration thereof and a certificate of title therefor in the name of the owner. Such persons applying for registration shall provide the Division with either the home or business street address of the owner of the motor vehicle being registered. *Such registration shall be in accordance with the vehicle emission inspection requirements established in Article 10.1 of Title 46.1 (§§ 46.1-326.2 et seq.).*

Article 10.1.

Annual Emissions Inspection of Motor Vehicles in Certain

Localities.

§ 46.1-326.2. *Definitions.—The following words and phrases when used in this article, for the purposes of this article shall have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:*

1. *“Certificate of emissions inspection” means a serially numbered device or symbol, as shall be prescribed by the Superintendent which indicates that a motor vehicle has satisfactorily complied with the applicable emissions standards and passed the requisite emissions inspection pursuant to the provisions of this article.*

2. *“Certificate of emissions inspection waiver” means a serially numbered device or symbol as shall be prescribed by the Superintendent which indicates that the requirements of satisfactory compliance with the applicable emissions standards have been waived pursuant to the applicable provisions of this article.*

3. *“Motor vehicle” means any motor vehicle with an internal combustion engine, other than a motorcycle, which is subject to registration in this State and is designed for the transportation of persons or property and which has a registered gross weight of seven thousand five hundred pounds or less.*

4. "Emissions inspection station" means any official inspection station authorized by the Superintendent to make safety inspections pursuant to Article 10 of Title 46.1, (§§ 46.1-315 et seq.), and which has applied for and obtained an emissions inspection station permit from the Superintendent which authorizes the official inspection station to perform emissions standards inspections in accordance with the provisions of this article.

5. "Superintendent" means the Superintendent of the Department of State Police.

6. "Board" means the State Air Pollution Control Board.

7. "Fleet emissions inspection station" means any inspection facility operated under a permit issued to a qualified fleet owner or lessee as determined by the Superintendent.

8. "Low emissions tune-up means the performance of the following procedures on a motor vehicle:

A. Inspection of the air cleaner and choke and the cleaning, repairing or replacing as required.

B. Adjustment of the idle speed and air-fuel mixture according to the manufacturers specifications.

C. Adjustment of the ignition dwell or gap and ignition timing according to manufacturers specifications.

D. Inspection of the positive crankcase ventilation valve and vacuum hoses and the repair and replacement if those parts as may be required.

E. Inspection of the spark plugs and spark plug wires and the repair and replacement of those parts as may be required.

§ 46.1-326.3. Annual emissions inspection program.—The Superintendent shall administer a comprehensive emissions inspection program. Such program shall require an inspection of motor vehicles at official emission inspection stations in accordance with the provisions of Federal and State law and administrative regulations promulgated pursuant to the provisions of this article. The annual emissions inspection program shall provide for motor vehicle inspections at official emissions inspection stations.

§ 46.1-326.4. A. Administration of emissions inspection program.—An annual emissions inspection program shall commence in the following cities and counties of the Commonwealth not later than January one, nineteen hundred eighty-two: Arlington County, Fairfax County, Loudoun County, Prince William County, City of Alexandria, City of Fairfax, City of Falls Church, City of Manassas, City of Manassas Park.

B. In the event that the analysis of the ambient air quality data for the calendar years ending 1978, 1979, and 1980 do not project attainment of the standard by 1982, then an annual emissions inspection program shall commence in Chesterfield County, Henrico County and the City of Richmond not later than January one, 1982.

§ 46.1-326.5. Air Pollution Control Board to adopt emissions standards.—The Board shall adopt emissions standards pursuant to § 10-17.18 (a1). Such standards shall require that motor vehicles be required to pass only an idle mode test.

§ 46.1-326.6. A. Superintendent to adopt rules and regulations; exemption of certain motor vehicles.—The Superintendent is authorized to adopt such rules and regulations for purposes of implementation, administration, regulation and replacement as may be necessary to carry out the provisions of this article. Such rules shall include but not be limited to the following:

1. A system of records maintenance of emissions inspection test results.

2. A systematic procedure which will provide for an emissions inspection station to calibrate their emission testing equipment so as to ensure conformance with the standards adopted by the Board and the Department of State Police.

3. A system to limit the vehicle population subject to the emissions inspection program to a maximum of ten model years.

4. A procedure to provide for the establishing of appropriate referee stations in non-attainment areas.

B. The Superintendent shall within one hundred eighty days after the effective date of this article adopt rules and regulations which specify the content, methods, procedures and techniques to be utilized in the annual emissions inspection program and shall determine whether this program is being conducted according to the rules and regulations adopted by the Superintendent. The Department of State Police shall administer these regulations and seek compliance with conditions of any contractual arrangements which the Commonwealth may make for inspectional services related to air pollution control.

§ 46.1-326.7. Emissions inspection; cost of repairs certificates of waiver, duration.— A. A motor vehicle shall qualify for a certificate of emissions inspection waiver in the event that such vehicle has failed an initial inspection and subsequently failed a reinspection if the owner provides written proof that (i) since the initial inspection, at least seventy-five dollars has been spent on the maintenance and repair of the vehicle's emission control system and related equipment or that a low emission tune-up as defined herein has been performed, (ii) any emission control system or part thereof which has been removed, damaged or rendered inoperable by any act enumerated in § 46.1-301.1 of this Code has been replaced and restored to operating condition.

B. Any certificate of emissions inspection waiver given to any motor vehicle shall be valid for one registration period.

§ 46.1-326.8. Emissions inspection fees.—Each emissions inspection station may make a charge of four dollars for each emissions inspection, but the imposition of such charge shall not be mandatory. Any such fee shall be paid to the emissions inspection station. One dollar of each such fee shall be forwarded to the Department of Taxation for the purposes of the administration of this article.

§ 46.1-326.9. Frequency of inspection.—A. Any motor vehicle subject to the registration requirements of Article 1 of Title 46.1 (§ 46.1-42, et seq.), except those vehicles exempted in § 46.1-326.6 shall be inspected in accordance with the provisions of this article no more than one hundred eighty days prior to each registration anniversary date.

B. After January one, nineteen hundred eighty-two, no vehicle subject to the provisions of this article shall be registered or reregistered until such vehicle has passed an emissions inspection or has been issued a certificate of emissions inspection waiver. If such vehicle to be registered or reregistered is being sold by a dealer licensed to sell used motor vehicles, the cost of such inspection and necessary repairs shall be borne by the dealer.

C. Any motor vehicle required to be inspected for compliance with emissions standards established by the Board pursuant to the provisions of this article shall be reinspected within twelve months of the month of the initial inspection. Such emissions inspection may be performed in conjunction with any State safety inspection required by Article 10 of Title 46.1, provided that such inspection station has been certified by the Superintendent as an official emissions inspection station.

§ 46.1-326.10. Fleet emissions inspection stations; certificates of inspection; dealer's inventory; investigations; revocation of permit.—A. Any registered owner or lessee of a fleet of at least twenty vehicles may apply to the Superintendent for a permit to establish a fleet emissions inspection station. The Superintendent shall not issue any fleet emissions inspection station permit until he has found that the applicant:

1. Maintains an established place of business for the repair and maintenance of the applicant's fleet of vehicles;

2. Has obtained approved machinery, tools and equipment to adequately conduct the required emissions inspection by using an idle mode test condition;

3. *Employs properly trained and licensed personnel with which to perform the necessary labor; and*

4. *Agrees to provide test records and data as may be prescribed by the Superintendent.*

B. Any operator of a fleet emissions inspection station under a valid permit shall, upon filing an application in the manner and form prescribed by the Superintendent and paying the prescribed fee, receive a sufficient number of certificates of inspection for each vehicle in the applicant's fleet. No certificate of inspection shall be issued to any fleet vehicle until it has been inspected and found to comply with applicable regulations.

C. No holder of a fleet emissions inspection station permit shall inspect or certificate any vehicle for which such permittee is not the registered owner or lessee.

§ 46.1-326.11. Investigation of inspection stations; revocation or suspension of emissions inspection stations.—The Superintendent shall investigate the operation of each emissions inspection station and fleet emissions inspection station as the conditions and circumstances of such operation may indicate. He may require the holder of any permit to submit such documentation required concerning the operation of such inspection station. The Superintendent may suspend or revoke and require the surrender and forfeiture of any emissions inspection station permit and certificates of inspection of such permittee if he finds that such station is not operated in accordance with the provisions of this article and the lawful rules and regulations adopted by the Superintendent or the holder of such permit has failed or refused to submit records or documentation required.

§ 46.1-326.12. False certificate.—A. No person shall make, issue or knowingly use any imitation or otherwise counterfeit of an official certificate of emissions inspection or certificate of emissions inspection waiver.

B. No person shall issue or cause or permit to be issued any certificate of inspection or certificate of waiver knowing it to be fictitious or knowing it to have been issued for another vehicle without an emissions inspection having been made.

§ 46.1-326.13. Penalties.—A. Any person violating this article shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars for the first offense and not less than one hundred dollars nor more than one thousand dollars for each subsequent offense except as herein otherwise provided. If the violations of this article or regulations of the Superintendent made pursuant thereto is by an official emissions inspection station in addition to or in lieu of such fine imposed by a court the Superintendent may, whether or not the violation is a first offense against this article, or regulation of the Superintendent, suspend the appointment of the emissions inspection station or, if in his opinion after hearing, the facts warrant such action the Superintendent may revoke the authority and cancel the appointment of such inspection station.

B. No person shall make or issue any imitation or counterfeit of an official certificate of emissions inspection or certificates of emissions inspection waiver.

§ 52-4. Functions of Department.—The highway patrol, or State Police patrol as it is sometimes called, the police school, the State Police radio or communication system, the supervision of inspection stations and of inspectors of motor vehicles, the promotion of highway safety, the adoption of standards for motor vehicle appliances, accessories and safety devices and the registration of machine guns shall be in the Department of State Police. In addition to the foregoing, the administration of Article 10.1 of Chapter 46.1 shall be a function of the Department of State Police.

2. That there is hereby appropriated to the Department of State Police, Division of Motor Vehicles and the State Air Pollution Control Board from the general fund of the State Treasury, the sum of one million three hundred and forty-six thousand and ninety-seven dollars in order to administer the provisions of this act.

3. That the provisions of this Act shall expire on June thirtieth, nineteen hundred eighty-four unless extended by an act of the General Assembly.

