

## SUBPART 218-6

### SURVEILLANCE

|             |                                       |
|-------------|---------------------------------------|
| <b>Sec.</b> |                                       |
| 218-6.1     | Surveillance of motor vehicle dealers |
| 218-6.2     | Prohibitions                          |

#### Historical Note

Subpart (§§ 218-6.1 — 218-6.2) added by renum. Subpart 218-8, filed Nov. 28, 2000 eff. 30 days after filing.

#### § 218-6.1 Surveillance of motor vehicle dealers.

(a) No dealer may sell, or offer or deliver for sale a new passenger car, light-duty truck or medium-duty vehicle which is required to meet emission standards unless such vehicle conforms to the following standards and requirements:

- (1) ignition timing is set to manufacturer's specification with an allowable tolerance of  $\pm 3^\circ$ ;
- (2) idle speed is set to manufacturer's specification with an allowable tolerance of  $\pm 100$  rpm;
- (3) required exhaust and evaporative emission controls, such as Emission Gas Recirculator (EGR) valves, are operating properly;
- (4) vacuum hoses and electrical wiring for emission controls are correctly routed and connected; and
- (5) idle mixture is set to manufacturer's specification or according to manufacturer's recommended service procedure.

(b) No dealer may sell, or offer or deliver for sale a used passenger car, light-duty truck, or medium-duty vehicle that is required to meet emission standards unless such vehicle conforms to the following requirements:

- (1) ignition timing is set to retrofit device or vehicle manufacturer's specification with an allowable tolerance of  $\pm 3^\circ$ ;
- (2) idle speed is set to retrofit device or vehicle manufacturer's specification with an allowable tolerance of  $\pm 100$  rpm;
- (3) required exhaust and evaporative emission controls, such as EGR valves, are operating properly;
- (4) vacuum hoses and electrical wiring for emission controls are correctly routed and connected; and
- (5) idle mixture is set to retrofit device or vehicle manufacturer's specification or according to manufacturer's recommended service procedure.

(c) The requirements set forth in paragraphs (b)(1) through (5) of this section also apply to a dealer when servicing emission related components. However, only that requirement(s) appropriate to the service performed shall apply.

(d) For the purpose of enforcing or administering any Federal or State law, order, regulation, or rule relating to vehicular sources of emissions, the department or an authorized representative of the department, has the right of entry to any premises owned, operated, used, leased, or rented by any new or used car dealer. This entry is for the purpose of inspecting any vehicle or vehicles for which emissions standards have been enacted or adopted or for which emissions equipment is required provided that the vehicle or vehicles to be inspected are situated on the premises for the purpose of emission-related maintenance, repair, or service, or for the purpose of sale, lease, or rental. This right of inspection applies whether or not the vehicle is owned by the dealer. The inspection may extend to all emission-related parts and operations of the vehicle or vehicles, and may require the on-premises operation of an engine or vehicle, the on-premises securing of

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samples of emissions from the vehicle, and the inspection of any records which relate to vehicle emissions required by the United States Environmental Protection Agency or by any State law, order, regulation, or rule to be maintained by the dealer in connection with the dealer's business.

(c) The right of entry for inspection under this section is limited to the hours during which the dealer is open to the public, except when the entry is made pursuant to warrant or whenever the department or an authorized representative has reasonable cause to believe that a violation of any Federal, State, or local law, order, regulation, or rule has been committed in his or her presence.

**Historical Note**

Sec. added by renum. and amd. 218-8.2, filed Nov. 28, 2000 eff. 30 days after filing.

**§ 218-6.2 Prohibitions.**

It is unlawful for any person to operate or leave standing upon any highway any motor vehicle that is required to be equipped with an air contaminant emission control system under this Part, or required to be equipped with an air contaminant emission control system pursuant to the Clean Air Act (42 U.S.C., section 7401 *et seq.*) (see Table 1, section 200.9 of this Title) and the standards and regulations promulgated thereunder, unless the motor vehicle is equipped with the required air contaminant emission control system which is correctly installed and in operating condition. Except when necessary to repair the vehicle air contaminant emissions control system or another part of the vehicle, it is unlawful for any person to disconnect, modify, or alter any such required device. Following such repair, the disconnected, modified or altered device must be correctly installed and in operating condition.

**Historical Note**

Sec. added by renum. and amd. 218-8.3, filed Nov. 28, 2000 eff. 30 days after filing.