Motor Vehicles

7023.0100 DEFINITIONS.

Subpart 1. Scope. As used in parts 7023.0100 to 7023.0120, the following words shall have the meanings defined herein.

Subp. 2. Air pollution control system. "Air pollution control system" means any device or element of design installed on or in any motor vehicle or motor vehicle engine in order to comply with pollutant emission restrictions established for the motor vehicle or motor vehicle engine by federal statute or regulation.

Subp. 3. Motor vehicle. "Motor vehicle" means any self-propelled vehicle powered by an internal combustion engine and designed for use on the public highways including, but not limited to, automobiles, trucks, and buses.

SA: MS s 116.07 subd 4
HIST: 18 SR 614

7023.0105 STANDARDS OF PERFORMANCE FOR MOTOR VEHICLES.

No person shall cause or permit the emission of visible air contaminants from a motor vehicle, other than one powered by a diesel cycle engine, for more than ten consecutive seconds.

No person shall cause or permit the emission of visible air contaminants from a motor vehicle powered by a diesel cycle engine:

A. in excess of 20 percent opacity for more than 20 consecutive seconds if the engine was manufactured prior to January 1, 1973; or

B. in excess of ten percent opacity for more than 20 consecutive seconds if the engine was manufactured after January 1, 1973.

SA: MS s 116.07 subd 4
HIST: 18 SR 614

7023.0110 STANDARDS OF PERFORMANCE FOR TRAINS, BOATS, AND CONSTRUCTION EQUIPMENT.

No person shall cause or permit the emission of visible air contaminants from a train, boat, or construction equipment, which is powered by an internal combustion engine, in excess of the limits set forth in part 7023.0105.

SA: MS s 116.07 subd 4
HIST: 18 SR 614

7023.0115 EXEMPTION.

The provisions of parts 7011.2300 and 7023.0100 to 7023.0120 do not apply to two-cycle internal combustion engines.

SA: MS s 116.07 subd 4
HIST: 18 SR 614
Motor Vehicles

7023.0120 AIR POLLUTION CONTROL SYSTEMS RESTRICTIONS.

No person shall remove, alter, or otherwise render inoperative any air pollution control system.

No person shall operate a motor vehicle unless all air pollution control systems are in place and in operating condition.

No person shall rent, lease, offer for sale, or in any manner transfer ownership of a motor vehicle unless all air pollution control systems are in place and in operating condition.

The requirements of this part shall not restrict or prohibit the removal of any air pollution control system for repair or replacement.

SA: MS s 116.07 subd 4
HIST: 18 SR 614
NOTE: Laws of Minnesota 1988, chapter 407, section 1, subdivision 5, provides that Minnesota Statutes, section 325E.0951, supersedes this part to the extent this rule is inconsistent with that section.
7023.1010 DEFINITIONS.

Subpart 1. Scope. The definitions in part 7005.0100 apply to the terms used in parts 7023.1010 to 7023.1105, unless the terms are defined in this part.

Subp. 2. Agency representative. "Agency representative" means an agency employee or contractor designated by the commissioner to conduct inspections and tests, gather information, and perform other activities related to vehicle inspection and testing.

Subp. 3. Calibration gas. "Calibration gas" means a gas or gas mixture of known concentration that is used to establish the response curve of an emission analyzer.

Subp. 3a. Certificate of annual exemption. "Certificate of annual exemption" means a certificate issued by the commissioner or contractor for the annual exemption of a vehicle from the state vehicle inspection requirements as prescribed in part 7023.1070.

Subp. 4. Certificate of compliance. "Certificate of compliance" means a serially numbered inspection report marked "passed" indicating a motor vehicle complies with the requirements of parts 7023.1010 to 7023.1105.

Subp. 4a. Certificate of exemption. "Certificate of exemption" means a certificate issued by the commissioner or contractor for the exemption of a vehicle from the state vehicle inspection requirements as prescribed in part 7023.1070.

Subp. 4b. Certificate of temporary extension. "Certificate of temporary extension" means a certificate issued by the commissioner or contractor for the extension of the time period for a vehicle to meet state vehicle inspection requirements as prescribed in part 7023.1070.

Subp. 5. Certificate of waiver. "Certificate of waiver" means a serially numbered inspection report marked "waived" indicating that a motor vehicle complies with the requirements of part 7023.1055.

Subp. 6. Commissioner. "Commissioner" means the
Subp. 7. Constant four-wheel drive. "Constant four-wheel drive" means four-wheel drive that cannot be converted to two-wheel drive except by removing one of the vehicle's drive shafts.

Subp. 8. Contractor. "Contractor" means a person, business firm, partnership, or corporation with whom the agency has a contract that provides for the operation of one or more inspection stations.

Subp. 9. Customarily domiciled. "Customarily domiciled" means that a vehicle, although registered to an owner residing in the metropolitan area, is kept outside the metropolitan area for a minimum of 11 months during the one-year registration renewal period and is not generally used for transportation within the metropolitan area.

Subp. 10. Dealer. "Dealer" has the meaning given in Minnesota Statutes, section 168.27.

Subp. 11. Department. "Department" means the Department of Public Safety.

Subp. 12. Drive wheels. "Drive wheels" means the pair of wheels that propel a vehicle.

Subp. 12a. Dual exhaust. "Dual exhaust" means two separate exhaust streams, one from each bank of the engine, each containing a muffler.

Subp. 13. Emission control equipment inspection. "Emission control equipment inspection" means the inspection of the emission control equipment conducted by the waiver surveillance inspector under part 7023.1060.


Subp. 15. Exhaust emissions. "Exhaust emissions" means substances emitted into the atmosphere from the tailpipe of a motor vehicle.

Subp. 16. Field audit gas. "Field audit gas" means a gas with assigned concentrations that is required to check the
accuracy of emission analyzers and calibration gas used by
inspection stations, fleet inspection stations, and vehicular
repair facilities.

Subp. 17. Fleet inspection station. "Fleet inspection
station" means a facility for the inspection of motor vehicle
fleets operated under a permit issued by the agency under part
7023.1080.

Subp. 18. Fleet owner. "Fleet owner" means an owner of at
least 50 subject vehicles, or two or more persons each owning 25
or more subject vehicles.

Subp. 19. Fleet vehicle. "Fleet vehicle" means a subject
motor vehicle owned by a person holding a fleet inspection
station permit.

Subp. 20. Idle mode test. "Idle mode test" means an
exhaust emission test conducted with the vehicle at idle.

Subp. 21. Inspection report. "Inspection report" means a
document issued by an inspection station or fleet inspection
station that indicates the vehicle has been inspected in
accordance with parts 7023.1010 to 7023.1105.

Subp. 22. Inspection station. "Inspection station" means
a facility for motor vehicle inspection operated under contract
with the agency.

Subp. 23. [Repealed, 18 SR 1593]

Subp. 24. [Repealed, 18 SR 1593]

Subp. 25. Loaded mode. "Loaded mode" means operation of a
vehicle at approximately 30 miles per hour on the chassis
dynamometer as prescribed in part 7023.1030, subpart 6.

Subp. 26. Low emission adjustment. "Low emission
adjustment" means diagnostic or repair procedures that are
likely to reduce carbon monoxide or hydrocarbon emissions and
are included on a list established by the commissioner under
part 7023.1065, subpart 4.

Subp. 27. Metropolitan area. "Metropolitan area" has the
meaning given in Minnesota Statutes, section 473.121.

Subp. 28. Model year. "Model year" means the date of
manufacture of the original vehicle within the annual production
period of the vehicle as designated by the manufacturer. If the
manufacturer does not designate a production period, "model
year" means the calendar year.

Subp. 29. Motor vehicle or vehicle. "Motor vehicle" or
"vehicle" means a passenger automobile, station wagon, pickup
tuck, or van, as defined in Minnesota Statutes, section
168.011, licensed for use on the public streets and highways or
a passenger automobile, station wagon, pickup truck, or van
exempt from registration or fees under Minnesota Statutes,
section 168.012, subdivision 1, or 437.448.

Subp. 30. Nonfleet vehicle. "Nonfleet vehicle" means any
subject vehicle except for a subject vehicle owned by a person
holding a fleet inspection station permit.

Subp. 31. Owner. "Owner" means "registered owner" as
defined in Minnesota Statutes, section 168.011, subdivision 5a.

Subp. 32. Registrar. "Registrar" means the registrar or
deputy registrar of motor vehicles under Minnesota Statutes,
section 168.33.

vehicles that are used for rescue operations.

Subp. 34. Span gas. "Span gas" means a gas of known
concentration that is used routinely to set the output level of
an emission analyzer.

Subp. 35. Subject vehicle. "Subject vehicle" means a
non-tax-exempt motor vehicle registered to an owner residing in
the metropolitan area or a tax-exempt motor vehicle customarily
domiciled in the metropolitan area except:

A. a motor vehicle manufactured before the 1976 model
year;

C. a motor vehicle registered as classic, pioneer,
collector, or street rod under Minnesota Statutes, section
168.10;

D. a motor vehicle powered solely by diesel fuel,
electricity, natural gas, propane, pure alcohol, or hydrogen:
E. a motor vehicle powered solely by a diesel cycle engine; and

F. fire apparatus, ambulances, and rescue vehicles.

Subp. 36. Tampering inspection. "Tampering inspection" means the inspection of the catalytic converter and the gas cap conducted by the emission inspector under part 7023.1025.

Subp. 37. Tax-exempt. "Tax-exempt" means exempt from license fees under Minnesota Statutes, section 168.012, subdivision 1, or 473.448.

Subp. 38. Waiver. "Waiver" means the act of excusing a motor vehicle from complying with part 7023.1050, subpart 2.

Subp. 39. Waiver surveillance inspector. "Waiver surveillance inspector" means the agency employee or contractor charged with performing the emission control equipment inspection and approving or disapproving applications for certificates of waiver.

MS 7023.1015 INSPECTION REQUIREMENT.

Subpart 1. General. In accordance with Minnesota Statutes, sections 116.60 to 116.65, and parts 7023.1010 to 7023.1105, subject vehicles shall be inspected annually at an inspection station or a fleet inspection station.

Subp. 2. Inspection requirement. Subject vehicles shall be inspected according to the following schedule:

A. for non-tax-exempt subject vehicles, the inspection must be completed at an inspection station or fleet inspection station as a prerequisite to registration renewal within 90 days before expiration of current registration; or

B. for tax-exempt subject vehicles, the inspection shall be completed annually:

(1) at an inspection station during the months of January and February; or

(2) at an inspection station or fleet inspection station at a time designated by the owner and approved by the
commissioner.

Subp. 3. Reinspections. Subject vehicles exceeding the maximum allowable emission concentrations or failing the tampering inspection during the vehicle’s inspection are entitled to reinspection under part 7023.1035.

MS s 116.62
14 SR 905; 18 SR 614; 18 SR 1593

7023.1020 DESCRIPTION OF INSPECTION AND DOCUMENTS REQUIRED.

Subpart 1. Location and components of inspection. An inspection shall consist of a tampering inspection and an exhaust emission test. The inspection and testing shall be performed at an inspection station or fleet inspection station.

Subp. 2. Document requirements. Each vehicle that is inspected at an inspection station must display a legible vehicle license plate or vehicle identification number, or be accompanied by one of the following documents that identifies the vehicle by make, model year, vehicle identification number, license plate number, and registered owner’s name and address:

- a current Minnesota registration renewal notice, a current Minnesota registration card, or a Minnesota certificate of title.

MS s 116.62
14 SR 905; 18 SR 614; 18 SR 1593

7023.1025 TAMPERING INSPECTION.

Each subject vehicle shall be visually inspected for and shall be required to have an unvented fuel cap and a catalytic converter if the vehicle was equipped with these items at the time of manufacture. If an unvented fuel cap is not in place, the tampering inspection shall continue and the owner shall be advised to replace the unvented fuel cap. If the catalytic converter is not in place or is damaged, the vehicle shall fail the tampering inspection, except as provided in items C and D.

A. If the catalytic converter is not in place or is damaged as determined by visual inspection, the owner shall replace the catalytic converter. Catalytic converters shall be replaced with original manufacturer’s equipment or new
after-market equipment that meets the emission reduction
requirements and criteria established by the United States
Environmental Protection Agency.

B. In a tampering dispute, the vehicle owner or
operator may elect to leave the tampering inspection area to
seek proof of nontampering, such as obtaining emission control
system information from another source, and return to an
inspection facility with documentation and continue with the
tampering inspection. The contractor may not bill the agency
for an inspection upon the owner's or operator's return visit to
continue the tampering inspection.

C. If the vehicle owner provides to the waiver
surveillance inspector a release letter concerning the vehicle
from the United States Environmental Protection Agency addressed
to the United States Customs Service granting the vehicle
exemption from conformity with federal emission requirements,
the vehicle shall pass the tampering inspection.

D. If the vehicle owner presents satisfactory
evidence and signs an affidavit certifying to the waiver
surveillance inspector that the vehicle is a show car used
primarily for transportation to and from and in exhibitions of
show cars, and that the vehicle is not generally used for
transportation, the vehicle shall pass the tampering inspection.

Subpart 1. Procedure. The exhaust emission testing
procedure shall consist of the following procedure performed in
accordance with Code of Federal Regulations, title 40, section
85.2212, as amended:

A. the vehicle shall be tested in idle mode with the
transmission in neutral, or park, if appropriate;

B. the vehicle shall be tested with the engine
running at normal operating temperature and not overheating, as
indicated by gauge, warning light, or boiling radiator, with all
accessories off;

C. the vehicle shall be nearly level when tested, to prevent abnormal fuel distribution; and

D. vehicles with dual exhaust pipes may be tested by simultaneous sampling both tail pipes or by sampling each tail pipe. In the latter case, the measurements for hydrocarbon as hexane, carbon monoxide, and carbon dioxide shall be numerically averaged.

Subp. 2. Exhaust emissions to be tested. The emission test for subject vehicles shall consist of sampling the exhaust emissions from the vehicle tail pipe or tail pipes and measuring the concentrations of hydrocarbon as hexane, carbon monoxide, and carbon dioxide. Exhaust emission concentrations shall be recorded after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first.

Subp. 3. Exhaust emission standards. A motor vehicle that is subject to inspection under part 7023.1015 and Minnesota Statutes, sections 116.60 to 116.65, must not emit carbon monoxide or hydrocarbon as hexane from the exhaust system in concentrations greater than those in the table in this subpart when measured in an inspection conducted under parts 7023.1010 to 7023.1105. A subject vehicle that emits carbon monoxide or hydrocarbon as hexane from the exhaust system in concentrations greater than those in the table in this suapart shall fail the emission test.

<table>
<thead>
<tr>
<th>Model Year</th>
<th>Maximum Allowable Emission Concentrations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hydrocarbon as hexane</td>
</tr>
<tr>
<td></td>
<td>(parts per million of exhaust)</td>
</tr>
<tr>
<td>1976-1977</td>
<td>600</td>
</tr>
<tr>
<td>1978-1979</td>
<td>400</td>
</tr>
<tr>
<td>1980</td>
<td>275</td>
</tr>
<tr>
<td>1981 and later</td>
<td>220</td>
</tr>
</tbody>
</table>

Subp. 4. Grounds for prohibition of inspection. Items A to C constitute grounds for the emission inspector to prohibit the inspection in part 7023.1020 and the entrance of the vehicle into the testing lanes:

A. the vehicle is carrying explosives or other
hazardous material not used as fuel for the vehicle;
B. gasoline, oil, or other fluid leaks are apparent 
and constitute a safety hazard; or 
C. the vehicle is being towed or is towing a trailer.

Subp. 5. Grounds for prohibiting or invalidating the 
exhaust emission test. Items A and B constitute grounds for the 
emission inspector to invalidate the exhaust emission test 
results and refuse to continue with the test until the 
conditions are corrected:
A. the vehicle's exhaust system has an obvious 
leakage or other condition that could affect the validity of the 
exhaust sample readings as determined by the emission inspector;
or 
B. the measured carbon dioxide concentration is less 
than four percent by volume.

Subp. 6. Loaded mode preconditioning after failing exhaust 
emission test. If the vehicle fails the exhaust emission test, 
the vehicle shall be preconditioned on the chassis dynamometer 
and the procedures and diagnostic testing shall be conducted in 
accordance with items A and B. After preconditioning, the 
vehicle shall be tested at idle according to subparts 1 to 3.
A. The loaded mode preconditioning and diagnostic 
analysis consist of positioning the vehicle driving wheels on a 
chassis dynamometer, placing an emission sampling probe into the 
tailpipe, and analyzing the collected exhaust sample. The 
analysis for hydrocarbon as hexane and carbon monoxide is for 
diagnostic information only.
B. Vehicles shall be tested in the following manner:
(1) vehicles shall be run in drive for automatic 
transmissions and third gear for manual transmissions;
(2) during the loaded mode, the vehicle's engine 
shall be run at a constant throttle position to maintain the 
cruising speed for at least 30 seconds;
(3) the vehicle speed of 30 plus or minus two 
miles per hour as measured from the dynamometer idle roll shall 
be used for all loaded conditions to provide appropriate
diagnostic information for vehicles that fail the emission test;

(4) the vehicle shall be tested with the engine running at normal operating temperature and not overheating, as indicated by gauge, warning light, or boiling radiator, with all accessories turned off;

(5) the vehicle shall be nearly level when tested, to prevent abnormal fuel distribution; and

(6) vehicles with dual exhaust pipes shall be tested by simultaneous sampling both tail pipes or by sampling each tail pipe. In the latter case, the measurements for hydrocarbon as hexane, carbon monoxide, and carbon dioxide shall be numerically averaged.

Subp. 7. Grounds for omitting loaded mode preconditioning. The following constitute grounds for the emission inspector to omit the loaded mode preconditioning on a vehicle:

A. the vehicle has a driving wheel with a tire having less than 2/32 inch of tread or with metal protuberances or with obviously low tire pressure, as determined by superficial visual inspection; or

B. any other condition that in the opinion of the vehicle emission inspector precludes the use of loaded mode preconditioning for reasons of health and safety or damage, or both, to personnel, facilities, equipment, or the vehicle.

Subp. 8. When loaded mode preconditioning shall be omitted. Loaded mode preconditioning shall be omitted if:

A. the person presenting the vehicle for inspection refuses loaded mode preconditioning;

B. the vehicle is unable to attain the speed specified in subpart 6, item B, subitem (3);

C. the vehicle is equipped with constant four-wheel drive;

D. the vehicle is driven by a person who, because of physical incapacity, is unable to yield the driver's seat to the emission inspector; or

E. the vehicle is driven by a person who refuses to yield the driver's seat to the emission inspector.
Subp. 9. Alternate preconditioning. A vehicle for which loaded mode preconditioning is omitted under subpart 7 or 8 shall be preconditioned by completing items A to D.

A. The vehicle's transmission shall be placed in neutral, or park, if appropriate;

B. The vehicle's engine speed shall be increased to 2,500 plus or minus 300 revolutions per minute as measured by a tachometer;

C. The speed in item B shall be maintained for at least 30 seconds; and

D. The vehicle engine speed shall be returned to idle. After preconditioning, the vehicle shall be tested at idle as described in subparts 1 to 3.

Subp. 10. Reconstructed (KIT) vehicles. All reconstructed (KIT) subject vehicles shall be tested for compliance with the exhaust emission standards in the table in subpart 3, using the standards applicable to the year of manufacture of the engine installed in the vehicle.

Subp. 11. Exchanged engines. For the purposes of parts 7023.1010 to 7023.1105, a motor vehicle with an exchanged engine must be tested as described in items A to C.

A. Except as provided in item B, a motor vehicle must be tested for compliance with the exhaust emission standards in the table in subpart 3, using the standards applicable to the model year of the vehicle's chassis.
the agency representative upon request by the motorist shall certify the year the engine was manufactured by checking the identification number of the engine block and by reviewing documentation provided by the vehicle owner. The vehicle must be tested for compliance with the exhaust emission standards in the table in subpart 3, using the year of the engine as certified by the agency representative. If the identification number on the block of the engine is absent and the vehicle owner is unable to provide documentation as to the engine year, the vehicle must be tested for compliance with the exhaust emission standards for model year 1976. If the agency representative determines that the engine was manufactured prior to 1976, the motor vehicle is not a subject vehicle.

Classification of a motor vehicle with an exchanged engine under parts 7023.1010 to 7023.1105, and receipt of a certificate of compliance or certificate of waiver for the motor vehicle shall not exempt the owner of the motor vehicle from the requirements of part 7023.0120 and Minnesota Statutes, section 325E.0951.

Vehicles that fail the inspection under parts 7023.1020 to 7023.1030 shall be allowed reinspection after repair or adjustment of the vehicle.

A. A vehicle failing the inspection may be reinspected at any inspection station after the vehicle has been repaired under part 7023.1050.

B. The vehicle shall be accompanied by its previous inspection reports and repair information. The repair information must be completed by the person performing the repairs and shall be indicated in the space provided on the inspection report form.

C. The vehicle presented for reinspection shall have both a tampering inspection conducted as provided for in part
7023.1025 and an emission test conducted as provided for in part 7023.1030.

D. A vehicle shall be eligible for no more than two reinspections unless the owner pays an additional fee under part 7023.1105, subpart 2.

E. If the vehicle passes the reinspection, the contractor shall issue a vehicle inspection report under part 7023.1040 and certificate of compliance under part 7023.1045. The certificate of compliance and the inspection report may be combined into a single form.

F. If the vehicle cannot pass the reinspection, the contractor shall issue a vehicle inspection report under part 7023.1050 indicating noncompliance. The owner may then be eligible to apply for a certificate of waiver under part 7023.1055. If the owner requests a certificate of waiver, the waiver surveillance inspector shall review the request and shall approve or deny the request in accordance with part 7023.1055.

7023.1040 VEHICLE INSPECTION REPORT.

Subpart 1. Required items. The owner or operator of each vehicle inspected shall be provided with a vehicle inspection report at the time of each inspection. The vehicle inspection report shall be a design approved by the commissioner and shall provide space for the following information:

A. license plate number;
B. vehicle identification number;
C. model year of vehicle;
D. model year of engine;
E. make of vehicle;
F. vehicle type;
G. odometer reading, in thousands of miles;
H. maximum allowable exhaust emission concentrations;
I. exhaust emission measurements of hydrocarbon as hexane, carbon monoxide, and carbon dioxide;
J. statement of pass/fail or valid/not valid, or waiver and the reasons, if applicable;
K. inspection/reinspection number for subject vehicle;
L. date and time of inspection;
M. serial number of report;
N. inspection station number, lane, inspector, and analyzer number;
O. reason for test termination before completion of test;
P. description of the low emission adjustment that is likely to reduce a vehicle's carbon monoxide and hydrocarbon emissions;
Q. tampering inspection and results;
R. for a failed vehicle:
   (1) serial number of the previous test reports;
   (2) for a post-1980 model year vehicle, certification that the test was performed in accordance with the emission control system performance warranty short test;
   (3) for a nonfleet vehicle, the printed name or identification number of an individual who either performed the test or has actual knowledge of the performance of the test, or for a fleet vehicle, the signature of the individual who performed the test; and
   (4) diagnostic information, as appropriate;
S. itemization of the repairs performed (repair actions or parts replacement may be coded);
T. cost of the emission-related repairs, or estimated cost of the emission-related repairs required if the repairs exceed the maximum specified repair cost, and cost of the low emission adjustment;
U. analyzer serial or identification number, if used by the individual performing the repairs;
V. idle exhaust emission concentrations of hydrocarbon as hexane, carbon monoxide, carbon dioxide, and oxygen, if an analyzer is used when making repairs;
W. complete name, address, telephone number, and
federal identification number or social security number of the
business or person making the repairs; and
X. date and signature of the person making the
repairs.

Subp. 2. Responsibility for completion of form. The
contractor shall be responsible for the completion of subpart 1,
items A to R, for all vehicles tested by the contractor. The
person performing the repairs or making the cost estimates shall
be responsible for completion of subpart 1, items S to X.

Subp. 3. Inspection report supplement. The owner or
operator of each vehicle failing the initial inspection shall
receive an inspection report supplement, approved by the
commissioner, containing:
A. the repair cost limit for emission-related
repairs;
B. a description of low emission adjustment list;
C. the probable causes of noncompliance if diagnostic
information is provided; and
D. instructions for waiver applications if failure of
reinspection has occurred.

MS s 116.62
14 SR 905; 18 SR 614; 18 SR 1593

7023.1045 CERTIFICATE OF COMPLIANCE.

A certificate of compliance must be issued by an inspection
station or fleet inspection station to a subject vehicle that
passes the tampering inspection and exhaust emission test.
The certificate of compliance shall be presented to the
owner by personnel employed by the inspection station, fleet
inspection station, or by the waiver surveillance inspector, as
appropriate, upon receipt of the final vehicle inspection report
indicating that the vehicle is in compliance with parts
7023.1010 to 7023.1105. The certificate of compliance shall be
of a design approved by the department and the commissioner and
shall contain, at a minimum, the date of the test and the
vehicle identification number to uniquely identify the vehicle. The owner shall present the certificate of compliance to the department when making application for registration renewal.

MS 116.62
14 SR 905; 18 SR 614

7023.1050 VEHICLE NONCOMPLIANCE AND REPAIR.

Subpart 1. Tampering inspection. If the subject vehicle fails the tampering inspection or reinspection under part 7023.1025 or 7023.1035, the contractor shall issue an inspection report that indicates noncompliance.

A subject vehicle that fails its tampering inspection shall not be eligible to have its registration renewed unless:

A. the owner replaces the catalytic converter under part 7023.1025;
B. the person completing the repairs has properly completed the repair portion of the vehicle inspection report form;
C. the person completing the repairs has signed the repair portion of the inspection report form; and
D. the vehicle passes the tampering reinspection.

Subp. 2. Exhaust emission test. If the subject vehicle fails the exhaust emission test or retest under part 7023.1030 or 7023.1035, the contractor shall issue an inspection report that indicates noncompliance.

A subject vehicle that fails its exhaust emission test shall not be eligible to have its registration renewed until items A to D have been completed or a certificate of waiver has been issued under part 7023.1055:

A. the owner repairs or adjusts the vehicle to reduce carbon monoxide and hydrocarbon as hexane emissions in accordance with the inspection report form and its supplement under part 7023.1040;
B. the person completing the repairs has completed the repair portion of the vehicle inspection report form;
C. the person completing the repairs has signed the
ATTORNEY

7023.1050

1 repair portion of the vehicle inspection report form; and
3 D. the vehicle passes the exhaust emission retest.

4 MS s 116.62
5 14 SR 905; 18 SR 614; 18 SR 1593

5 7023.1055 CERTIFICATE OF WAIVER.
6 Subpart 1. Eligibility. A vehicle, including a fleet
7 vehicle, that has failed its initial exhaust emission test and
8 at least one exhaust emission retest is eligible for a waiver,
9 valid for no longer than the annual registration period, if it
10 meets the following criteria:
11 A. the vehicle has failed to meet the appropriate
12 standards of compliance for hydrocarbon as hexane or carbon
13 monoxide emissions on its initial test and at least one exhaust
14 emission retest after repair of the vehicle;
15 B. for post-1980 model year vehicles whose mileage is
16 less than 50,000 miles and whose age is less than five years,
17 the vehicle owner presents a signed statement from an
18 appropriate new car dealership stating that the vehicle is not
19 eligible for emission control system warranty work;
20 C. the owner or an automotive repair technician has
21 diagnosed and attempted to repair the vehicle to pass
22 reinspection, including interrogation of appropriate on board
23 diagnostic systems;
24 D. except as provided in item E, the owner presents
25 satisfactory evidence to the waiver surveillance inspector that
26 a low emission adjustment, as described in part 7023.1065,
27 subpart 4, as appropriate according to the exhaust emission test
28 results, has been performed on the vehicle after the initial
29 exhaust emission test;
30 E. the owner presents satisfactory evidence to the
31 waiver surveillance inspector that either of the following
32 exceeds the repair cost limit under part 7023.1065, as modified
33 by part 7023.1055, subpart 2, item B:
34 1) the actual cost of the low emission
35 adjustment as appropriate to the exhaust emission test results
F. the owner complies with evidence requirements under part 7023.1065;

G. the person performing the repairs or preparing the estimate completes all parts of the repair portion of the vehicle inspection report form and signs the report form; and

H. the vehicle passes the tampering inspection under part 7023.1025 or 7023.1035, if applicable, and emission control equipment inspection under part 7023.1060.

Subp. 2. Waivers following repairs by persons other than automotive repair technicians.

A. In cases in which a person other than an automotive repair technician, including an owner, attempts to repair a vehicle, the person must take the actions listed on the low emission adjustment list, as appropriate according to the exhaust emission test results, and attempt to diagnose and perform other repairs necessary to bring the vehicle into compliance as if the vehicle were being presented for repair to an automotive repair technician.

B. In cases where a person other than an automotive repair technician attempts repair or in cases where there is no charge for the labor of vehicle repair, the repair cost limit of part 7023.1065 must be reduced solely by the expenditure for emission-related parts including parts on the low emission adjustment list. The owner shall comply with evidence requirements under part 7023.1065.

Subp. 3. Waiver documentation review. The waiver surveillance inspector's duties in reviewing waiver requests consist of the provisions in items A to E.

A. To deny the issuance of a waiver to a vehicle unable to pass the emission control equipment inspection required by part 7023.1060.
B. To determine whether the vehicle should qualify for warranty repairs under applicable federal law. If so, the waiver surveillance inspector shall determine whether the owner has a signed statement from an appropriate new car dealership stating that the vehicle is not eligible for emission control system warranty work. The statement shall be signed and dated by the new car dealership after the vehicle failed its initial inspection and shall identify the vehicle and the dealership. If the owner has a statement conforming to these requirements, it shall be delivered to the waiver surveillance inspector who shall proceed with the remainder of the waiver duties described in items C to E. If the owner does not have a statement conforming to these requirements, no waiver shall be issued.

C. To verify that the repair and waiver documentation presented by the owner is properly completed and that the documents indicate that the waiver criteria have been met. The inspector shall also verify that the repair facility name and location are legible.

D. To issue a certificate of waiver if all waiver criteria have been met.

E. If a waiver has been requested but not all criteria have been met, explain to the owner what criteria are not satisfied and how they may be met. The agency shall provide printed explanations of the waiver process and criteria that the inspector will distribute to owners who are denied a waiver.

Subp. 4. Form of certificate of waiver. The owner of a vehicle granted a waiver shall receive a certificate of waiver, which shall be proof of compliance with part 7023.1055. Each valid certificate of waiver shall contain, at a minimum, the date of the test and the vehicle identification number to uniquely identify the vehicle.

The certificate of waiver and the vehicle inspection report printed by an automated emission testing system may be combined into a single form. The owner shall present the certificate of waiver to the department when making application for registration renewal.
Subp. 5. Waiver due to technical difficulties. The waiver surveillance inspector shall issue a waiver for a vehicle that cannot be subjected to the inspection required by parts 7023.1010 to 7023.1105 because of technical difficulties inherent in the manufacturer's design or construction, excluding tampering, of the vehicle. A copy of the waiver shall be retained for the agency's use.

A vehicle that, in the opinion of an automotive repair technician employed by a fleet station, cannot be inspected because of technical difficulties inherent in the manufacturer's design or construction, excluding tampering, or because of limitations of the fleet station's inspection equipment, shall be referred to the waiver surveillance inspector or the agency. The waiver surveillance inspector shall indicate concurrence on that vehicle's inspection report by signature if the inspector or the agency concurs that a waiver due to technical difficulties should be issued for the vehicle. The fleet station automotive repair technician shall then issue a certificate of waiver. A copy of the waiver shall be returned for the agency's use.

Subp. 6. [Repealed, 18 SR 1593]

MS s 116.62
14 SR 905; 18 SR 614; 18 SR 1593

7023.1060 EMISSION CONTROL EQUIPMENT INSPECTION AS A CONDITION OF WAIVER.

Subpart 1. Emission control equipment inspection. If a certificate of waiver is requested under part 7023.1055, the vehicle shall be checked by the waiver surveillance inspector for obvious tampering with the emission control equipment. The waiver surveillance inspector shall visually inspect for obvious tampering, removal, or disassembly of parts. At a minimum, the waiver surveillance inspector shall check if any elements of the factory-installed motor vehicle pollution control system are not in place or have been modified, altered, or damaged in a manner that decreases its efficiency or effectiveness in control of air...
Subp. 2. Failure of emission control equipment inspection. Except for vehicles described in part 7023.1025, item C or D, the vehicle shall fail the emission control equipment inspection if any elements of the factory-installed motor vehicle pollution control system are not in place or have been modified, altered, or damaged in a manner that decreases its efficiency or effectiveness in the control of air pollution in violation of part 7023.0120 or Minnesota Statutes, section 325E.0951.

Subp. 3. Repair or replacement. The owner shall repair or replace any elements of the factory-installed motor vehicle pollution control system that are not in place as identified in subpart 1 unless the vehicle is a vehicle described in part 7023.1025, item C or D.

Subp. 4. Tampering dispute. In a tampering dispute, the vehicle owner or operator may elect to leave the inspection area to seek proof of nontampering, such as obtaining emission control system information from another source, and return to an inspection facility with documentation and continue with the inspection. The contractor must not bill the agency for an emission control equipment inspection upon the owner's or operator's return visit.

7023.1065 REPAIR COST LIMIT AND LOW EMISSION ADJUSTMENT.


Subp. 2. Exclusions. In determining the costs of repairs and adjustments included in the repair cost limit, the following costs shall be excluded:

A. costs covered by a warranty; and/or

B. costs necessary to repair or replace any emission
control part or parts that have been removed, dismantled, or
rendered inoperative in violation of part 7023.0120 or Minnesota
Statutes, section 325E.0951.

Subp. 3. Evidence of repair cost. Except as provided in
part 7023.1055, subpart 2, item B, the cost of repair or
estimate of the cost of repair under this part is eligible to be
credited to the repair cost limit when applying for a waiver if
the owner presents to the waiver surveillance inspector a
legible and itemized receipt for parts replaced and labor,
provided that the costs relate to the emission control system.
The receipt must have a legible date and the date must be after
the vehicle failed its initial inspection. The waiver
surveillance inspector shall be responsible for examining
receipts for such items and determining which costs are eligible
to be credited toward the repair costs limit. The eligible
total cost shall be indicated on the vehicle inspection report
form.

Subp. 4. Low emission adjustment. The commissioner shall
establish a list of diagnostic and repair procedures that are
likely to reduce a vehicle's carbon monoxide and hydrocarbon
exhaust emissions. The commissioner shall modify the list to
reflect changes in motor vehicle technology.

MS s 116.62
14 SR 905; 18 SR 614; 18 SR 1593

7023.1070 CERTIFICATE OF TEMPORARY EXTENSION, CERTIFICATE OF
ANNUAL EXEMPTION, AND CERTIFICATE OF EXEMPTION.


A. An owner of a subject vehicle requiring
registration renewal may apply in writing to the commissioner or
contractor for a certificate of temporary extension. The
vehicle owner shall sign the application and certify that the
information contained in the application is correct.

B. An owner must meet one or more of the following
criteria for a temporary extension:

(1) the vehicle will not be available, due to the
1 vehicle's absence or storage, or the owner's absence or illness,
2 for an inspection in the state during the 90-day period before
3 registration expiration. The owner must document that for these
4 reasons the vehicle or owner will not be available for
5 inspection during the 90-day period before the registration
6 expiration and state when the vehicle will be operated again
7 within the metropolitan area;
8 (2) the vehicle has failed the initial inspection
9 and additional time is needed for repair and reinspection;
10 (3) the vehicle registration has been expired for
11 at least 12 months or more; or
12 (4) the vehicle owner presents satisfactory
13 evidence which, in the judgment of the commissioner or
14 contractor, demonstrates that due to circumstances beyond the
15 owner's control, the owner could not have met the requirements
16 of parts 7023.1010 to 7023.1105 prior to registration expiration.
17 C. Upon finding that the owner meets one or more of
18 the criteria in item B, the commissioner or contractor shall
19 issue a certificate of temporary extension to the vehicle
20 owner. The certificate shall allow the owner to proceed with
21 vehicle registration renewal.
22 D. An owner of a vehicle who has received a
23 certificate of temporary extension shall have the vehicle
24 inspected:
25 (1) during the 90-day period preceding the
26 registration renewal date;
27 (2) by an inspection station outside Minnesota
28 which, in the judgment of the commissioner, performs inspections
29 equivalent to those established in parts 7023.1010 to 7023.1105;
30 or
31 (3) on or before the inspection due date
32 indicated on the certificate of temporary extension.
33 E. The owner shall submit the certificate of
34 temporary extension to the registrar when making application for
35 registration renewal. A certificate of temporary extension
36 shall not be valid for longer than the annual registration
period. The registrar shall forward all certificates of
temporary extension to the agency within ten days after the end
of the calendar month in which the certificates are received.

F. If the owner who has received a certificate of
temporary extension has the vehicle inspected at an inspection
station outside of Minnesota, the owner shall submit evidence of
the inspection to the commissioner or contractor within 30 days
of commencement of the operation of the vehicle in the
metropolitan area.

G. If the owner of the subject vehicle fails to
comply with items D to F, the agency shall notify the department
of such noncompliance and shall request the department not to
renew the owner's registration unless the vehicle has been
issued a certificate of compliance or certificate of waiver
prior to registration or renewal.

H. If the owner fails to comply with items D to F,
the owner of the subject vehicle shall not be eligible to
receive a certificate of temporary extension for the next annual
registration period.

I. If a dispute arises regarding whether the owner
has complied with items D to F, the owner may elect to present
evidence of compliance to the commissioner or contractor within
30 days of notification from the commissioner or contractor that
the owner has failed to comply with items D to F. The
commissioner or contractor shall review the evidence. The
commissioner or contractor shall approve or disapprove the
application for the certificate of temporary extension.

Subp. 2. Certificate of annual exemption.

A. An owner whose subject vehicle is customarily
domiciled outside of the metropolitan area may apply in writing
to the commissioner or contractor for a certificate of annual
exemption. The owner must document where the vehicle is
customarily domiciled. The owner shall sign the application and
certify that the information contained in the application is
correct.

B. Upon approval of the application by the
commissioner or contractor, the owner shall submit the
certificate of annual exemption to the registrar when making
application for registration renewal. A certificate of annual
exemption shall not be valid for longer than the annual
registration period.

Subp. 3. Certificate of exemption.

A. An owner whose vehicle is registered by the
department as a subject vehicle but meets the requirements of
part 7023.1010, subpart 35, item B, D, or E, may apply in
writing to the commissioner or contractor for a certificate of
exemption.

B. The owner shall complete and sign the application
for a certificate of exemption and have the vehicle certified as
meeting the requirements of part 7023.1010, subpart 35, item B,
D, or E, at any vehicle inspection station.

C. Upon approval by the commissioner or contractor,
the certificate shall be presented to the registrar when making
application for registration renewal. The certificate of
exemption is valid until the vehicle no longer meets the
requirements of part 7023.1010, subpart 35, item B, D, or E.

7023.1075 EVIDENCE OF MEETING STATE INSPECTION REQUIREMENTS.

Either of the documents listed in items A and B shall be
accepted by the department, the agency, and the registrar as
evidence that a subject vehicle is in compliance with the
requirements of parts 7023.1010 to 7023.1105, unless there is
reason to believe that it is a false document:

A. a certificate of compliance or certificate of
waiver issued by an inspection station or fleet inspection
station; or

B. a certificate of annual exemption or certificate
of exemption, as provided in part 7023.1070.
Subpart 1. Permit application. A registered owner of a fleet of 50 or more subject vehicles may apply to the agency for a permit to establish a fleet inspection station. Two or more persons each owning 25 or more subject vehicles may apply jointly for a fleet inspection station permit. The agency must not issue a fleet inspection station permit unless the agency finds that the applicant maintains an established facility that meets the requirements in items A and B.

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

B. At a minimum, the applicant shall own or lease:

(1) a hydrocarbon, as hexane, and carbon monoxide emission analyzer that meets or exceeds the equipment specifications for performance warranty short tests in Code of Federal Regulations, title 40, section 85.2215, as amended, and employ an automotive repair technician to conduct the required inspections; and

(2) tools necessary for the installation, adjustment, repair, or replacement of items in the low emission adjustment list.

Subp. 2. Permits.

A. Before the initial application for a fleet inspection station permit is approved, an application fee must be paid to the agency as provided in part 7023.1105 and an inspection of the premises shall be made by the agency.

B. A fleet inspection station permit shall expire one year from the date of issuance.

C. A permitted fleet inspection station shall not inspect or certify vehicles unless the vehicles are owned by the fleet owner.
D. An application for renewal of a fleet inspection station permit must be submitted to the agency at least 45 days before permit expiration.

E. A fleet inspection station permit is only applicable to the fleet's inspection facility located at the address shown on the fleet station permit. If a fleet owner wishes to have a permit for inspection facilities at more than one address, separate permits must be obtained for each facility.

F. A fleet inspection station permit issued by the agency is not transferable.

G. If a permittee desires to change the name or address on a permit and the changes do not involve a change of ownership, the permittee shall return the permit to the agency for cancellation and submit an application form for a new permit to the agency, along with an application fee as provided in part 7023.1105. The agency shall cancel the returned permit and issue a new permit.

H. A fleet inspection station whose permit has been revoked, suspended, or has expired shall immediately cease the activity requiring a permit.

I. In the event of loss, destruction, or mutilation of the permit, the permittee may obtain a duplicate upon furnishing satisfactory proof of the fact. A fleet inspection station that loses a fleet station permit issued by the agency and finds the original after obtaining a duplicate shall immediately surrender the original permit to the agency.

J. A fleet inspection station that does not employ an automotive repair technician to conduct the inspections shall immediately cease to operate as a fleet inspection station. The permittee shall immediately notify the agency if it has ceased to employ an automotive repair technician and that it has ceased to operate as a fleet station.

K. When a fleet inspection station permit is surrendered, suspended, or revoked, all unused vehicle inspection report forms must be returned to the agency.

L. Surrender, suspension, or revocation of a permit
shall not prevent the agency from carrying out investigative or enforcement actions against the permittee for violations of state statutes, rules, or conditions of the permit.

Subp. 3. Equipment and records.

A. All testing equipment and instrumentation must be maintained in good condition. Periodic calibration and maintenance of testing equipment must be accomplished under performance short test specifications in Code of Federal Regulations, title 40, section 85.2217, as amended. Recommendations by the commissioner for calibration and intervals between calibration shall be a condition of the fleet inspection station permit and shall supersede all other conflicting recommendations.

B. A record of calibrations performed on each instrument shall be maintained by the fleet inspection station, indicating the date and signature of the technician performing the calibration.

C. The fleet inspection station equipment, span gases, records, and premises shall be subject to scheduled and unscheduled checks for accuracy and condition by an agency representative.

D. The applicant or permittee shall provide information relevant to the operation of the fleet inspection station to the agency if requested by the commissioner.

Subp. 4. Inspection frequency. All fleet vehicles for which a fleet inspection station permit has been issued shall be inspected by the fleet station automotive repair technician according to the schedule in part 7023.1015.

Subp. 5. Test procedure. The tampering inspection and exhaust emission test shall be conducted on fleet vehicles by a fleet inspection station automotive repair technician under parts 7023.1015 to 7023.1030 with the exception of part 7023.1030, subpart 6. If the fleet vehicle fails the exhaust emission test, the vehicle shall be preconditioned according to either the procedure in part 7023.1030, subpart 6, or if the fleet inspection station does not have a dynamometer, the
agency or used in later years.

H. The fleet inspection station permittee is responsible for the security and accountability of the vehicle inspection report forms. If the vehicle inspection report forms are lost or stolen, the fleet station operator shall notify the agency in writing within 24 hours of discovery of the loss and indicate the number of report forms and the serial number of the report forms. Refusal or failure to report lost report forms are grounds for revoking a fleet station permit.

Subp. 7. Fleet audit. Upon request of the commissioner, a fleet inspection station permittee shall submit vehicles designated by the commissioner numbering five percent of the fleet or five motor vehicles annually, whichever is greater, but no more than 25 vehicles, for inspection at inspection stations operated by the contractor or inspection by the agency.

Subp. 8. Analyzer inspections. A fleet station emission analyzer shall not be used for an exhaust emission test under part 7023.1030 if it does not pass the agency's field audit gases within the tolerances prescribed in part 7023.1090, if there is a leak in the sampling system or the calibration port, or if the sample handling system is restricted. An agency representative shall inform the fleet station automotive repair technician that the analyzer does not meet the requirements of this subpart. The analyzer must not be used for testing fleet vehicles until the agency representative determines that the analyzer meets the requirements of this subpart.

A fleet inspection station may lease or borrow an emission analyzer for temporary use for fleet testing while the station's approved analyzer is being repaired, provided that an agency representative has approved its use.

MS 116.62
14 SR 905; 18 SR 614; 18 SR 1593

7023.1085 INSPECTION STATIONS TESTING FLEET VEHICLES.

A. Inspection stations may provide inspection services to a holder of a fleet inspection station permit.
B. Vehicle inspection reports must be filled out at the time of inspection by an inspection station in the same manner required for nonfleet vehicles.

C. The holder of the fleet inspection station permit is responsible for maintaining records and reports required by part 7023.1080.

7023.1090 EXHAUST GAS ANALYZER SPECIFICATIONS; CALIBRATION AND QUALITY CONTROL.

A. Exhaust gas analyzers used at inspection stations and fleet inspection stations must comply with the requirements of Code of Federal Regulations, title 40, part 51, subpart S, Appendix D, as amended, entitled "Steady-State Short Test Equipment."

B. Exhaust gas analyzers used at inspection stations and fleet inspection stations must be maintained according to the quality assurance requirements of Code of Federal Regulations, title 40, part 51, subpart S, Appendix A, as amended, entitled "Calibration Adjustments and Quality Control."

7023.1095 [Repealed, 18 SR 1593]

7023.1100 PUBLIC NOTIFICATION.

A. The department shall notify each registered owner of a motor vehicle required to be inspected under parts 7023.1010 to 7023.1105 before the time of each annual registration renewal that the vehicle will be required to satisfy the requirements of parts 7023.1015 to 7023.1030. The agency shall also attempt to notify all nonregistered tax-exempt vehicle owners of the requirements of inspection.

B. The agency or the contractor shall establish a system to respond to inquiries from members of the public regarding the compliance status of a subject vehicle under the
program including last inspection date, whether a certificate of
compliance, certificate of waiver, certificate of extension,
certificate of annual exemption, or certificate of exemption has
been issued, and the reason for the certificate.
MS s 116.62
14 SR 905; 18 SR 614; 18 SR 1593

7023.1105 INSPECTION FEES.
Subpart 1. Inspection fee. Beginning October 10, 1989,
the fee for inspection at an inspection station must not exceed
$10. The fee must be paid to the registrar for subject vehicles
at the time of reregistration. After that, the commissioner
shall annually establish the inspection fee at an amount of up
to $10. At least 30 days' notice shall be given to the
registrar of changes in the fee.
Deputy registrars shall report to the department
certificates of extension, annual exemption, and exemption,
along with registrations made and inspection fees collected in
the same manner required for registrations under Minnesota
Statutes, section 168.33, subdivision 2.
Subp. 2. Reinspections; elective inspections.
A. The inspection fee shall entitle an owner to an
initial inspection and two reinspections. The commissioner
shall establish a fee for each third and subsequent
reinspection. The fee must not be more than $10 and shall be
paid to the registrar or contractor by the owner.
B. Each elective inspection not required by parts
7023.1010 to 7023.1105 shall be allowed only upon approval of
the commissioner or contractor. The commissioner shall
establish a fee for each elective inspection. The fee must not
be more than $10 and must be paid to the contractor by the owner.
Subp. 3. Fleet inspection stations.
A. The fee due upon initial application for a permit
for a fleet inspection station as required in part 7023.1080,
subpart 2, shall be $200.
B. The fee due upon application for permit renewals
shall be $100.

C. The agency shall charge a fee of $1.50 for each inspection report form requested under part 7023.1080, subpart 6, item G.

Subp. 4. Use of funds. Fees collected under this part must be deposited in the vehicle emission inspection account under Minnesota Statutes, section 116.65. Fees collected by deputy registrars are subject to deposit requirements in Minnesota Statutes, section 168.33, subdivision 2.

MS s 116.62

14 SR 905; 18 SR 614; 18 SR 1593