

MODULE 1 – Massachusetts Vehicle Check Program Vehicle Inspection Requirements

Module 1 Outline

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(1) Introduction (Learn about the Massachusetts Vehicle Check Regulations)

MassDEP Regulation 310 CMR 60.02 MASSACHUSETTS Motor Vehicle Emissions Inspection and Maintenance Program is the regulation that governs the emissions inspection portion of the Massachusetts Vehicle Check Program. A copy of this regulation can be found at the following web site address:
<http://www.mass.gov/dep/service/regulations/310cmr60.pdf>

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

On Board Diagnostic (OBDII) only emissions testing was implemented by DEP on October 1, 2008.

Registered Repair Technicians are not required to be familiar with the safety inspection program elements, but having knowledge of the safety inspection requirements is beneficial.

RMV Regulation 540 CMR 4 Annual Safety and Combined Safety and Emissions Inspection of All Motor Vehicles, Trailers, Semi-Trailers and Converter Dollies is the regulation that governs the safety inspection portion of the Massachusetts Vehicle Check Program. A copy of this regulation can be found at the following web address:
<http://www.mass.gov/rmv/inspect/540cmr400.pdf>

540 CMR 4.00 establishes Rules and Regulations for the Safety and Combined Safety and Emissions Inspections of all motor vehicles registered in the Commonwealth of Massachusetts. 540 CMR 4.00 also establishes regulations for the issuance of various inspection certificates and Regulations for the licensing of stations and inspectors. The failure of a motor vehicle to meet the requirements of the Safety and Combined Safety and Emissions Inspections will result in the suspension of the vehicle's certificate of registration.

MassDEP and RMV have the authority to invalidate any portion of these regulations based on an evaluation of program needs and advancements in technology, with the remainder of the regulation remaining in full force.

NOTE: Chapter 311 of the Statutes of 2010 created four categories of specialized vehicles, and revised titling, registration, and emissions

requirements for these four categories: street rods, custom vehicles, replica vehicles and specially-constructed vehicles. The Agencies are implementing this legislation through procedural and regulatory revisions. While this will impact the requirements related to kit vehicles, it is expected to have little or no impact on registered repairers.

(2) Definitions (Learn the emissions inspection program terminology)

Learn the program terminology so that you can be more knowledgeable, effective and helpful in explaining program requirements to your customers.

The following words and phrases when used herein, except as otherwise required by the context, have the following meanings:

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

Certified Configuration means the constituent parts of a motor vehicle necessary to maintain the vehicle in conformance with any approval or order issued by the U.S. Environmental Protection Agency or the California Air Resources Board certifying the vehicle as meeting applicable emissions standards.

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

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

Department means the Massachusetts Department of Environmental Protection.

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

Diagnostic trouble code means a code stored in the OBD system indicating the reason the malfunction indicator light is (or was) illuminated.

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

Diesel Vehicle means a vehicle powered by a diesel engine.

Economic Hardship Failure means an OBD emissions inspection failure where the cost of a single component repair or replacement to correct a diagnostic trouble code for the component is more than 1.5 times the repair expenditure limit applicable for the model year of the vehicle specified in 310 CMR 60.02(16)(c)8.(a), (b), or (c), including any adjustment for CPI.

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

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

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

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

Glider Kit means a vehicle body, including cab, which is placed upon the chassis with its original drive train, of a vehicle with a GVWR of more than 10,000 pounds that changes the function or capacity of the original chassis, and which creates a need for a change to the VIN because the cab has been replaced. Modifications to the original chassis may be necessary to allow installation of the glider kit.

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

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

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

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

Inspection: see definition for emissions inspection.

Inspection Certificate means a written statement indicating (1) that the required inspection for a motor vehicle has been performed and the motor vehicle inspected has passed or failed said inspection or (2) that the motor vehicle is exempt from the inspection. Said certificate shall be in a form prescribed by the Registrar and the Commissioner. The inspection certificate is also described as the vehicle inspection report (VIR).

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

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

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

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

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

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

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

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

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

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

Motorist Assistance Center or MAC means a regional center staffed with a program registered ASE L-1 certified repairer and operated by the program contractor through which motorist may acquire an emissions test waiver or economic hardship extension and assistance with causes of MIL illuminations, readiness monitors, drive traces, and vehicle non-communication.

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

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

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

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

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

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

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

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

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

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

Registered Repair Technician means any person registered with the Department who meets the Department's standards for registration for the repair of emissions test failed vehicles.

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

Registrar means the Registrar of the Registry of Motor Vehicles.

Registry means the Registry of Motor Vehicles.

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

Repair Form means a form completed electronically by the repairer of an OBDII failed vehicle that reports the type of emissions repairs performed on the vehicle, which is submitted via the program's web site.

SAE J1667 Opacity Test means *The Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicle, 1996-02*, issued by the Society of Automotive Engineers (SAE), as modified by the Department.

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

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

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

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

Vehicle Inspection Report or VIR: see definition for inspection certificate.

Waiver means A non transferable document issued by a MAC, Registry of Motor Vehicles or DEP that waives a vehicle from compliance with the emissions test requirements of 310 CMR 60.02, for the current test cycle only, provided the vehicle meets all safety test requirements.

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

(3) Applicability (What vehicles must be tested)

The following motor vehicles are subject to emissions inspection:

1. All motor vehicles registered in Massachusetts;
2. Any motor vehicle owned or operated by a federal agency in Massachusetts (regardless of whether such vehicles are registered in Massachusetts); and
3. Diesel vehicles with a GVWR greater than 10,000 pounds operating on Commonwealth roads but not registered in Massachusetts.

The following motor vehicles are exempt from the emissions inspection:

1. Any diesel vehicle with a model year earlier than 1984;
2. Any light duty diesel vehicle with a model year earlier than 1997 or 15 or more model years old (e.g., beginning January 1, 2012, 1997 model year vehicles will be exempt);
3. Any medium duty diesel vehicle with a GVWR of not more than 10,000 pounds and a model year earlier than 2007, or 15 or more model years old;
4. Any light duty nondiesel vehicle with a model year earlier than 1996 or 15 or more model years old (e.g., beginning January 1, 2012, 1997 model year vehicles will be exempt);
5. Any medium duty nondiesel vehicle with a model year earlier than 2008 or 15 or more model years old (e.g., beginning January 1, 2012, 1997 model year vehicles will be exempt);
6. Any heavy duty nondiesel vehicle not equipped with an OBD system or 15 or more model years old (e.g., beginning January 1, 2012, 1997 model year vehicles will be exempt);
7. Any new vehicle registered first in Massachusetts for the motor vehicle inspection upon its initial registration to the ultimate purchaser, except a kit vehicle;
8. Tactical military vehicles;
9. Any motor vehicle or class of motor vehicles determined by the Department to present prohibitive emissions inspection problems or to be inappropriate for emissions inspection;

10. Any motor vehicle operated exclusively by electric power;
11. Any vehicle that has been granted a waiver or exemption by the U.S. Environmental Protection Agency or the California Air Resources Board from emissions standards or equipment requirements to the extent of said waiver or exemption; and
12. Any motorcycle or moped.

Note: The Massachusetts Commercial Motor Vehicle Inspection is now equivalent to the periodic inspection required by the Federal Motor Carrier Safety Administration (FMCSA) pursuant to 49 CFR 396.17. Massachusetts Commercial Motor Vehicles are also subject to a diesel opacity emissions inspection. Repair of failing commercial motor vehicles by a registered repairer is not a program requirement.

(4) Scheduling of Emissions Inspections (When must vehicles be tested)

1. Motor Vehicles Registered in Massachusetts. The registrant of each motor vehicle shall obtain an emissions inspection every time the vehicle is submitted for a motor vehicle inspection in accordance with 310 CMR 60.02. Registrants shall submit their vehicles for inspection no later than the last day of the month and year of expiration on the previously issued inspection certificate.
2. Initial Inspection of New Kit Vehicles. When any kit vehicle is first registered in Massachusetts, including upon sale or lease to the ultimate purchaser or completion of assembly, the registrant shall obtain a visual inspection. If the certified configuration installed in the kit vehicle is from a model year vehicle subject to an OBD test, the kit vehicle shall also receive an OBD test for the model year of the certified configuration installed in the kit vehicle.
3. Initial Registration of Motor Vehicles. A motorist shall obtain an emissions inspection as part of the motor vehicle inspection for the vehicle within seven days from the date the vehicle is first registered in Massachusetts unless exempt.
4. Inspections upon Transfer. For any used motor vehicle, the motorist shall obtain an emissions inspection as part of his or her motor vehicle inspection for the vehicle within seven days of the date on which the motor vehicle is registered in Massachusetts to the new owner unless exempt.
5. Massachusetts vehicles not located in state. For any motor vehicle which is not garaged or operated in Massachusetts at the time that vehicle's emissions inspection was due, a motorist may operate the vehicle for 15 days after the vehicle's return to Massachusetts, provided said motor vehicle bears proof satisfactory to the Department of an adequate emissions inspection from another jurisdiction. The motorist shall obtain the vehicle's initial emissions inspection within said 15 days.
6. Diesel Vehicles With a GVWR Greater Than 10,000 Pounds. All diesel vehicles with a GVWR greater than 10,000 pounds operating on Massachusetts roads are subject to emissions testing during roadside inspections, and emissions inspection standards are applicable to emissions testing conducted during roadside inspections.

7. Inspections for Program Evaluation. The Department may require a registrant to have his or her vehicle inspected upon notice for program evaluation. If the vehicle fails such inspection, the registrant may choose not to have the vehicle repaired and present the vehicle for inspection as required by the inspection certificate affixed to the windshield.
8. A motorist may obtain an initial inspection at any time prior to the month and year of expiration on the inspection certificate previously issued where the vehicle passed the previous inspection, received a waiver, or received an economic hardship failure repair extension.

(5) Motorist Requirements (What motorists must do)

1. Inspection Documents. When presenting a motor vehicle for an inspection, a motorist shall provide a valid certificate of registration (photocopies are permitted) to the inspector to identify the vehicle by make, model-year, vehicle identification number, and license plate number.
2. Inspection Fee. The motorist shall pay the inspection fee when presenting a motor vehicle for an inspection. No fee is required for an inspection that is not completed.
3. Inspection Failure. If a vehicle fails an initial inspection, the motorist either shall repair the vehicle such that it passes a reinspection, or shall obtain a waiver or an economic hardship repair extension within 60 days.
4. Referrals. The motorist shall present the vehicle to a location as instructed by the Registry, the Department, or via printed instructions from a workstation, for purposes related to emissions inspection.

(6) Emission Test Applicability (Which emissions test will vehicles receive)

1. On-Board Diagnostics Test Unless exempt, the following motor vehicles are subject to the on-board diagnostic test in accordance with Department-approved inspection procedures:
 - (a) All light-duty nondiesel motor vehicles model year 1998 or newer;
 - (b) All light-duty diesel motor vehicles model year 1998 or newer;
 - (c) All medium-duty diesel motor vehicles model year 2007 or newer;
 - (d) All medium-duty nondiesel motor vehicles model year 2008 or newer; and
 - (e) All heavy-duty diesel and nondiesel motor vehicles equipped with OBD systems.
2. SAE J1667 opacity test. Unless exempt, diesel vehicles with a GVWR greater than 10,000 pounds and not otherwise subject to an OBD test are subject to the SAE J1667 opacity test. The Department may exempt from roadside emissions inspection such vehicles if the vehicle has been tested in another state or jurisdiction.
3. Engine Switching. A motor vehicle with an exchanged or replaced engine shall be subject to the engine switching requirements contained in section 8 of this module.
4. Assembled Vehicles. An assembled or reconstructed vehicle, including a vehicle with a prefabricated body, is subject to the emissions inspection applicable to the fuel type, model year, and type of vehicle chassis indicated on the vehicle's certificate of registration.
5. Kit Vehicles. Kit vehicles are subject to an emissions test based on the year of the certified configuration installed in the kit vehicle:
 - (a) If the certified configuration installed in the kit vehicle is from a model year vehicle subject to an OBD test, then the kit vehicle shall be subject to the kit vehicle visual test upon initial registration and to annual OBD testing requirements for the model year of the certified configuration installed in the kit vehicle; or

- (b) If the certified configuration installed in the kit vehicle is from a model year vehicle not subject to an OBD test, then the kit vehicle shall be subject to the kit vehicle visual test upon initial registration and transfer of ownership.
- 6. Glider Kits. Vehicles with glider kits are subject to an emissions test based on the year of the chassis on which the glider kit is installed:
 - (a) If the chassis is subject to an OBD test, then the vehicle shall be subject to a visual inspection upon initial registration to verify that the OBD system is properly installed and to OBD testing requirements for the model year of the chassis, or
 - (b) If the chassis is not subject to an OBD test, then the vehicle shall be subject to an opacity test if the year of the chassis and fuel type of the engine are subject to an opacity test.
- 7. Advisory Scan of New Motor Vehicles. For any vehicle required to be equipped with an OBD system and registered first in Massachusetts after sale or lease to the ultimate purchaser, except a kit vehicle, the registrant shall obtain an advisory scan of the vehicle's OBD system. The advisory scan is not an emissions inspection. The scan may be performed as part of the pre-delivery motor vehicle inspection performed by the seller if the seller is so authorized by the Registry. The items or characteristics to be scanned and the properties that constitute a problem shall be established by the Department. The items or characteristics to be scanned and the properties that constitute a problem shall be based on: the type of vehicle, the vehicle fuel type(s), the model year of the vehicle, vehicle certification requirements of the U.S. Environmental Protection Agency or the California Air Resources Board, and the vehicle's OBD system design. A list of the items or characteristics to be scanned and the properties that constitute a problem shall be published by the Department on the web site for the Massachusetts Vehicle Check Program.

(7) Inspector Procedures (How vehicles will be inspected)

1. The inspector shall perform emissions inspections in accordance with 310 CMR 60.02 and all Department approved inspection procedures, including all workstation software prompts, at inspection stations licensed by the Registry.
2. The inspector shall perform emissions inspections using Department-approved equipment and shall perform all Department-required quality control and maintenance procedures on the equipment and adhere to all safety procedures as provided in the Department-approved inspection procedures.
3. The inspector shall record the information identified as provided in the Department's emissions inspection procedures and the workstation software prompts.
4. Once initiated, the inspector shall complete an emissions inspection. The inspector shall terminate the inspection if an unsafe condition or workstation error or inspector error arises during the inspection process.
5. The inspector shall refuse to perform an emissions inspection on a motor vehicle if:
 - (a) The motorist fails to present the required documentation;
 - (b) The vehicle is carrying explosives or other materials considered to be a safety hazard by the inspector;
 - (c) Fuel, oil, or other leaks are observed by the inspector that are considered a safety hazard by the inspector; or
 - (d) The inspector observes any other hazard that would compromise the safe conduct of the inspection.
6. Upon completion of the emissions & safety inspection, the inspector shall provide to the motorist a printed inspection report of the vehicle's inspection results in the format required by the Department.
7. Upon completion of the advisory scan of a new motor vehicle, the inspector, or a person authorized by the Registry, if the seller is authorized to perform the advisory scan as part of the pre-delivery motor vehicle inspection, shall provide to the motorist a printed report of the vehicle's advisory scan results in the format required by the Department.

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

(8) Emissions Inspection Standards (What emissions standards must vehicles meet)

A motor vehicle shall fail the emissions inspection if it does not meet these applicable standards.

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

1. The data link connector is missing, has been tampered with, or malfunctions, or the OBD system has been altered in such a way as to make OBD system testing impossible;
2. The malfunction indicator light is commanded by the OBD system to be illuminated;
3. The malfunction indicator light does not illuminate properly when commanded on by the OBD system;
4. The vehicle's OBD system reveals insufficient readiness codes, for light-duty nondiesel vehicles. 2000 and older model year vehicles can have no more than two (2) monitors not ready. 2001 and newer model year vehicles can have no more than one (1) monitor not ready. The catalyst monitor must be ready upon retest for all vehicles that failed the initial test with a catalyst efficiency diagnostic trouble code or the vehicle shall be turned away from retest.
5. The workstation cannot establish communications with vehicle's OBD system.
6. The vehicle's OBD system reveals other OBD system malfunctions or conditions as identified by the Department.

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

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

Kit Car Visual Test. Any vehicle registered as a Replica Vehicle or Specially Constructed Vehicle after April 30, 2012 shall be subject to a visual test to verify compliance with the following emissions requirements; and kit vehicle registrants shall supply any documentation required by the inspector, the Department, or the registry:

1. The components of the drivetrain (e.g., engine, transmission, and differential) shall be exclusively or substantially used or rebuilt. Regardless of the combination of new and used components, the engine shall be used, or used and rebuilt. The engine block and cylinder head(s) shall be used; other components of the engine may be new. For purposes of this subsection, "used" means the component has been in a vehicle that has been titled to an ultimate purchaser. For purposes of this subsection, a "rebuilt component" is defined as a used component which has been refurbished with new or other used parts;
2. Kit vehicles shall have the same transmission configuration (i.e., manual, automatic, semi-automatic, and number of forward gears)

- as the originally certified configuration, and have an N/V ratio (speed of vehicle in miles per hour/speed of engine in revolutions per minute) which matches the N/V ratio of the originally certified configuration within three percent in every gear;
3. All emissions-related components and settings shall conform in all material respects to those of one previously certified configuration (all emissions-related components shall match or be traceable to one previously certified configuration);
 4. All catalytic converters, oxygen sensors, and charcoal canisters shall be new, original equipment parts, or replacement parts equivalent to the original equipment parts;
 5. If the originally certified configuration required unleaded fuel, then the vehicles shall have fuel filler neck restrictors and unleaded fuel labels which meet the requirements of 40 CFR 80.24;
 6. The vehicle weight of the kit configuration can be no more than 500 pounds greater than the weight of the originally certified configuration; and
 7. Each vehicle and its accompanying documentation shall be clearly labeled as to the make, model year, chassis year, engine year, engine family, subfamily, and tune-up specifications represented by the originally certified vehicle.

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

1. The vehicle configuration following the engine switch shall be a certified configuration;
2. The certified configuration shall be of the same emissions certification category, as established by the U.S. Environmental Protection Agency or the California Air Resources Board;
3. Engine switching between vehicle California-certified and federally-certified vehicles is prohibited;
4. Engine switching between vehicle classes is prohibited; and
5. For heavy-duty vehicles, the engine switched into a heavy duty truck shall be of a certified configuration of the same model year or newer as the year of the engine originally installed in the vehicle.

(9) Reinspections (Retest procedures)

1. The inspector shall inspect every vehicle presented for reinspection in accordance with the emissions inspection requirements of 310 CMR 60.02, Department-approved inspection procedures, and workstation software prompts.
2. If a vehicle failed the on-board diagnostics test during the most recent initial inspection and does not meet readiness criteria at the reinspection, the vehicle shall be turned away consistent with Department-approved inspection procedures. Vehicles not meeting readiness criteria upon reinspection are not considered to have received an emissions reinspection.
3. Motorists whose vehicles fail the emissions inspection have 60 days to return their vehicles for free reinspections. Motorists whose vehicles fail the safety inspection must repair their vehicles immediately.
4. If the vehicle passes reinspection, the vehicle shall receive an emissions inspection certificate indicating compliance with emissions inspection requirements.
5. Unless a vehicle that has failed an emissions inspection passes a reinspection within 60 days, obtains a waiver, or obtains an economic hardship failure repair extension, the vehicle shall not be operated on a public road and the registration of any such Massachusetts-registered motor vehicle shall be suspended.

(10) Challenge Inspections (How motorists can challenge their vehicles' test results)

1. A motorist may challenge the results of an emissions inspection or reinspection. To challenge the results of an emissions inspection or reinspection, a motorist shall notify the Registry, in a form and manner as specified by the Registry, within two days (excluding Sundays, Commonwealth and federal holidays) of the inspection being challenged, and shall submit his or her vehicle for another emissions inspection at an inspection station or other facility as designated by the Registry or the Department.
2. If the vehicle fails a challenge inspection or reinspection, the motorist shall pay the inspection station or other facility for the cost of the inspection. If the vehicle passes the challenge inspection, the inspector shall issue the appropriate inspection certificate and report but shall not charge any inspection fee to the motorist.

(11) Waivers (How can a vehicle be waived from the emissions test)

1. A motorist may apply for a waiver of emission inspection standards if the following conditions are met:
 - (a) the vehicle failed a reinspection; and
 - (b) emissions-related repairs appropriate for the diagnostic trouble code(s) that caused the malfunction indicator light to be commanded on by the OBD system were performed on the vehicle by a registered repair technician.
2. The motorist shall present the vehicle to a location designated by the Registry or the Department along with the following documentation when applying for a waiver:
 - (a) receipts for all emissions-related repairs completed by a registered repair technician since the vehicle's most recent initial inspection indicating the problem(s) diagnosed and the problem(s) to which the repairs are applicable; and
 - (b) any other documents required by the Department.
3. An emissions waiver certificate shall be granted if all of the following requirements are met:
 - (a) all safety inspection requirements are met;
 - (b) the vehicle is registered with the Registry as a private passenger motor vehicle or auto home pursuant to 510 CMR 2.05;
 - (c) the emission control system is present and there is no evidence of tampering;
 - (d) the malfunction indicator light is not commanded on by the OBD system for any diagnostic trouble code(s) for misfire, catalytic converter efficiency, particulate filter efficiency, or for equipment related to energy storage in a hybrid vehicle;
4. the malfunction indicator light is functioning properly;
5. repairs were performed that were appropriate for the diagnostic trouble code(s) that caused the malfunction indicator light to be commanded on by the OBD system;
6. the motorist has used all relevant manufacturer warranty coverage including recalls to repair the vehicle;

7. as of January 1, 2012, repair expenditures exceed the following limits:
 - (a) \$820 for vehicles five model years old or newer;
 - (b) \$720 for vehicles over five but not exceeding 10 model years old; and
 - (c) \$620 for vehicles over 10 model years old.

As of January 1, 2010, the expenditure limits in this subsection shall be subject to automatic annual adjustment. The expenditure limits shall be adjusted by the Department based upon the change in the Consumer Price Index ("CPI") over time.

The Department will publish these adjusted expenditure limits on the web site for the Massachusetts Vehicle Check Program.

As long as a vehicle qualifies for an emissions waiver each year, the vehicle may receive a waiver every year.

8. Costs associated with the following repairs are not eligible for consideration toward the waiver cost limit:
 - (a) tampering-related repairs to the emissions control system except where it can be verified that the part in question or one similar to it is no longer available for sale;
 - (b) repairs to an emissions control system which has been dismantled or rendered inoperable, except where it can be verified that the part in question or one similar to it is no longer available for sale;
 - (c) repairs to a vehicle to correct an engine switch that does not meet DEP requirements;
 - (d) repairs to an OBD system to correct its failure to communicate with emission inspection equipment;
 - (e) repairs to an OBD system to return the malfunction indicator light to proper operation;
 - (f) repairs to an OBD system to meet minimum test criteria for readiness, except that if it was necessary to replace the vehicle's powertrain control module to meet minimum test criteria for readiness and the vehicle failed upon reinspection because the malfunction indicator light was commanded by the OBD system to be illuminated, then one-half of the cost for such replacement may be combined with the repairs

appropriate for the diagnostic trouble code(s) that caused the malfunction indicator light to be commanded on by the OBD system to meet the applicable waiver cost limit;

- (g) repairs under any warranty;
 - (h) repairs that are subject to a manufacturer's recall;
 - (i) repairs unrelated to emissions performance or inappropriate for the diagnostic trouble code(s) that caused the malfunction indicator light to be commanded on by the OBD system;
 - (j) repairs performed prior to the most recent initial inspection failure; and
 - (k) repairs not performed by a registered repair technician, except where the Department has determined that specialty repairs not typically performed by a registered repair technician are necessary.
9. An emissions waiver certificate is valid until the vehicle's next emissions inspection.
 10. An emissions waiver certificate is not transferable upon the sale of the vehicle or transfer of the vehicle's registration.
 11. Diesel vehicles with a GVWR greater than 10,000 pounds are not eligible for a waiver from opacity standards.
 12. DEP will grant waivers for replacement parts that are no longer being manufactured, difficult to source, or that are on national back order.

(12) Economic Hardship Failure Repair Extensions (When can a motorist apply for economic hardship because of the costs of repairs)

1. A motorist may apply for an economic hardship failure repair extension if the following conditions are met:
 - (a) the vehicle failed its most recent reinspection;
 - (b) the vehicle does not qualify for a waiver pursuant DEP requirements;
 - (c) the economic hardship failure repair extension is not for any emissions inspection or reinspection required by 310 CMR 60.02 associated with initial registration in Massachusetts or associated with a transfer of ownership;
 - (d) documentation of the malfunction(s) causing the economic hardship failure(s) and an estimate of related repairs is provided by a registered repair technician;
 - (e) each diagnostic trouble code recorded during the most recent reinspection qualifies as an economic hardship failure.

2. The motorist shall present the vehicle to a location designated by the Registry or the Department along with the following documentation when applying for an economic hardship repair extension:
 - (a) an estimate provided by a registered repair technician of the cost of repairs related to the emissions failure;
 - (b) the vehicle's current registration; and
 - (c) any other documents required by the Registry or the Department.

3. An economic hardship failure repair extension shall be granted if all of the following requirements are met:
 - (a) all safety inspection requirements are met;
 - (b) the vehicle is registered with the Registry as a private passenger motor vehicle or auto home pursuant to 510 CMR 2.05;
 - (c) the emission control system is present and there is no evidence of tampering;
 - (d) the repair estimate is related to repairs appropriate for the economic hardship failure;

- (e) the Department or its designee agrees with the findings of the registered repair technician regarding the cause of the economic hardship failure, that the repair estimate is related to repairs appropriate for the economic hardship failure, and that the repair estimate provided by the registered repair technician is reasonable;
- (f) the vehicle does not otherwise qualify for a waiver pursuant DEP regulations;
- (g) each diagnostic trouble code recorded during the most recent reinspection qualifies as an economic hardship failure. If multiple codes apply to the same condition (e.g., an oxygen sensor code and a misfire code could both be related to a blown head gasket), the cost of the repair of these codes may be added together to meet the economic hardship extension threshold for that model year vehicle;
- (h) the economic hardship failure repair extension is not for any emissions inspection or reinspection required by DEP regulations associated with initial registration in Massachusetts or associated with a transfer of ownership; and
- (i) the motorist has used all relevant warranty coverage including recalls to repair the vehicle; and
- (j) as of January 1, 2012, the repair estimate exceeds the following limits:
 - 1. \$1,230 for vehicles five model years old or newer;
 - 2. \$1,080 for vehicles over five but not exceeding 10 model years old; and
 - 3. \$ 930 for vehicles over 10 model years old.

Note: These thresholds are 1.5 times the applicable eligibility criteria for a waiver of emission standards.

As of January 1, 2010, the expenditure limits in this subsection shall be subject to automatic annual adjustment. The expenditure limits shall be adjusted by the Department based upon the change in the Consumer Price Index ("CPI") over time.

The Department will publish these adjusted expenditure limits on the web site for the Massachusetts Vehicle Check Program.

4. An economic hardship repair extension is valid until the vehicle's next emissions inspection.
5. A vehicle granted an economic hardship failure repair extension may not be issued a waiver or an economic hardship failure repair extension in lieu of passing its next emissions inspection or reinspection.