

**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH
COUNTY**

**CHAPTER 1-8
MOBILE SOURCE**

- 1-8.01** Statement of Intent
- 1-8.02** Declaration of Legislative Findings
- 1-8.03** Definitions
- 1-8.04** Applicability
- 1-8.05** Prohibitions
- 1-8.06** Exceptions to Sections 1-8.05(3), (8) and (9)
- 1-8.07** Gasoline Transfer and Transit Requirements
- 1-8.08** Notices and Record Keeping
- 1-8.09** Standards and Testing Procedures
- 1-8.10** Inspections
- 1-8.11** Correction
- 1-8.12** Enforcement

1-8.01 STATEMENT OF INTENT:

The Commission promulgates this rule for the purpose of implementing the intent of the Florida Legislature as declared in the Environmental Protection Act of Hillsborough County, to insure the atmospheric purity and freedom of the air in Hillsborough County from contaminants or synergistic agents resulting from the improper use and combustion of fuels in motor vehicles, or any other air contaminants released by the improper operation or servicing of motor vehicles. The Commission recognizes that the Federal Motor Vehicle Control Program, Title 40 CFR, Part 86, as amended, requires that new motor vehicles meet specified emission standards and intends that this rule further the public interest by requiring that those emission standards be maintained. The Commission intends that staff work with all appropriate State and Federal agencies in the area of Mobile source control. Further, it is the Commission's intent that its staff

work in conjunction with the Sheriff, as necessary, to periodically effect random stops of motor vehicles within the parameters of law to verify their compliance with this rule.

1-8.02 DECLARATION OF LEGISLATIVE FINDINGS:

The Commission hereby finds and declares that the operation of motor vehicles with inoperable emission control systems causes and may reasonably be expected to cause air pollution and that the reasonable control and regulation of motor vehicle operation in Hillsborough County is necessary for the protection and preservation of the public health, safety, and welfare. Further, the Commission recognizes the current attainment status of Hillsborough County for ozone and maintains adherence to the emission control strategies as set forth by the State of Florida and the United States Environmental Protection Agency to assist in the County's maintenance of this attainment status.

1-8.03 DEFINITIONS:

1. Definitions contained in the Act apply to this rule.

2. The following specific definitions shall apply to this rule:

a. "Director" means the Executive Director of the Commission or his authorized staff.

b. "Emission control system" means the devices and mechanisms installed as original equipment at the time of manufacture or those equivalent devices and mechanisms later installed during repair or replacement of original equipment, or during vehicle modification or retrofit as required by law, for the purpose of reducing or aiding in the control of emissions including, but not limited to, the following components: catalytic converter, fuel inlet restrictor, unvented fuel cap, positive crankcase ventilation system, exhaust gas recirculation system, thermostatic air cleaner, air pump and/or air injection system, oxygen sensor, fuel evaporative emission control, and all vacuum lines, electrical lines, and sensors or switches associated with these devices.

c. "Inoperable emission control system" means any emission control system or component thereof whose operation or efficiency has been circumvented, defeated, or deleteriously affected by improper maintenance, improper up-keep, wear and tear, misfueling, or tampering.

d. "Mobile source" means any mechanical source of air pollution that is characterized by the ability to propel itself.

e. "Model year" means the year of the vehicle as stated on the title, registration, or the USEPA certification label.

f. "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

g. "Smoke" means any small gasborne and airborne particles, exclusive of water vapor, from a process of combustion, in sufficient number to be visible.

h. "Tampering" means the intentional inactivation, disconnection, removal or other modification of a component or components of the emission control system resulting in it being inoperable.

i. "Tampered motor vehicle" means any motor vehicle in which the emission control system is inoperable because of tampering.

j. "Vapor balance system" means a combination of pipes or hoses or valves which create a closed system between the vapor spaces of an unloading tank and receiving tank such that vapors displaced from the receiving tanks are transferred to the tank being unloaded.

1-8.04 APPLICABILITY:

1. With the exception of Sections 1-8.05(8) and (9), this rule is not applicable to the following motor vehicles:

a. Motor vehicles which are designated as model year 1974 or older.

b. Motor vehicles which have net vehicle weights greater than 5,000 pounds or gross vehicle weights greater than 10,000 pounds.

c. Motorcycles, mopeds, scooters, and golf carts, as defined in Section 320.01 F.S.

d. Farm vehicles, as defined in Section 320.51 F.S.

e. Imported nonconforming motor vehicles

which are documented to be exempt from federal emission control requirements by the USEPA under 40 CFR 85 Subpart P.

f. Street rods as defined by Section 320.0863 F.S.

g. Ancient motor vehicles as defined by Section 320.086 F.S.

h. Motor vehicles used exclusively in competitive motor sports events.

2. This rule is applicable to all motor vehicle sales, reassignments and trades within Hillsborough County except for the following:

a. Sales, reassignments, and trades by licensed motor vehicle dealers to licensed motor vehicle dealers.

b. Sales of motor vehicles for salvage purposes only.

c. Sales, reassignments, and trades to licensed motor vehicle dealers, where the dealer elects not to request the certification from the seller or person reassigning title.

d. Sales, reassignments, and trades involving motor vehicles exempted in Section 1-8.04(1).

1-8.05 PROHIBITIONS:

1. No person shall tamper, cause, or allow the tampering of the emission control system of any motor vehicle.

2. No person shall replace, cause, or allow the replacement of an engine equipped with an emission control system with another engine without an emission control system having at least equivalent emission control efficiency.

3. No person shall drive, or allow another to drive, a motor vehicle under their care, custody, or control with an inoperable emission control system, except as may be otherwise allowed by this Rule.

4. No person shall rent or lease or otherwise provide for hire a motor vehicle that is not in compliance with the applicable emission standards or that has an inoperable emission control system.

5. a. Except as permitted by Section 1-8.04(2), no person or motor vehicle dealer shall offer a tampered motor vehicle for private or retail sale, or effect the transfer of title of any

tampered motor vehicle.

b. No person or motor vehicle dealer shall sell at retail any motor vehicle, or effect the transfer of title of any motor vehicle, which has not received a valid inspection certificate as defined by Section 325.202(6) F.S. within the preceding one hundred eighty (180) days. In addition, dealer certificates (F29X) with an extra \$1 fee paid at first inspection are valid for one year for the first retail sale.

6. No person shall manufacture, install, sell or advertise for sale, devices to defeat or render inoperable any component of a motor vehicle's emission control system; nor shall any person sell a device or fuel additive intended to circumvent an accurate emissions test.

7. No motor vehicle shall be driven in Hillsborough County which fails to meet the emission standards contained in Section 1-8.10(2), unless otherwise exempted herein.

8. No person shall cause, let, permit, or allow a gasoline powered motor vehicle under his care, custody or control upon public roadways to emit visible smoke from the exhaust pipe for a continuous period of 5 seconds or more.

9. No person shall cause, let, permit, or allow a diesel powered motor vehicle under his care, custody or control upon public roadways to emit visible smoke from the exhaust pipe for a continuous period of 5 seconds or more, except during engine acceleration, engine lugging, or engine deceleration.

10. Activities in violation of the Clean Outdoor Air Law, or rules and regulations promulgated thereunder are prohibited unless specifically authorized by this Rule.

11. No person shall cause or allow the release of air pollutants or air conditioner refrigerants from motor vehicles, motor vehicle repair facilities or gasoline dispensing facilities because of failure to maintain in good repair, operate properly, or use reasonably available control or recovery equipment.

12. No person or establishment engaged in installing, servicing, repairing, retrofitting, salvaging, destroying, or dismantling of motor vehicle air conditioners shall:

a. intentionally vent or dispose of

refrigerants to the atmosphere; or

b. conduct said activities without the use of UL-approved refrigerant recycling equipment, or without technicians who are certified by an EPA-approved certification program.

1-8.06 EXCEPTIONS TO SECTIONS 1-8.05(3), (8), and (9):

1. A motor vehicle with an inoperable emission control system or which fails to meet the emission standards of this Rule may be driven directly to a repair facility for the purpose of having the emission control system repaired or corrected.

2. A motor vehicle identified as having an inoperable emission control system, or which fails to meet the emission standards of this Rule, may be driven during a maximum grace period of 30 days beginning at the time of identification.

3. A motor vehicle with a valid waiver issued under Section 325.209 F.S.

1-8.07 GASOLINE TRANSFER AND TRANSIT REQUIREMENTS:

1. No person shall transfer, cause, or allow the transfer of gasoline from any delivery vessel into any stationary storage tank located at a retail gasoline dispensing facility unless the tank is equipped for submerged filling and the vapors displaced from the storage tank during filling are processed by a vapor balance system.

2. Any atmospheric vent line for a stationary storage tank located at a retail gasoline dispensing facility shall be equipped with a pressure/vacuum relief valve.

3. All retail gasoline dispensing facilities exempt from Chapter 62-252 F.A.C. requirements shall implement a proper vapor balance system within one year of the effective date of this rule.

4. Fees as provided by Commission Rules, may be required for inspections to insure compliance with Section 1-8.07(1).

1-8.08 NOTICE AND RECORD KEEPING:

1. All repair facilities and commercial garages where motor vehicle repair work is done shall post and prominently display to their customers in at least 96 point print, notices itemizing the

tampering prohibitions listed in Sections 1-8.05(1) and (2).

2. Any person engaged in repair work on emission control systems on motor vehicles shall keep adequate records concerning the type of repair work done, the date work was done, the model year, mileage, make and model of the motor vehicle, name and address of the customer, and any other such information as may be required by the Director. Such records will be maintained a minimum of two years, and be made readily available for inspection upon request.

3. a. Any person or motor vehicle dealer offering a motor vehicle for private or retail sale, or effecting the transfer of title of any motor vehicle, shall provide a copy to the purchaser or person gaining title a certificate of conformance and compliance. This document shall include at a minimum: a description of the motor vehicle; the vehicle identification number (VIN); date of sale or title transfer; name, address, and signature of purchaser or person gaining title; name, address, and signature of seller, or person yielding title, and the following narrative:

"As the owner of this motor vehicle, or on behalf of the owner which is an organization, firm, or other such entity, I hereby certify that the emission control system of this vehicle has not been tampered with by me or with my permission or by or with the permission of the owner of said vehicle."

OR

"As a motor vehicle dealer licensed to conduct business in the state of Florida, I hereby certify that the emission control system of this vehicle has not been tampered with by me or with my permission. I also hereby certify that I or persons under my supervision have inspected this motor vehicle and, based on said inspection, have determined that the following components of the emission control system, as applicable to this model and year vehicle, are in place and appear properly connected and undamaged: catalytic

converter, fuel inlet restrictor, unvented fuel cap, positive crankcase ventilation system, exhaust gas recirculation system, thermostatic air cleaner, air pump and/or air injection system, oxygen sensor, fuel evaporative emission control, and all vacuum lines, electrical lines, and sensors or switches associated with these devices."

AND

"This certification is not and shall not be construed as a warranty that any emission control device or system of the vehicle is in functional condition; nor does the execution or delivery of this certification create by itself grounds for a cause of action between the parties to this transaction."

b. Licensed motor vehicle dealers shall keep properly documented records for each transaction including, but not limited to: sales agreements; certificates of compliance; and emission and tampering inspections. Such records will be maintained a minimum of two years, and shall be made readily available for inspection upon request.

1-8.09 STANDARDS AND TESTING PROCEDURES:

1. Emission standards for new motor vehicles inclusive of the most recent 5 model years shall be consistent with the emission standards and manufacturers' warranty requirements as established in the Federal Motor Vehicle Control Program in Title 40 CFR, Part 86, as amended.

2. Testing standards which must be met for a motor vehicle to be in compliance are as established in Table 1:

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Table 1

	<i>Light Duty Vehicles, Passenger Cars with Net Weight of 5000 Pounds or Less</i>		<i>Light Duty Trucks GVWR of 6000 Pounds or less</i>		<i>Light Duty Trucks GVWR of 6001 to 10,000 Pounds</i>	
	CO(%)	HC(PPM)	CO(%)	HC(PPM)	CO(%)	HC(PPM)
1978-1979	4.0	400	5.0	450	5.5	600
1980	3.0	300	3.0	300	4.5	400
Vehicle Age (years old)						
>20	Exempt		Exempt		Exempt	
16 - 20	2.0	220	2.3	250	2.5	275
11 - 15	1.5	120	1.6	200	1.6	200
6 - 10	1.0	120	1.0	120	1.0	120
3 - 5	1.0	100	1.0	100	1.0	120
< 2	Exempt		Exempt		Exempt	

3. Testing procedures for the standards of Section 1-8.9(2) shall be the two speed idle emission test as established in the federal test procedures in Title 40 CFR, Part 85.2212, 85.2213 and 85.2214, as amended.

4. Unless exempt pursuant to the State of Florida Clean Outdoor Air Law, the following motor vehicles shall be subject to emissions testing in accordance with the Florida Motor Vehicle Inspection Program.

a. All motor vehicles owned or leased by a person who resides in Hillsborough County.

b. All motor vehicles owned or leased by a person who commutes to Hillsborough for employment purposes.

1-8.10 INSPECTIONS:

1. The Director shall periodically inspect all service stations, repair facilities, gasoline dispensing facilities, automotive parts, vendors, government and private facilities, and retail motor vehicle vendors for compliance with this or any related state or federal regulation. In so doing, inspectors shall have the right to review invoices, warranties, service and other business records pertaining to motor vehicle service, sales, and gasoline sales.

2. The Director may inspect and conduct emission testing of motor vehicles in the county for compliance with the tampering prohibitions or emission standards of this Rule pursuant to

permission or in cooperation with the Sheriff in conducting random stops as allowed by law.

3. The Director, as an authorized designee of the Department of Highway Safety and Motor Vehicles, shall periodically inspect facilities conducting activities within Hillsborough County pertaining to motor vehicle inspections pursuant to Sections 325.212 and 325.213, Florida Statutes. Said inspections shall be to determine compliance with the prohibitions and standards of this Rule, and with the Rules of the Department of Highway Safety and Motor Vehicles, and the Department of Environmental Protection created under the authority of Chapter 325, F.S.

4. Fees, as provided by Commission Rules, may be required for the inspections required by Section 1-8.10(1) and 1-8.10(3).

1-8.11 CORRECTION:

1. Correction for violation of any notice requirement in this rule shall be to provide proper notice.

2. Correction for violation of the advertising prohibitions shall be to publish corrective notices of similar and equal size and distribution.

3. Correction for the existence of a tampered motor vehicle or inoperable emission control system, except as provided by Rule Section 1-8.06(3), shall be to replace or repair the damaged components to at least an equivalent of the appropriate emission control system as configured at the time of manufacture for the year and model of motor vehicle involved, with original equipment or with original equipment-equivalent emission control parts, provided these meet all applicable performance requirements established by the USEPA, or with after-market replacement parts that meet manufacturer's specifications.

1-8.12 ENFORCEMENT:

1. Violation of the provisions of this rule is a violation of the Act, is a misdemeanor within the meaning of Section 775.08 Florida Statutes, and is subject to all the remedies provided therein.

2. Upon observation of an emission of smoke in violation of Sections 1-8.05(8) or (9), the Sheriff may issue a notice to appear if appropriate.

3. Standard settlement minimum penalties shall be:

	Private	Commercial
(a) tampering [1-8.05(1)].....	\$ 500	\$1500
(b) installation of replacement engine not equipped with emission control system [1-8.05(2)].....	\$ 500	\$1500
(c) knowingly driving or otherwise allowing the operation of motor vehicle with inoperable emission control system [1-8.05(3)].....	\$ 500	\$1500
(d) sale of a tampered motor vehicle.....		
(e) sale of parts to defeat or by-pass or render inoperable emission control systems [1-8.05(6)].....	n/a	\$1000
(f) failure to meet emission standards [1-8-05(6)(7)].....	\$ 500	\$2500
(g) failure to provide notice of prohibitions [1-8.08(1),(2),(3)].....	n/a	\$ 500
(h) failure to maintain proper records [1-8.08(4),(5)].	n/a	\$ 500
(i) transferring, causing, permitting or allowing the transfer of gasoline into a stationary storage tank not equipped for vapor recovery [1-8.07(1)].....	n/a	\$1500
(j) release of air contaminants [1-8.05(11)].....	\$ 500	\$1500
(k) intentional venting of MVAC refrigerants.....	\$ 250	\$ 500
(l) failure to use approved refrigerant recycling equipment	\$ 250	\$ 500
(m) failure to properly train and certify technicians	n/a	\$ 500
(n) any other violations of this rule.....	\$ 250	\$ 500

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