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House Transportation Committee
Testimony: Scott Davidson, Department of Motor Vehicles (DMV)
Megan O'Toole, Department of Environmental Conservation (DEC)
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The Department of Motor Vehicles (DMV) modernized the inspection process in January 2017 by introducing the Automated Vehicle Inspection Program (AVIP). There were **no** “new inspection requirements” at that time. AVIP simply switched from a paper process to electronic data collection.

As part of ongoing modernization efforts to improve motorist convenience, DMV in collaboration with the Vermont Department of Environmental Conservation (DEC), Vermont Automotive Dealer Association (VADA), independent dealers and inspection stations, and other relevant partners, had reviewed and updated Vermont’s three Periodic Inspection Manuals. These modernization efforts also assist the state in taking steps toward compliance with Environmental Protection Agency (EPA) requirements for the emissions inspection program in Vermont.

In 2018, State Legislature passed a bill authorizing the Commissioner of DMV to begin implementing some of the changes to the Vermont Periodic Inspection Manual (PIM) prior to completing the rule process. While the inspection criteria had changed, there were no changes to State law.

The revised PIM was officially adopted under the Administrative Procedures Act (APA) Rules (Effective date: July 1, 2019).

Goals: Proposed Periodic Inspection Manual

- Remove items not critical to the safe operation of a motor vehicle
- Modernize, simplify and clarify ambiguous language
- Educate the motoring public on the safety inspection process, the relevance of the inspection criteria and Vermont motor vehicle laws

During the review process, the team identified criteria in the PIM not critical to the safe operation of a vehicle, but still relevant to vehicle inspections. As a result, the new manual organizes criteria into three categories: Pass / Reject / Advisory. “Advisory” is designed to inform and/or educate the customer to a recommended repair or potential violation of law. An advisory result does not prohibit a customer from passing inspection.

As a result of the revisions, Vermont no longer has three manuals (547 pages) - School Bus, Motorcycle, Vehicle - Car/Truck, Trailer & Bus. All three manuals were consolidated into one PIM (162 pages).

Beginning January 15, 2019 (Act 206 passed in 2018), Vermont no longer issued a Conditional Pass to vehicles that fail the on-board diagnostic system (OBDII) test. The State of Vermont acknowledges that emissions repairs on new technology vehicles can be complex, time consuming and extensive to repair. In order to assist motorists with potentially costly repairs, and in an effort to comply with Act 206, the State offered the motorist a Time Extension waiver.

At inception, a Conditional Pass was temporarily provided for vehicles failing the OBDII or emissions portion of the inspection, designed to help inspection stations adjust to the new system, and to provide motorists with additional time to complete emissions repairs.

Vehicles that pass the safety inspection but fail the OBDII inspection may be able to receive an inspection sticker and a Vehicle Inspection Report (VIR) indicating that the safety inspection passed, but the OBDII inspection failed. The overall inspection result is a Time Extension Waiver.

Time Extension Waiver Criteria:

- The vehicle passed the safety inspection
- The emissions system was not tampered with or removed
- Motorist states that the emissions repair is not covered under warranty
 - If it is, the vehicle must be repaired
- The vehicle is “ready” for inspection
- The motorist has a diagnosis with receipts or an estimate totaling more than \$200 for emissions control system repairs – no other repairs count such as tires or safety repairs
- The vehicle did not receive a waiver a year ago as part of their last inspection

Legislative change effective July 1, 2019: Starting from the current calendar year, vehicles 16 model years old or less, having a GVWR of 8,500 pounds or less are subject to the OBDII test. For example: from January 1, 2020, through December 31, 2020, vehicles that are model year 2005 or newer are subject to an OBDII test.

Several updates to the Vermont Periodic Inspection Manual (PIM) were adopted through the APA process that went into effect January 1, 2020. One of those changes was modified language under “applicability” to agree with Legislative change that took effect July 1, 2019 (ACT 59) / Revised Periodic Inspection Manual (OBDII testing for 16 model years old or less).

Capstone Community Action, the Agency of Transportation and the Agency of Natural Resources have worked in partnership to develop a Vehicle Emission Repair program (Act 59 of 2019, sec. 34). We currently have a signed agreement with Capstone to proceed and are finalizing details.

AVIP Tablet –VIR upgrades in progress:

- VIR - Bottom of page 2 = “***Failed Emissions testing? You may be eligible for the Low-Income Emissions Repair Program through Capstone Community Action. Contact CapstoneVT.org/Emissions or call 833-719-0223 for more information.***”
- Declaration – Tech Signature = “Advised customer on the Vermont Emissions Warranty”
- Repair to Pass - Add: “Did you do any repairs to pass vehicle? Yes/No Comments:”
- VIR – Page 2 = “...repairs may be covered by an extended emissions warranty.” (strike manufacture warranty)