



**To:** Joint Transportation Oversight Committee  
**From:** Wanda Minoli, Commissioner, Department of Motor Vehicles  
Emily Boedecker, Commissioner, Department of Environmental Conservation  
**Date:** 1/10/2019  
**Subject:** *Act 206, Sec 22 – Vermont Vehicle Inspection Program Update*

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The Commissioners of Motor Vehicles and Environmental Conservation have jointly worked together to develop a Vermont Waiver program and to conduct educational outreach to the industry and further limited educational outreach for the consumer is being planned. While working together to develop a waiver program, outlined in section (d) the many complexities of meeting the EPA regulations have become apparent.

The copy of this report filed 11/30/2018 indicated that the Departments would be unable to meet the 1/15/2019 deadline to end the use of “conditional passes” and would be requesting an extension. In the following weeks, the Departments and the vendor have developed an interim paper-based solution that will allow the use of conditional passes to be eliminated. The tablet-based waiver program to replace this paper based program is expected to be rolled out in March.

Following you will find the Vermont Vehicle Inspection Program update as required in Act 206, Sec 22 (2018):

(f) On November 30, 2018 the Commissioners of Motor Vehicles and of Environmental Conservation shall send a written update to the Joint Transportation Oversight Committee that includes:

1. a copy of any criteria developed under the authority granted in subsection (d) of this section

Beginning in January of 2017 a vehicle that passes all required safety-related checks, but that fails any of the On-Board Diagnostics (OBD)/emissions tests is issued a “conditional pass”, allowing the motorist the opportunity to fix emissions-related issues while still obtaining their Vermont State Inspection sticker. Failure to pass the OBD emissions test is the only criteria for receiving a conditional pass.

2. if the authority granted in subsection (d) is exercised:

(A) whether the authority is still being exercised; and

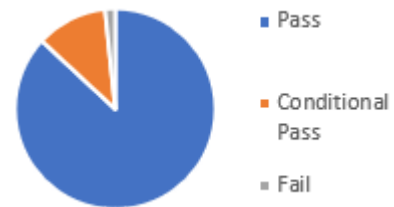
Yes, conditional passes are still being issued. Conditional passes will no longer be issued as of 1/15/2019.

(B) the number of conditional passes issued since the effective date of this section;

Safety inspections completed 1/1/2017-11/15/2018: **1,025,709**

Conditional passes issued 1/1/2017-11/15/2018: **117,709 (11.48%)**

Total Inspections	1,025,709	
Pass	891,256	(86.89%)
Conditional Pass	117,709	(11.48%)
Fail	16,744	(1.63%)



3. a summary of the status of efforts to amend the Department’s rule as required under subsection (a) of this section, and an estimate of the likely effective date of the amended rule if not yet adopted;

On July 1, 2018 DMV modified the AVIP tablet software to remove requirements which were inconsistent with the permissible scope of a safety inspection as authorized in Sec 23 (3).

The Department’s proposed changes to its rule were approved by the Interagency Committee on Administrative Rules (ICAR). Following ICAR approval, DMV conducted five public comment sessions throughout the state (Rutland, Newport, South Burlington, and Montpelier). Modifications were made based on public comments received. DMV requested an extension in November of 2018 and has been granted a four-month extension to complete the rule making process.

4. a summary of the status of the requirement to develop a program of waivers related to the emissions component of the State’s inspection program and any efforts to educate consumers and inspection stations about issues related to emissions inspections, including: the availability of any such waivers; manufacturer warranties available for emissions components for certain vehicle models and model years; and vehicle readiness for emissions testing.

- The Departments have worked jointly on the development of a waiver program that will move Vermont in the direction of achieving compliance with the mobile emissions requirements of the Clean Air Act.
- Software development, testing and implementation of the waiver are underway with our contractor and full implementation is expected to be complete March 2019.

- Waivers will be available for motorists whose vehicles require significant repairs that are not covered by an emissions warranty (separate from a bumper-to-bumper warranty).
- Waivers will not be issued for vehicles that are **“not ready”** for emissions testing.
- Waivers will not be issued for repairs that are covered by warranty.
- Vermont has adopted the California emissions standards which provides additional warranties for Vermont consumers. Information on available warranties is published on both the DEC and DMV websites, the public facing AVIP website, and was included in the informational sessions conducted by DMV with inspections stations in Sept/Oct 2018. The information can be referenced at: <https://www.vt-avip.com/VTPublicWeb/>
- Implementation of the waiver program in 2019 will require, among other things, significant consumer and Inspection Station education, and changes to the AVIP software which runs on the tablet at the inspection station.
- At a minimum, compliance with the EPA Clean Air Act regulations for waiver programs will require additional software modifications, state or third-party review of waiver applications, and auditable results.
- Future obligations may also include proof and verification that repairs are appropriate for the emissions issue identified, and that repairs are conducted to a specified dollar amount.
- Representatives from DMV held twelve public outreach sessions throughout the state (St. Albans, Montpelier, Newport, Brattleboro, Rutland, and Essex Jct.) during September and October 2018 to provide an overview of EPA requirements, Vermont’s emissions warranties, vehicle readiness, and basic diagnostic information.
- DMV, DEC, and Parsons created, and continue to distribute, informational bulletins for Inspection Stations and motorists on upcoming rule changes, manufacturer’s warranties for emissions components, and vehicle readiness to assist in raising the level of consumer awareness.
- The Vehicle Information Report provided to motorists upon completion of their State Inspection also includes information on warranties and recalls that can allow them to have repairs made at no cost to the motorist.