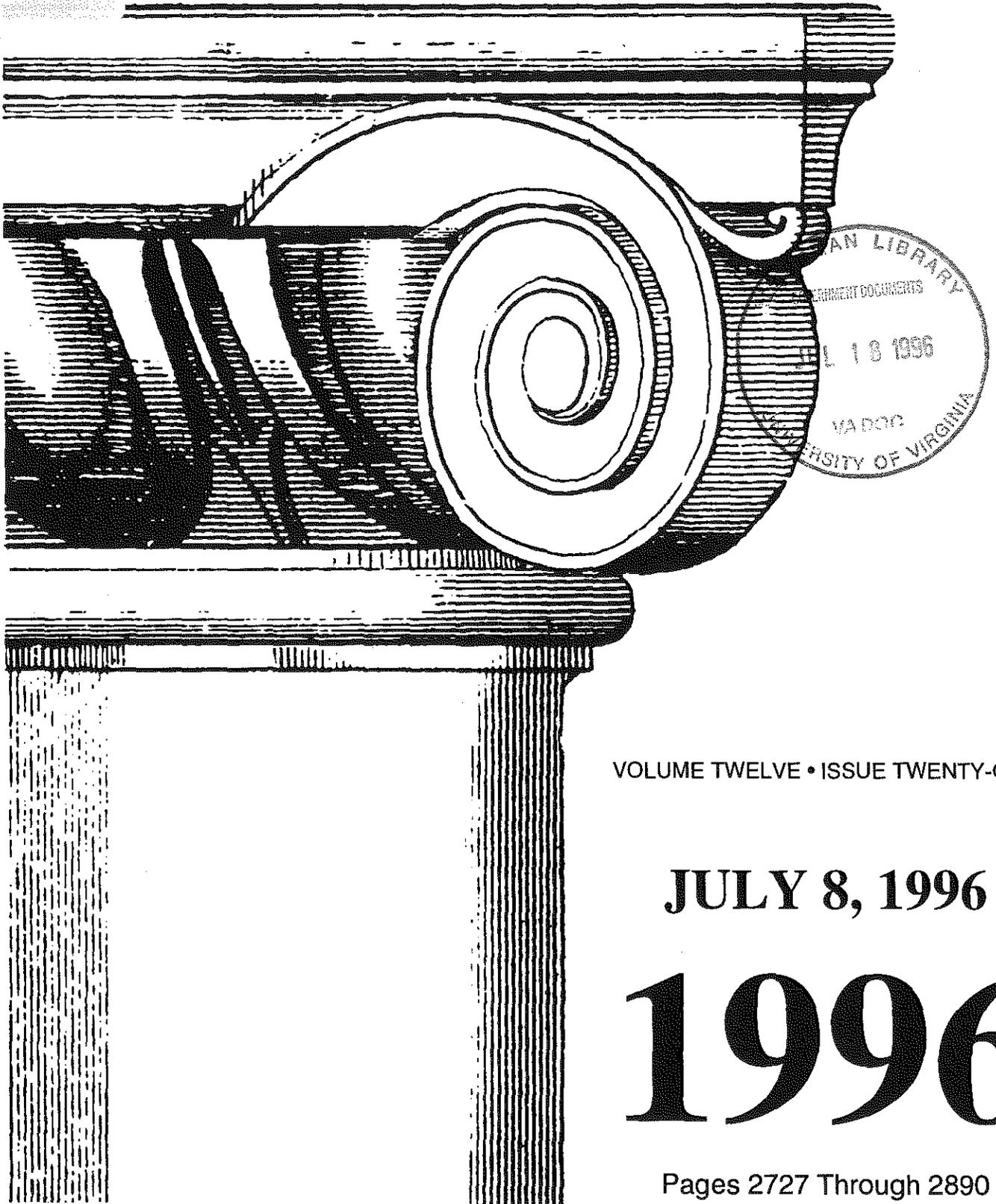


000 5/R 26/12-21 c.2

THE VIRGINIA REGISTER

OF REGULATIONS

VA
DOC



VOLUME TWELVE • ISSUE TWENTY-ONE

JULY 8, 1996

1996

Pages 2727 Through 2890

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in *The Virginia Register of Regulations*. In addition, the *Virginia Register* is a source of other information about state government, including all emergency regulations and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative committee, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate standing committees and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration

of the 21-day extension period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) deliver the Notice of Intended Regulatory Action to the Registrar in time to be published within 60 days of the effective date of the emergency regulation; and (ii) deliver the proposed regulation to the Registrar in time to be published within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **12:8 V.A.R. 1096-1106 January 8, 1996**, refers to Volume 12, Issue 8, pages 1096 through 1106 of the *Virginia Register* issued on January 8, 1996.

"The Virginia Register of Regulations" (USPS-001831) is published bi-weekly, except four times in January, April, July and October, for \$100 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Second-Class Postage Rates Paid at Richmond, Virginia. **POSTMASTER:** Send address changes to *The Virginia Register of Regulations*, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219.

The Virginia Register of Regulations is published pursuant to Article 7 (§ 9-6.14:22 et seq.) of Chapter 1.1:1 of the Code of Virginia. Individual copies, if available, may be purchased for \$4.00 each from the Registrar of Regulations.

Members of the Virginia Code Commission: **Joseph V. Gartlan, Jr.**, Chairman; **W. Tayloe Murphy, Jr.**, Vice Chairman; **Robert L. Calhoun**; **Russell M. Carneal**; **Bernard S. Cohen**; **Jay W. DeBoer**; **Frank S. Ferguson**; **E. M. Miller, Jr.**; **Jackson E. Reasor, Jr.**; **James B. Wilkinson**.

Staff of the Virginia Register: **E. M. Miller, Jr.**, Acting Registrar of Regulations; **Jane D. Chaffin**, Deputy Registrar of Regulations.

PUBLICATION DEADLINES AND SCHEDULES

July 1996 through June 1997

**Material Submitted
By Noon Wednesday**

Will Be Published On

Volume 12

June 19, 1996

July 8, 1996

July 3, 1996

July 22, 1996

July 17, 1996

August 5, 1996

July 31, 1996

August 19, 1996

August 14, 1996

September 2, 1996

August 28, 1996

September 16, 1996

FINAL INDEX - Volume 12

October 1996

Volume 13

September 11, 1996

September 30, 1996

September 25, 1996

October 14, 1996

October 9, 1996

October 28, 1996

October 23, 1996

November 11, 1996

November 6, 1996

November 25, 1996

November 19, 1996 (Tuesday)

December 9, 1996

December 4, 1996

December 23, 1996

INDEX 1 - Volume 13

January 1997

December 17, 1996 (Tuesday)

January 6, 1997

December 31, 1996 (Tuesday)

January 20, 1997

January 15, 1997

February 3, 1997

January 29, 1997

February 17, 1997

February 12, 1997

March 3, 1997

February 26, 1997

March 17, 1997

March 12, 1997

March 31, 1997

INDEX 2 - Volume 13

April 1997

March 26, 1997

April 14, 1997

April 9, 1997

April 28, 1997

April 23, 1997

May 12, 1997

May 7, 1997

May 26, 1997

May 21, 1997

June 9, 1997

June 4, 1997

June 23, 1997

INDEX 3 - Volume 13

July 1997

TABLE OF CONTENTS

NOTICES OF INTENDED REGULATORY ACTION

Department of Agriculture and Consumer Services (Board of)	2729
State Air Pollution Control Board	2729
Department of Health (State Board of)	2730
State Board of Juvenile Justice	2730
Department of Labor and Industry	2732
Safety and Health Codes Board	2732
Department of Mines, Minerals and Energy	2733
Real Estate Board	2733

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS

State Air Pollution Control Board	2734
-----------------------------------	------

PROPOSED REGULATIONS

STATE AIR POLLUTION CONTROL BOARD

Regulations for the Control Motor Vehicle Emissions (REPEALING). (9 VAC 5-90-10 et seq.)	2736
Regulations for Vehicle Emissions Control Program Analyzer Systems (REPEALING). (9 VAC 5-100-10 et seq.)	2736
Regulations for the Enhanced Motor Vehicle Emissions Inspection Program in the Northern Virginia Area (REPEALING). (9 VAC 5-110-10 et seq.)	2736
Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area. (9 VAC 5-91-10 et seq.)	2736

FINAL REGULATIONS

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Virginia Private Activity Bond Regulations (REPEALED). (13 VAC 5-190-10 et seq.)	2787
--	------

BOARD OF PHARMACY

Regulations of the Board of Pharmacy (amending 18 VAC 110-20-10, 18 VAC 110-20-20, 18 VAC 110-20-90, 18 VAC 110-20-110, 18 VAC 110-20-130, 18 VAC 110-20-210, 18 VAC 110-20-240, 18 VAC 110-20-260, 18 VAC 110-20-280, 18 VAC 110-20-290, 18 VAC 110-20-310, 18 VAC 110-20-320, 18 VAC 110-20-360, 18 VAC 110-20-370, 18 VAC 110-20-410, 18 VAC 110-20-420, 18 VAC 110-20-440, 18 VAC 110-20-480, 18 VAC 110-20-530, and 18 VAC 110-20-570; adding 18 VAC 110-20-285, 18 VAC 110-20-411 through 18 VAC 110-20-419; repealing 18 VAC 110-20-300)	2787
---	------

DEPARTMENT OF STATE POLICE

Motor Vehicle Safety Inspection Rules and Regulations (adding 19 VAC 30-70-1 through 19 VAC 30-70-9; amending 19 VAC 30-70-10, 19 VAC 30-70-30, 19 VAC 30-70-50, 19 VAC 30-70-60, 19 VAC 30-70-70, 19 VAC 30-70-80, 19 VAC 30-70-90, 19 VAC 30-70-100, 19 VAC 30-70-110, 19 VAC 30-70-120, 19 VAC 30-70-140, 19 VAC 30-70-160, 19 VAC 30-70-250, 19 VAC 30-70-490, 19 VAC 30-70-500, and 19 VAC 30-70-530)	2810
Regulations Governing the Operation and Maintenance of the Sex Offender Registry (amending 19 VAC 30-170-20, 19 VAC 30-170-30, and 19 VAC 30-170-40)	2847

UNIVERSITY OF VIRGINIA

Medical Center Procurement Guidelines. (8 VAC 85-10-10 et seq.)	2849
---	------

GOVERNOR

EXECUTIVE ORDERS

The Governor's Commission on Competitive and Equitable Tax Policy. (63-96)	2853
The Governor's Commission on Environmental Stewardship. (64-96)	2853

EXECUTIVE MEMORANDUM

Suspension of Payments to the Employee Health Insurance Fund. (1-96)	2854
--	------

GOVERNOR'S COMMENTS

STATE AIR POLLUTION CONTROL BOARD

General Provisions. (9 VAC 5-20-10 et seq.)	2855
Permits for New and Modified Sources. (9 VAC 5-80-10 et seq.)	2855

BOARD OF VETERINARY MEDICINE

Regulations Governing the Practice of Veterinary Medicine. (18 VAC 150-20-10 et seq.)	2855
---	------

THE LEGISLATIVE RECORD

HJR 223: Joint Subcommittee Studying Financing Options for the Purpose of Constructing a Baseball Stadium in Virginia	2856
HJR 193: Joint Subcommittee on Abandoned Solid or Hazardous Waste Sites	2858
SJR 86/HJR 198: Joint Subcommittee Studying the Enforcement and Abuse of Laws Regulating Parking Spaces for Handicapped Persons	2859
Joint Commission on Health Care	2861

Table of Contents

GENERAL NOTICES/ERRATA

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Edward Byrne Memorial Formula Grant Program Funding Application	2864
Notice of Application for Grant Funds: Prerelease and Post Incarceration Services for Adult Offenders	2864

DEPARTMENT OF ENVIRONMENTAL QUALITY AND DEPARTMENT OF CONSERVATION AND RECREATION

Total Maximum Daily Load (TMDL) Priority List.....	2864
--	------

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Reimbursement Methodology for Inpatient Hospital Services (Public Notice in Conformance to 42 CFR 447.205).....	2864
---	------

VIRGINIA CODE COMMISSION

Notice to State Agencies	2865
Forms for Filing Material on Dates for Publication in <i>The Virginia Register of Regulations</i>	2865

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings	2866
---	------

INDEPENDENT

Open Meetings and Public Hearings	2886
---	------

LEGISLATIVE

Open Meetings and Public Hearings	2887
---	------

CHRONOLOGICAL LIST

Open Meetings.....	2888
Public Hearings.....	2889

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-180-10 et seq. Rules and Regulations Governing Pseudorabies in Virginia.** Pseudorabies is a disease that exacts a high death toll among the animals it infects, many of which are domesticated animals. Among the animals that can be infected with pseudorabies are cattle, sheep, dogs, cats, and notably, swine. There is no known evidence that humans can contract pseudorabies. Most kinds of animals infected with pseudorabies die before they can infect other animals (death usually occurs within 72 hours after infection). Swine are a different matter. Although pseudorabies can kill swine (the younger the swine, the higher the rate of mortality), they can also recover from the disease and spread it to other swine and to other kinds of animals. Virginia's regulations to eradicate pseudorabies from swine are part of a national program designed to rid the nation of pseudorabies. This regulation provides rules to govern the program for the eradication of pseudorabies from swine in Virginia. The purpose of the contemplated regulatory action is to review the regulation for effectiveness and continued need including, but not limited to, a proposal to allow Virginia to participate in the national program to eradicate pseudorabies at whatever stage its circumstances at a particular time would allow -- whether stage 1 or stage 5, or any stage in between. The agency invites comment on whether there should be an advisor appointed for the present regulatory action. An advisor is (i) a standing advisory panel, (ii) an ad-hoc advisory panel, (iii) a consultant with groups, (iv) a consultant with individuals, or (v) any combination thereof. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia.

Public comments may be submitted until 8:30 a.m. on August 26, 1996, to Dr. W. M. Sims, Jr., Department of Agriculture and Consumer Services, Division of Animal Industry Services, P.O. Box 1163, Richmond, VA 23218-1163.

Contact: T. R. Lee, Program Supervisor, Department of Agriculture and Consumer Services, Office of Veterinary Services, P.O. Box 1163, Richmond, VA 23218-1163, telephone (804) 786-2483.

VA.R. Doc. No. R96-388; Filed May 28, 1996, 2:30 p.m.

STATE AIR POLLUTION CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider promulgating regulations entitled: **9 VAC 5-500-10 et seq. Exclusionary General Permit for Federal Operating Permit Program.** The purpose of the proposed action is to develop a general permit that will become a legally enforceable mechanism for stationary sources subject to the federal operating permit program (Article 1 of 9 VAC 5-80-10 et seq.) to be excluded from the program provided they maintain their actual annual emissions at a specified level that is less than the potential to emit applicability thresholds for the federal operating permit program. A public meeting will be held by the department in the Training Room, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, at 10 a.m. on August 7, 1996, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development. The department will form a technical advisory committee to assist in the development of the regulation. If you desire to be on the committee, notify the agency contact in writing by 4:30 p.m. on August 8, 1996, and provide your name, address, phone number and the organization you represent (if any). Notification of the composition of the technical advisory committee will be sent to all applicants. If you wish to be on the committee, you are encouraged to attend the public meeting mentioned above. The primary function of the committee is to develop a recommended regulation for department consideration through the collaborative approach of regulatory negotiation and consensus. After publication in the *Virginia Register of Regulations*, the department will hold at least one public hearing to provide opportunity for public comment on any regulation drafted pursuant to this notice.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. on August 8, 1996, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA, 23240.

Contact: Robert A. Mann, Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA, 23240, telephone (804) 698-4419, toll-free (800) 592-5482, FAX (804) 698-4510, or (804) 698-4021/TDD ☎

Notices of Intended Regulatory Action

DEPARTMENT OF HEALTH (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-585-10 et seq. Biosolids Use Regulations.** The purpose of the proposed action is to revise the current version of the Biosolids Use Regulations in accordance with the recommendations of the Biosolids Use Regulations Advisory Committee. The Biosolids Use Regulations were most recently published in the Virginia Register of Regulations on August 21, 1995. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-164, 32.1-164.5 and 62.1-44.19 of the Code of Virginia.

Public comments may be submitted until July 26, 1996.

Contact: C. M. Sawyer, Division Director, Department of Health, Division of Wastewater Engineering, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 786-5567.

VA.R. Doc. No. R96-387; Filed May 23, 1996, 1:25 p.m.

STATE BOARD OF JUVENILE JUSTICE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Juvenile Justice intends to consider repealing regulations entitled: **6 VAC 35-40-10 et seq. Predispositional and Postdispositional Group Home Standards.** The purpose of the proposed action is to provide an integrated approach to the regulation of juvenile residential facilities by repealing these standards for predispositional and postdispositional group homes, to be replaced by a new, consolidated regulation governing all classes of juvenile residential facilities. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 16.1-309.9 and 66-10 of the Code of Virginia.

Written comments may be submitted until August 9, 1996.

Contact: Donald R. Carignan, Policy Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA, 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R96-429; Filed June 14, 1996, 1:19 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Juvenile Justice intends to consider amending regulations entitled: **6 VAC 35-60-10 et seq. Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grants Programs.** The purpose of the proposed action is to update this existing regulation to reflect changes in the focus

of offices on youth, and to give such offices on youth greater flexibility in achieving program goals. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 66-10 and 66-30 of the Code of Virginia.

Written comments may be submitted until August 9, 1996.

Contact: Donald R. Carignan, Policy Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA, 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R96-422; Filed June 14, 1996, 1:18 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Juvenile Justice intends to consider repealing regulations entitled: **6 VAC 35-70-10 et seq. Learning Center Standards (Juvenile Correctional Center Standards).** The purpose of the proposed action is to provide an integrated approach to the regulation of juvenile residential facilities by terminating these learning center standards and other separate regulations, to be replaced by a new, consolidated regulation governing all classes of juvenile residential facilities. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 66-10 of the Code of Virginia.

Written comments may be submitted until August 9, 1996.

Contact: Donald R. Carignan, Policy Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA, 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R96-428; Filed June 14, 1996, 1:19 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Juvenile Justice intends to consider repealing regulations entitled: **6 VAC 35-80-10 et seq. Holdover Standards.** The purpose of the proposed action is to terminate this regulation which governs "holdover" operations that are intended to provide short-term placement for juveniles who do not meet the criteria for detention. To the extent that standards are necessary for such operations, they will be provided through a consolidated regulation governing nonresidential programs and services for juveniles in the community. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 66-10 of the Code of Virginia.

Written comments may be submitted until August 9, 1996.

Contact: Donald R. Carignan, Policy Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA, 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R96-424; Filed June 14, 1996, 1:18 p.m.

Notices of Intended Regulatory Action

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Juvenile Justice intends to consider repealing regulations entitled: **6 VAC 35-90-10 et seq. Standards for Postdispositional Confinement for Secure Detention and Court Service Units.** The purpose of the proposed action is to provide an integrated approach to the regulation of juvenile residential facilities by repealing these standards for postdispositional confinement of juveniles, and other separate regulations, and issuing in their place a new, consolidated regulation governing all classes of juvenile residential facilities. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 16.1-284.1 and 66-10 of the Code of Virginia.

Written comments may be submitted until August 9, 1996.

Contact: Donald R. Carignan, Policy Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA, 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R96-426; Filed June 14, 1996, 1:19 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Juvenile Justice intends to consider repealing regulations entitled: **6 VAC 35-100-10 et seq. Standards for Secure Detention.** The purpose of the proposed action is to provide an integrated approach to the regulation of juvenile residential facilities by repealing these standards for secure detention, along with other separate regulations, to be replaced by a new, consolidated regulation governing all classes of juvenile residential facilities. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 16.1-284.1 and 66-10 of the Code of Virginia.

Written comments may be submitted until August 9, 1996.

Contact: Donald R. Carignan, Policy Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA, 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R96-425; Filed June 14, 1996, 1:19 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Juvenile Justice intends to consider repealing regulations entitled: **6 VAC 35-120-10 et seq. Standards for Family Group Homes.** The purpose of the proposed action is to provide an integrated approach to the regulation of juvenile residential facilities by terminating these standards for family group homes and other separate regulations, to be replaced by a new, consolidated regulation governing all classes of juvenile residential facilities. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 16.1-309.9 and 66-10 of the Code of Virginia.

Written comments may be submitted until August 9, 1996.

Contact: Donald R. Carignan, Policy Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA, 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R96-427; Filed June 14, 1996, 1:19 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Juvenile Justice intends to consider repealing regulations entitled: **6 VAC 35-130-10 et seq. Standards for Outreach Detention.** The purpose of the proposed action is to provide a comprehensive regulatory approach to nonresidential programs and services for juveniles before the court, by repealing these standards for outreach detention as a separate regulation, and incorporating their essential provisions into expanded standards for court services. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 16.1-311 and 66-10 of the Code of Virginia.

Written comments may be submitted until August 9, 1996.

Contact: Donald R. Carignan, Policy Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA, 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R96-421; Filed June 14, 1996, 1:18 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Juvenile Justice intends to consider promulgating regulations entitled: **6 VAC 35-140-10 et seq. Standards for Juvenile Residential Facilities.** The purpose of the proposed action is to consolidate in one regulation simplified standards governing the operation of all types of juvenile residential facility overseen by the Board of Juvenile Justice. This new regulation will replace standards for secure detention; standards for postdispositional confinement for secure detention and court service units; predispositional and postdispositional group home standards; standards for family group homes; and standards for juvenile correctional centers, formerly known as learning center standards. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 16.1-284.1, 16.1-309.9 and 66-10 of the Code of Virginia.

Written comments may be submitted until August 9, 1996.

Contact: Donald R. Carignan, Policy Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA, 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R96-423; Filed June 14, 1996, 1:18 p.m.

Notices of Intended Regulatory Action

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Safety and Health Codes Board intends to consider promulgating regulations entitled: **16 VAC 25-35-10 et seq. Regulations Concerning Certified Lead Contractor Notification, Lead Project Permits and Permit Fees.** The purpose of the proposed action is to implement the lead project notification and permit requirements of § 40.1-51.20 of the Code of Virginia. The notification and permit requirements will enable the Department of Labor and Industry to monitor lead contractors' compliance with state and federal requirements for the safe removal and disposal of lead through onsite inspection of lead projects. In addition, the regulation will provide lead contractors with detailed instructions regarding the required notification of the department and payment of lead project permit fees.

During the 1995 session, the General Assembly amended § 40.1-51.20 of the Code of Virginia to require certified lead contractors to comply with the same notification and permitting requirements as those of licensed asbestos contractors. The amendment to the Code was in response to interim draft regulations of the U.S. Environmental Protection Agency (EPA) (40 CFR Part 745).

The board approved the promulgation of an emergency regulation to comply with § 40.1-51-20 of the Code of Virginia regarding lead notification. The emergency regulation was developed in accordance with the Administrative Process Act (APA) and Governor's Executive Order Number 14 (94) and is effective June 26, 1996. Please include in any comments submitted on this proposed regulatory action, responses to the following questions regarding the emergency regulation.

1. If you represent a lead abatement contractor, what is the approximate size (in contract dollar value) of the average lead abatement project which you performed in calendar year 1995? What is the approximate size of the average lead abatement project you anticipate performing in calendar year 1996?
2. If you represent a lead abatement contractor, what was the total dollar volume of lead abatement work you performed in calendar year 1995? What total dollar volume of lead abatement work do you anticipate performing in calendar year 1996?
3. If you represent a lead abatement contractor, how many lead abatement projects do you project your company will conduct during calendar year 1996? Of these, how many do you anticipate will have a dollar value of \$2,000 or more? How many of these projects would be in residential buildings (as defined in the department's Emergency Regulation Concerning Certified Lead Contractor Notification, Lead Project Permits and Permit Fees, VR 425-03-185), where the

dollar value of the contract would not exceed \$2,000? How many of these projects would be in residential buildings, where the dollar value of the contract equals or exceeds \$2,000?

4. The department's Emergency Regulation Concerning Certified Lead Contractor Notification, Lead Project Permits and Permit Fees contains a lead project permit fee based upon a percentage of the contract price (i.e., lead abatement projects with a contract value of \$2,000 or more will be charged a notification fee of the greater of \$100 or 1.0% of the contract price, with a maximum fee of \$500; projects involving residential buildings must comply with the notification requirement but will be exempted from the fee requirement). We are seeking suggestions on how to develop a permit fee based on the amount of lead abated (e.g., square footage or some other measure), instead of a percentage of the contract. Please describe any suggestions you have. Would a system similar to the method used in the department's Asbestos Notification Regulation be feasible?

5. The department's Emergency Regulation Concerning Certified Lead Contractor Notification, Lead Project Permits and Permit Fees contains requirements for amending lead project notifications which are identical to the current requirements for amending asbestos notifications. Other than this amendment process, what alternate means would you recommend for apprising the Department of Labor and Industry in a reliable and timely manner of changes in the project schedule?

6. The department's Emergency Regulation Concerning Certified Lead Contractor Notification, Lead Project Permits and Permit Fees contains requirements for blanket notifications which are identical to the current blanket notification procedures for asbestos notifications. Should the department maintain the proposed provisions for blanket notifications? Why or why not?

7. The department's Emergency Regulation Concerning Certified Lead Contractor Notification, Lead Project Permits and Permit Fees contains requirements for emergency notifications which are identical to the current emergency notification procedures for asbestos notifications. Should the department maintain the proposed provisions for emergency notifications? Why or why not?

8. If you represent a lead abatement contractor, please estimate the economic impact that complying with the department's Emergency Regulation Concerning Certified Lead Contractor Notification, Lead Project Permits and Permit Fees would have on your business. Please express the impact in terms of the number of average dollars per lead project notification. (Note: the regulation does not apply to projects under \$2,000 in value, and projects involving residential buildings are exempt from the fee). For your estimate to be used in our evaluation, please also provide the background data upon which you base your calculation.

9. The department may wish to contact individuals providing comments to seek clarification of comments or to request additional information on the impact the

Notices of Intended Regulatory Action

proposed regulation may have on lead abatement contractors or lead abatement employees. If you wish to make yourself available for such contact, please provide your name, business address and business telephone number.

The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 40.1-51.20 of the Code of Virginia.

Public comments may be submitted until July 24, 1996.

Contact: Clarence H. Wheeling, Director of Occupation Health Compliance, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0574, FAX (804) 786-8418, or (804) 786-2376/TDD ☎

VA.R. Doc. No. R96-406; Filed June 5, 1996, 11:46 a.m.

DEPARTMENT OF MINES, MINERALS AND ENERGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **4 VAC 25-150-10 et seq. Gas and Oil Regulation.** The purpose of the proposed action is to amend the Department of Mines, Minerals and Energy's (DMME) regulations governing permitting, operations, plugging, and site restoration of gas and oil exploration and development wells, gathering pipelines and associated facilities. The regulations are necessary to protect the public health and safety from adverse effects of gas and oil exploration and production activities. The amendments will implement the recommendation identified during DMME's regulation review under Executive Order Fifteen (94). The recommendations will streamline the regulatory process, eliminate unnecessary regulatory requirements, clarify language, and implement changes based on DMME, gas and oil operator, and citizen experience implementing the regulation since it was promulgated in 1991. Copies of the regulatory review report are available at the DMME, Division of Gas and Oil in Abingdon and DMME office in Richmond. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3 and 45.1-361.27 of the Code of Virginia.

Written comments may be submitted until August 7, 1996.

Contact: B. Thomas Fulmer, Oil and Gas Inspector, Department of Mines, Minerals and Energy, Division of Gas and Oil, 230 Charwood Drive, P.O. Box 1416, Abingdon, VA, 24212, telephone (540) 676-5423, FAX (540) 676-5459, or (800) 828-1120 (VA Relay Center)/TDD ☎

REAL ESTATE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Real Estate Board intends to consider amending regulations entitled: **18 VAC 135-20-10 et seq. Virginia Real Estate Board Licensing Regulations.** The purpose of the proposed action is to promulgate permanent regulations to replace the emergency regulations governing the duties of real estate brokers and salespersons. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2105 of the Code of Virginia.

Public comments may be submitted until July 10, 1996.

Contact: Karen O'Neal, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

VA.R. Doc. No. R96-373; Filed May 17, 1996, 11:52 a.m.

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

Effective July 1, 1995, publication of notices of public comment periods in a newspaper of general circulation in the state capital is no longer required by the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). Chapter 717 of the 1995 Acts of Assembly eliminated the newspaper publication requirement from the Administrative Process Act. In *The Virginia Register of Regulations*, the Registrar of Regulations has developed this section entitled "Public Comment Periods - Proposed Regulations" to give notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

STATE AIR POLLUTION CONTROL BOARD

August 7, 1996 - 7:30 p.m. -- Public Hearing
Northern Virginia Community College, 8333 Little River
Turnpike, Route 236, Forum Room, Annandale, Virginia.

August 8, 1996 - 10:30 a.m. -- Public Hearing
Loudoun County Government Center, 1 Harrison Street,
Board Room, Leesburg, Virginia.

August 8, 1996 - 7:30 p.m. -- Public Hearing
Stafford County Administration Center, 1300 Courthouse
Road, Board Room, Stafford, Virginia.

September 9, 1996 -- Public comments may be submitted
until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to **repeal** regulations entitled: **9 VAC 5-90-10 et seq., Regulations for the Control of Motor Vehicle Emissions, 9 VAC 5-100-10 et seq., Regulations for Vehicle Emissions Control Program Analyzer Systems, and 9 VAC 5-110-10 et seq., Regulations for the Control of Motor Vehicles Emissions;** and **adopt** regulations entitled: **9 VAC 9-91-10 et seq., Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area.** The purpose of the regulation is to require that motor vehicles undergo periodic emissions inspection and be maintained in compliance with emission standards in order to reduce harmful emissions of hydrocarbons, carbon monoxide and oxides of nitrogen. The regulation is being promulgated in response to state and federal laws requiring the emissions inspection program. The regulation applies to vehicles that have actual gross weights of 10,000 pounds or less and are registered in the Counties of Arlington, Fairfax, Loudoun, Prince William, Stafford, and Fauquier and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. It requires biennial emissions inspections in order to register the motor vehicle in the area described above. The regulation also describes requirements for inspection stations, inspectors, repair facilities and repair technicians.

It is further proposed that the board authorize for public comment the repeal of existing regulations to be replaced by 9 VAC 5-91-10 et seq. Specifically, the proposal is to repeal:

9 VAC 5-90-10 et seq. Regulation for the Control of Motor Vehicle Emissions (present program)

9 VAC 5-100-10 et seq. Regulation for Vehicle Emission Control Program Analyzer Systems (present program)

9 VAC 5-110-10 et seq. Regulation for the Enhanced Motor Vehicle Emissions Inspection Program in the Northern Virginia Area (test-only regulations)

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: The following localities will bear a disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

The Counties of Arlington, Fairfax, Loudoun, Prince William, Stafford, and Fauquier and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

Location of Proposal: The proposal, an analysis conducted by the department (including: a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the Department's Office of Nonattainment and Mobile Sources Planning (Eighth Floor), 629 East Main Street, Richmond, Virginia and the Department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Public Comment Periods - Proposed Regulations

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia 22401
Ph: (540) 899-4600

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia 22150
Ph: (703) 644-0311

Lorton Mobile Sources Operations
Department of Environmental Quality
7240-D Telegraph Square Drive
Lorton, Virginia 22079

Statutory Authority: §§ 46.2-1178.1, 46.2-1179, 46.2-1180
and 46.2-1187.2 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. on
Monday, September 9, 1996, to the Director, Office of
Nonattainment and Mobile Sources Planning, Department of
Environmental Quality, 629 East Main Street, Eighth Floor,
P.O. Box 10009, Richmond, Virginia 23240.

Contact: David J. Kinsey, Policy Analyst, Office of
Nonattainment and Mobile Sources, Air Division, Department
of Environmental Quality, P.O. Box 10009, Richmond, VA
23240, telephone (804) 698-4432 or (FAX) (804) 698-4510.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-90-10 et seq. Regulations for the Control Motor Vehicle Emissions (REPEALING).

VA.R. Doc. No. R96-435; Filed June 19, 1996, 11:49 a.m.

Title of Regulation: 9 VAC 5-100-10 et seq. Regulations for Vehicle Emissions Control Program Analyzer Systems (REPEALING).

VA.R. Doc. No. R96-436; Filed June 19, 1996, 11:49 a.m.

Title of Regulation: 9 VAC 5-110-10 et seq. Regulations for the Enhanced Motor Vehicle Emissions Inspection Program in the Northern Virginia Area (REPEALING).

VA.R. Doc. No. R96-437; Filed June 19, 1996, 11:50 a.m.

Title of Regulation: 9 VAC 5-91-10 et seq. Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area.

Statutory Authority: §§ 46.2-1178.1, 46.2-1179, 46.2-1180, and 46.2-1187.2 of the Code of Virginia.

Public Hearing Dates: August 7, 1996 - 7:30 p.m. (Annandale)
August 8, 1996 - 10:30 a.m. (Leesburg)
August 8, 1996 - 7:30 p.m. (Stafford)

Public comments may be submitted until September 9, 1996.

(See Calendar of Events section for additional information)

Basis: The legal basis for the proposed regulation is §§ 46.2-1176 through 46.2-1187.3 of the Virginia Motor Vehicle Emissions Control Law, which authorizes the board to promulgate regulations for a motor vehicle emissions inspection program.

Purpose: The purpose of the regulation is to require that motor vehicles undergo periodic emissions inspection and be maintained in compliance with emission standards in order to reduce harmful emissions of hydrocarbons, carbon monoxide and oxides of nitrogen. The regulation is being promulgated in response to state and federal laws requiring the emissions inspection program.

Substance: The major provisions of the proposal are summarized below:

1. A biennial inspection;
2. An inspection fee cap of \$20;
3. A minimum repair cost of \$450 (in 1990 dollars) in order to qualify for a waiver, and requirement that repairs to qualify for a waiver be done by a certified repair technician;
4. Motor vehicles being titled for the first time may be registered for up to two years without being subject to an emissions inspection;

5. An exemption for any of the following vehicles: (i) vehicles powered by a clean special fuel as defined in § 58.1-2101 of the Code of Virginia, (ii) motorcycles, (iii) vehicles which, at the time of manufacture were not designed to meet emission standards set or approved by the federal government, (iv) any antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730 of the Code of Virginia, (v) diesel vehicles, or (vi) vehicles for which no testing standards have been adopted by the board;

6. The requirement for the inspection to apply to all vehicles registered or operated in the affected area including (i) vehicles owned by government entities, (ii) vehicles owned by military personnel residing in the affected areas, and (iii) vehicles owned by leasing or rental companies;

7. The certification of motor vehicle emissions repair technicians and emissions repair facilities including the suspension or revocation of such certification; and

8. In addition to biennial testing of all subject vehicles, on-road testing of motor vehicles in use and requirement for followup testing of those vehicles which exceed emissions standards.

Issues: The primary advantages and disadvantages of implementation and compliance with the regulation by the public and the department are discussed below.

1. Public: The regulation is essential for protecting the health and well-being of citizens in the area. Ozone monitoring and modeling indicate that periodic levels of ozone exceed the health standard. This program will have the single largest effect of any contemplated strategy of reducing the pollutants which combine to form ozone.

In addition to protecting public health, this program will prevent further deterioration of air quality and the air quality status of the area as designated by the EPA. Further deterioration could reduce the ability of the area to effectively manage its transportation problems and accommodate growth.

The primary disadvantage of this program to the public is its cost. Motorists will have to spend \$20 every two years to get vehicles inspected -- an increase of \$8.60 over the current program. This affects approximately 1.3 million vehicles. For those who fail the test, repair costs will average \$125 -- an increase of \$25 to \$50 over the current program. This is expected to affect around 20% to 25% of the vehicle population initially; somewhat less in subsequent years. Properly repaired vehicles may realize benefits in fuel economy. In order to obtain a waiver, a motorist will have to spend at least \$450 to remediate the failure problem -- an increase of at least

\$250 over the current program. This is expected to affect approximately 1.0% of the vehicles or less.

Facilities wishing to be certified to administer the testing must purchase or lease equipment estimated to cost \$30,000 to \$40,000 -- an increase over the current program of around \$20,000 to \$30,000. This is expected to affect 200 to 300 facilities. However, the \$8.60 per test increase in revenue to the testing facility and the increase in repair business due to the identification of more polluting vehicles should offset this cost in the long term.

2. Department: The department must add approximately nine new personnel to handle the increase in oversight and monitoring required by the new program. Additional cost will result from the administration of a required remote sensing program and a relatively large public relations effort to introduce the new program to the public. The cost of this will be funded by a fee of \$2.00 per year, per vehicle registered in the program area -- no change from the current program.

Localities Affected: The Counties of Arlington, Fairfax, Loudoun, Prince William, Stafford, and Fauquier and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

Impact:

1. Entities Affected. This regulation applies to any owner of a motor vehicle weighing less than 10,000 pounds actual gross weight, except motorcycles, antique vehicles, vehicles powered by clean fuels and diesel-powered vehicles, registered or primarily operated in the counties of Arlington, Fairfax, Fauquier, Loudoun, Prince William, and Stafford; and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The number of vehicles currently within the affected vehicle weight and model year classes is approximately 1.3 million and increases by about 1.0% to 2.0% each year.

The regulation also applies to any facility, including emissions inspectors, authorized to perform motor vehicle emissions inspections and facilities, including certified repair technicians, authorized to repair failed vehicles for waiver consideration. This will affect an estimated 250 to 350 facilities and approximately 600 to 1,000 inspection station personnel.

2. Fiscal Impact

a. Costs to Affected Entities. The inspection fee charged to the motor vehicle owner at the inspection station will increase from \$11.40 to a maximum of \$20 and is required every other year. The law does include a new economic benefit in that the inspection valid period does not cease when ownership is transferred (the current regulation requires a new inspection upon transfer of title).

The cost to repair a failed vehicle may increase due to the stringency of the test. The cost of the average repair is estimated to increase from \$75 to \$125 and

the rate of failure may increase from approximately 14% (current program) to approximately 20% to 25%. Failed cars, however, may realize an improvement in fuel economy after they are repaired.

In order to establish and equip the network of facilities which will be needed to perform these inspections, and hire, train, and pay the personnel who administer the program, potential inspection station owners must invest an estimated \$7.5 million to \$10 million dollars (total program, assuming 250 stations). Many station owners may choose to lease the equipment in order to reduce capital outlay. It is expected that maintenance may cost from \$2,000 to \$3,000 per year.

b. Costs to Agency. The extensive oversight of the program required by EPA will require 19 employees, one of which is allocated to data management and the remainder to operational duties and management. There is also a cost for startup of the state oversight program and continuing costs for support, such as for vehicles used for daily travel of oversight personnel and vehicles used for covert audits.

	FY 97	FY 98
Personnel budget	\$1,010,000	\$1,010,000
Startup costs	465,000	135,000
Program operations	1,180,000	1,520,000
TOTALS	\$2,655,000	\$2,665,000

Much of the necessary effort for oversight and data collection may be performed by contractual support to the department, if it appears to be cost effective.

c. Source of Agency Funds. The source of department funds to carry out this regulation is the Vehicle Emissions Inspection Fund which is the repository for an administrative fee of \$2.00 per vehicle, per annum, charged to owners of motor vehicles subject to the inspection program at the time of registration. (As stated above, approximately 1.3 million vehicles.)

	FY 97	FY 98
Administrative Fee	\$2,600,000	\$2,652,000

d. Benefits. The enhanced emissions inspection program provides more than five times the reductions in hydrocarbon pollution from motor vehicles provided by the program currently in operation.

The enhanced program will ensure that vehicles are operating according to manufacturer's specifications by testing vehicles during simulated acceleration and by testing the motor vehicle's evaporative and fuel supply systems.

The new program will provide better repair information to the vehicle owner and the repair technician through computerized monitoring and analysis of the test cycle.

e. Small Business Impact. The department estimates that almost all facilities to which the proposed regulation would apply would meet the definition of

Proposed Regulations

small business provided in § 9-199 of the Code of Virginia. In developing this proposal, the department gave consideration to the effect on small businesses. The department must give primary consideration to the health effects caused by the pollutants emitted. Any source, no matter what its financial status, must meet the standards set out in the regulations so that public health can be protected. However, the department recognizes that other considerations such as economic feasibility contribute to the ability of the source to meet standards. These regulations, as currently carried out and as proposed here, consider economic feasibility, among other considerations, as part of the department's analysis. Information on the impact of the regulation on small businesses may be found in the overall cost analysis found in paragraph 2 a above.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply; the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation establishes a decentralized program of periodic emissions inspection of motor vehicles in parts of Northern Virginia. The vehicles are tested for compliance with standards for emissions of carbon monoxide, hydrocarbons and oxides of nitrogen.

Estimated Economic Impact. Inspection and maintenance (I/M) of motor vehicle emissions control equipment is required under the 1990 amendments to the Clean Air Act. These programs are intended to reduce mobile source emissions in areas that are in non-attainment of the National Ambient Air Quality Standards (NAAQS) for ozone. The Clean Air Act (CAA) requires that new cars and light utility vehicles meet stringent emissions standards. However, performance of automotive emission controls degrades over time. Periodic adjustments are needed to maintain the level of control required of mobile sources under the CAA.

Reductions in mobile emissions reduce the likelihood of exceeding the NAAQS for ozone and are used by Virginia in demonstrating to EPA that it can meet the rate of progress toward attainment that is required under the CAA. Given that this is true, one cannot completely separate an analysis of the economic impact of this I/M regulation from the regulations on emissions that apply to stationary and area sources. The optimal mix of controls on all sources should generally select the cheapest emission reductions first. As these opportunities are exhausted, we would then select the

next cheapest option for the next incremental improvement in air quality.

The analysis that follows concentrates on the costs of controlling emissions from mobile sources. We will examine the costs of the proposed regulation and on any adjustments that might make the program more effective or less costly. There seems to be general agreement among analysts of air pollution control costs that I/M programs are among the cheapest ways of reducing mobile source emissions. That said, however, once the costs of the I/M option for a ton of emission reduction are calculated, one should ask whether some mix of controls on other sources could have achieved the expected reductions at a lower cost. Such an analysis is necessarily beyond the scope of this report but should be part of any consideration of the optimal mix of controls on air emissions.

Costs. In analyzing the I/M program proposed here, we will examine the costs of achieving a ton of emissions reduction.¹ The costs of the program fall on two parties: motorists, auto inspection and repair shops. There shouldn't be any direct affect on expenditures of state tax receipts since any increased costs to DEQ are to be covered by a registration fee surcharge.²

Firms choose to be inspection stations voluntarily. Thus, we can assume that firms that choose to participate in the inspection program anticipate that, on average, the combination of inspection fees and added repair business will result in greater profits for participating businesses. In that case, if we measure the costs to motorists of the program then this amount would tend to overestimate the costs to society of the I/M program since some portion of motorists' costs may be increased profits to participating firms. Given the competitiveness of the auto service and repair business, there is not likely to be a very great increase in profits for these firms. If the inspection business significantly increases profits, then more firms will participate. Thus, competitive pressures will probably result in motorists costs being a good approximation of the actual costs to society of an I/M program.

For the purposes of measuring the costs of this program, we will use the year 2000. The reason for using this year is that the program will be fully implemented by then and any special start-up costs and benefits will already have occurred. The year 2000 then will give a fair picture of what to expect in ensuing years.³

Motorist costs. If you assume that there will be about 1.3 million cars in the area covered in 1997, then 2.0% growth will result in 1.38 million cars by the year 2000. That implies about 690,000 inspections per year. Expressing everything in 1997 dollars, we use DEQ's estimate that the average cost

¹ This type of analysis is somewhat misleadingly referred to as "cost-effectiveness" analysis.

² The fleet of vehicles operated in this area by the Commonwealth of Virginia will be subject to increased costs under this program, since these vehicles will be subject to I/M rules.

³ We assume that the numbers provided by DEQ apply to 1997 and increase the size of the fleet 2.0% per year.

of repair will be \$120 and that the failure rate of inspected vehicles will be 14-15%.⁴

The maximum allowable inspection price is \$20.⁵ It is not yet known what the actual fee charged will be. Competitive pressures may lead to a price below the allowable maximum. It is possible that, as inflation increases inspection costs for firms doing the inspections, fewer firms would wish to participate in the inspection program. DEQ estimates that for the current population of vehicles, a minimum of 250 stations is needed to ensure program integrity. Thus, it is important to monitor participation rates to make sure that the \$20 cap on inspection fees does not damage program integrity. As we discuss in a later section, it does not appear that the \$20 limit is likely to be binding in the near future.

Since the I/M program has a number of fixed startup costs, program costs will tend to fall after the first few years, DEQ estimates that the \$2 registration fee surcharge will be adequate for the immediately foreseeable future.

Based on other studies of this issue,⁶ it is estimated that motorists value the time and mileage required to have their cars inspected at \$7 per inspection. A failure results in an additional \$3 worth of time lost for the average motorist. These figures are subject to great uncertainty, but they are based on other studies of the time and travel costs to motorists of I/M programs in various parts of the country.

Cars that are serviced due to failing an emissions test, often operate more efficiently and have noticeable increases in fuel economy. DEQ estimates that, for cars not already tuned, the savings are between 5.0% and 9.0%. This falls in the second year after inspection; we assume that half of the savings are lost in the second year. Some subset of drivers, however, have their cars tuned regularly. This is more likely of newer cars and, hence, of cars that are more likely to pass inspection. We assume (somewhat arbitrarily) that 10% of failing cars are regularly tuned for best performance.

Under these assumptions and with a gas price of \$1.05 and 480 gallons purchased each year, the I/M program could be responsible for a savings of \$1.8 million to \$3.2 million in gasoline costs each year.

Based on the assumptions stated, a failure rate of 15% and a fuel economy improvement of 5.0% to 9.0% for 90% of failed cars, lead to a range of annual program costs of \$30.9 million to \$32.3 million. The real range of uncertainty is much greater than this because many of the assumptions themselves are subject to considerable uncertainty.

If all of the costs were attributed to reduction in hydrocarbon emissions (HC), this would correspond to a "cost effectiveness" of from \$2,993 to \$3,130 per ton of HC removed. The figure would be about twice that if all costs were attributed to removal of nitrogen oxides (NOx). If we

simply add the tons of HC, NO_x, and carbon monoxide⁷ (CO), we get a range of \$951 to \$994 per ton of ozone precursor removed from auto exhausts. These figures are subject to even greater uncertainty than the total cost figures because they include assumptions about the actual effectiveness of the I/M program at removing emissions. The actual effectiveness of the proposed I/M program is not known with precision. The cost figures given are based on DEQ's modeling of program effectiveness.

These figures compare quite favorably to other ways of controlling mobile source emissions. It is beyond the scope of this report to compare these costs with the costs of removing emissions from area and stationary sources. Such comparisons, as error prone as they are, should play a role in all significant standard-setting exercises in order to ensure that air quality is being protected at the lowest possible cost.

Inspection and repair shop costs. As was the case in calculating the costs to motorists, calculating the costs for participating firms must be based on a number of assumptions. It is estimated that the capital outlay for establishing an operational inspection bay is between \$30 and \$40 thousand.⁸ Financed at 12% over a five year useful life, the capital costs are between \$8,322 and \$11,099 per year. Maintenance is expected to cost between \$2,000 and \$3,000 per year.

DEQ estimates that a minimum of 250 inspection bays will be needed to ensure program integrity. We assume that 300 inspection bays will be operational by the year 2000. That gives each shop 2,300 inspections per year. To account for the increasing number of vehicles inspected over time, there could be an increase in the number of bays, the number of inspections per bay, or both. For reasons we describe later, we assume that enough new bays are built so that the number of inspections per bay remains constant at 2,300. This implies that the bay is used for inspections for about 30% to 50% of the time given a 5.5 day schedule.⁹

This number of inspections accounts for approximately 46% of the time of one full-time employee depending on the speed of the inspection. If certified inspection technicians cost the shop \$35,000 per year (including benefits), then inspections will cost just over \$16 thousand in staff costs.¹⁰

Combining these figures, we get a total annual inspection cost of \$7.8 to \$9 million, or about \$26,000 to \$30,000 per bay. This figure does not include the opportunity cost of lost profits due to using the bay for its best alternative use nor does it include a normal rate of return on investment. However, given that the net cash flow from inspections is on the order of \$18 to \$22 per bay hour, inspections would appear to be quite profitable at the \$20 maximum price. Profits are not counted as costs in this analysis because they

⁴ The failure rate will probably be closer to 20-25% in the first two years of the program.

⁵ If this is above costs (including a "normal" rate of return) then competition may lead to actual charges below this level.

⁶ See, Anderson, Robert, and Thomas Lareau. "The Cost-Effectiveness of Vehicle Inspection and Maintenance Programs." Washington, DC: American Petroleum Institute, 1992.

⁷ The CO tonnage is adjusted for CO's much lower ozone formation potency.

⁸ This is the figure used by DEQ and others. Personal conversation with David Kinsey, DEQ.

⁹ This is based on a range of 20 to 30 minutes in the bay for an inspection.

¹⁰ The implicit assumption here is that staff can be hired in small increments rather than large ones. If this is not true, then staff costs would be higher.

Proposed Regulations

do not represent a use of resources but rather a transfer of resources from one group to another.

If the market for emissions inspections is even moderately competitive, then we would expect that the price charged for inspections will be below \$20. In a competitive market for inspections, a net income of \$7 to \$9 on an inspection would probably induce entry into the inspection business and would place a downward pressure on price and an upward pressure on inspection costs. This analysis indicates that the actual costs of the inspection component of an I/M program may be somewhat lower than that estimated in the section calculating motorist costs, probably between \$7.8 million and \$9 million.

Suggestions for further analysis. On-road testing: While the costs of controlling ozone precursors with a more stringent inspection and maintenance program appear to be low relative to other methods of controlling mobile source emissions, there is a considerable uncertainty surrounding these estimates. Many assumptions have been made about costs and levels of effectiveness. Much of this uncertainty will only be resolved by closely monitoring the proposed program as it is implemented. DEQ has proposed a fairly comprehensive scheme of collecting information from the inspections themselves, from monitoring inspection data, and from using covert enforcement activities.

Another important source of information about the effectiveness of the program will come from the on-road testing using remote emission sensing technology. DEQ has designed a remote sensing program that is expected to test emissions from 25% of the fleet each year. This program is quite aggressive relative to what other states are currently doing. It will provide important checks on the performance of the decentralized inspection program implemented in this regulation.

On-road testing has a number of additional benefits. First, it can be used to catch cars that have a dramatic deterioration in emission control performance between inspections. Second, it can be used to allow some vehicles to skip a biennial inspection if on-road inspection shows that the vehicle consistently performs much better than required by the emission standards. It should be noted, however, that when used for these purposes, on-road testing is subject to strategic manipulation by motorists. For example, those driving vehicles with poor emission control performance may change their driving behavior to avoid detection. Or, motorists could arrange for vehicles to have good emissions performance just for the purpose of being tested remotely. These problems are not unique to on-road testing, but they may be more difficult to control in an on-road testing program.

The potential cost savings of an on-road testing program argue in favor of their use if the potential reliability and strategic behavior problems can be satisfactorily resolved. Thus, DEQ's expansive use of on-road testing is promising as long as the agency implements a careful program of monitoring and evaluation to gauge its strengths and weaknesses.

Targeted inspection: As the program is currently designed, virtually all vehicles are tested with the same frequency. Remote sensing of emissions does offer some exceptions to

this rule. However, the data suggest that vehicle emission control performance varies in fairly predictable ways depending on age, manufacturer, previous test results, and miles driven. The costs of an I/M program could be greatly reduced by targeting testing more carefully at those vehicles that have a greater likelihood of poor emission control performance. Those cars with a higher likelihood of problems would be tested more frequently, and those with a lower likelihood would be tested less frequently. An examination of the cost savings from better inspection targeting may show that such a change would save a substantial fraction of the costs of the program.¹¹

As the coverage of remote sensing expands, the value of targeting according to vehicle characteristics falls. The cleanest and dirtiest vehicles would be selected into the appropriate group by remote sensing. As remote sensing accuracy improves, the size of the group in the middle will fall and fewer unnecessary inspections will be performed.

Emission fees: In the longer run, it may be worth considering the possibility of basing registration fees on air emissions performance. While this would be a somewhat radical departure from the current system, it has a number of features to recommend it. First, it would eliminate some of the coerciveness of the current system. Second, it would give positive economic incentives to maintain good emissions performance. Third, it would eliminate some of the wasteful features of the current system; in particular, the waiver system where owners must spend \$450 on repair even if it is known that these repairs will not eliminate the problem. Fourth, it could give manufacturers greater incentive to improve emission performance. Fifth, such a system could be made revenue neutral, and, hence, would not represent a new or increased tax.

It is not known whether the possible drawbacks of an emission fee can be overcome. However, the potential benefits in terms of increased efficiency and reduced coerciveness argue for further study.

The value of improvements to air quality. There is one final question to ask about any increased expenditure on environmental protection: Is it worth the money? Every use of resources has alternatives that would have their own benefits if the resources were shifted to the alternative use. Research on the environmental benefits of reducing ozone concentrations below current levels indicates that we are near (or may even be beyond) the point where the added costs are more than people would be willing to pay in order to avoid whatever damage would be avoided.¹²

In particular, the standards for ozone concentrations are designed to protect even the most sensitive individuals every day of the year.¹³ While this is certainly a laudable goal, it is

¹¹See, Anderson, Robert, and Thomas Lareau. "The Cost-Effectiveness of Vehicle Inspection and Maintenance Programs." Washington, DC: American Petroleum Institute, 1992.

¹²See, Krupnick, Alan, and Paul Portney. "Controlling Urban Air Pollution: A Benefit-Cost Assessment," *Science* vol. 252 (26 April, 1991), pp. 522-528.

¹³This statement overstates, somewhat, the stringency of the standards. Some exceedences are allowed in areas that are considered in attainment. Also, the

not unfair to ask whether the resources used to get the last unit of improvement in ozone exposure wouldn't be more productive if they were spent on some other use. The costs of reducing ozone concentrations rises quite rapidly as the amount of reduction increases, and it may be that the money could do more good if spent on other things. As the costs of controlling emissions fell over time, the issue of the appropriate standard could be revisited.¹⁴

Answering this question is beyond the scope of this report. These emission reductions are required by federal and state law. Should the Commonwealth gain some flexibility in choosing control levels in the future, this issue should be revisited. A careful combination of economic incentives and an appropriate control level could lead to significant savings. And, in the longer run, a regulation based on economic incentives may reduce costs enough so that we would choose to have more stringent standards.

Businesses and entities affected. All businesses and entities using vehicles registered in Northern Virginia will pay more for using road transportation. These costs will be both in direct payments for inspection and maintenance and for increased wages due to higher costs of living in the Northern Virginia area. Many firms will see some gain from reduced ozone concentrations. Aside from the obvious (if uncertain) health damage, ozone does have an effect on materials and on plants. Reduced ozone damage is hard to measure but is, nonetheless, a real benefit of controlling ozone concentrations. And some of any health benefits due to reduced ozone exposure will result in lower insurance and health care costs for firms in the area.

Automotive service and repair shops will benefit due to increased profits from inspections and from the increased repair business that results from the I/M requirements.

Localities particularly affected. These regulations apply to vehicles registered in the Counties of Arlington, Fairfax, Loudoun, Prince William, Stafford, and Fauquier, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. Both the costs and the benefits will fall largely within this area.¹⁵

Projected impact on employment. Since the area subject to the regulations will have a net increase in business costs relative to other areas. There may be some reduction in employment relative to what would have occurred without the regulation. This impact will be offset to some extent by the improvement in air quality. This will make it easier to attract employees who consider air quality in their choice of location. The regulation will cause some increased employment in automotive repair shops. The net impact will probably be negative albeit small.

network of air quality monitors is rather widely dispersed and gives only a rough indicator of local air quality conditions.

¹⁴It is worth reemphasizing here that a well designed incentive program such as a registration fee tied to emissions would almost certainly lead to quicker reductions in control costs than the current "command and control" regulations.

¹⁵Some commuters from other areas will be subjected to I/M requirements due to the remote sensing component of the program. And some of the ozone damage would be outside of the area to which the regulations apply. However, most of the costs and benefits will fall within the area described.

Effects on the use and value of private property. This regulation may, in the short run, increase the value of automotive service businesses.¹⁶ This regulation will not have any substantial direct impact on the use and value of other private property in the affected area. There will also be some impact on the value of older, high emission vehicles. High emission vehicles may stay on the road only after \$450 has been spent on reducing emissions. These "waiver" expenses will recur every inspection cycle. Thus, high emission vehicles will be subject to \$225 per year in operating expenses that would not be required in the absence of the program. This will lower the price of high emission cars on the road and raise the price of used cars with better emission performance.¹⁷

Summary of Analysis. These regulations appear to be a careful and somewhat innovative approach to meeting the requirements of the Clean Air Act. The costs of this program, as implemented, appear to fall at the lower end of methods for controlling emissions of ozone precursors from mobile sources. Other strategies, such as high occupancy vehicle lanes, reducing congestion, transit subsidies, employee car-pooling requirements would cost more per unit of emissions reduced. Even at the lower end of this cost range, it is not known whether the reductions in ozone precursors required under the Clean Air Act represent a net gain to Virginia. There is some reason to believe that they may not.

In the long run, DEQ may want to consider modifications of this program that include more precise targeting of inspections and maintenance requirements on those vehicles with the greatest likelihood of high emissions. The agency may also want to consider the use of an economic incentive approach based on registration fees that are linked to emissions. However, any modifications such as these would require time for careful study and design and, thus, will not be available to meet federal requirements in the short run.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis: The Department of Environmental Quality takes no issue with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed regulation concerns provisions covering motor vehicles in the Northern Virginia area. The regulation applies to vehicles that have actual gross weights of 10,000 pounds or less and are registered in (i) the Counties of Arlington, Fairfax, Loudoun, Prince William, Stafford, and Fauquier and (ii) the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. It requires biennial emissions inspections in order to register the motor vehicle in the area described above. The regulation also describes

¹⁶Because there are no significant barriers to entry in this business, increased profits will probably not be maintained in the long run.

¹⁷This requirement will also lead to high emission vehicles being retired earlier than they otherwise would. This will probably reduce the supply of cheaper old vehicles and, hence, will increase the price of the remaining used cars. This impact will fall disproportionately on those with lower incomes.

Proposed Regulations

requirements for inspection stations, inspectors, repair facilities and repair technicians.

It is further proposed that the board authorize for public comment the repeal of existing regulations to be replaced by 9 VAC 5-91-10 et seq. Specifically, the proposal is to repeal: (i) 9 VAC 5-90-10 et seq., Regulation for the Control of Motor Vehicle Emissions (present program); (ii) 9 VAC 5-100-10 et seq., Regulation for Vehicle Emission Control Program Analyzer Systems (present program); and (iii) 9 VAC 5-110-10 et seq., Regulation for the Enhanced Motor Vehicle Emissions Inspection Program in the Northern Virginia Area (test-only regulations).

CHAPTER 91.

REGULATIONS FOR THE CONTROL OF MOTOR VEHICLE EMISSIONS IN THE NORTHERN VIRGINIA AREA.

PART I. DEFINITIONS.

9 VAC 5-91-10. General.

A. For the purpose of this chapter and subsequent amendments or any orders issued by the board, the words or terms shall have the meanings given them in 9 VAC 5-91-20.

B. Unless specifically defined in the Virginia Motor Vehicle Emissions Control Law (§ 46.2-1176 et seq. of the Code of Virginia) or in this chapter, terms used shall have the meanings commonly ascribed to them.

9 VAC 5-91-20. Terms defined.

"Access code" means the security phrase or number which allows emissions inspectors, the department, and analyzer service technicians to perform specific assigned functions using the certified analyzer system, as determined by the department.

"Actual gross weight" means the weight of a motor vehicle as registered with the Department of Motor Vehicles and which may encompass the empty weight (EW), motorist-declared gross weight (GW), or gross vehicle weight rating (GVWR). For the purpose of determining applicability of emissions test procedures and standards, the GVWR shall be used, if available. If GVWR is unavailable, the GW shall be used. If neither is available, the EW shall be used.

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Administrator" means the administrator of the U.S. Environmental Protection Agency (EPA) or an authorized representative.

"Affected motor vehicle" means any motor vehicle which:

1. Was manufactured for the 1968 model year or a more recent model year including the most recent model year;
2. Is designed for the transportation of persons or property;
3. Is powered by an internal combustion engine; and

4. For the Northern Virginia Emissions Inspection Program, has an actual gross weight of 10,000 pounds or less.

The term "affected motor vehicle" does not mean any:

1. Vehicle powered by a clean special fuel as defined in § 58.1-2101 of the Code of Virginia, provided the federal Clean Air Act (42 USC § 4701 et seq.) permits such exemptions for vehicles powered by clean special fuels;
2. Motorcycle;
3. Vehicle which, at the time of its manufacture, was not designed to meet emissions standards set or approved by the federal government;
4. Any antique motor vehicle as defined in § 46.2-100 of the Code of Virginia and licensed pursuant to § 46.2-730 of the Code of Virginia; or
5. Vehicle for which no testing standards have been adopted by the board.

"Air intake systems" means those systems which allow for the induction of ambient air (to include preheated air) into the engine combustion chamber for the purpose of mixing with a fuel for combustion.

"Air pollution" means the presence in the outdoor atmosphere of one or more substances which are or may be harmful or injurious to human health, welfare or safety; to animal or plant life; or to property; or which unreasonably interfere with the enjoyment by the people of life or property.

"Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 of the Code of Virginia.

"Air system" means a system for providing supplementary air into a vehicle's exhaust system to promote further oxidation of hydrocarbons and carbon monoxide gases and to assist catalytic reaction.

"Alternative fuel" means an internal combustion engine fuel other than (i) gasoline, (ii) diesel, or (iii) fuel mixtures containing more than 15% volume of gasoline.

"Alternative evaporative system purge and pressure test" means a method and equipment, as approved by the administrator or the department, which performs evaporative system purge testing and evaporative system pressure testing by pressurizing and testing the evaporative system by means of introducing gases to the system at the fuel filler inlet, and detecting pressure integrity and exhaust gas concentrations, and by testing the integrity of the fuel filler cap.

"ASM" means Acceleration Simulation Mode testing which is a dynamometer-based emissions test performed in one or more, discreet, simulated road speed and engine load modes, and equipment which can be used to perform any such test.

"Basic engine systems" means those parts or assemblies which provide for the efficient conversion of a compressed air and fuel charge into useful power to include but not limited to valve train mechanisms, cylinder head to block integrity,

piston-ring-cylinder sealing integrity and post-combustion emissions control device integrity.

"Bi-fuel" means any motor vehicle capable of operating on one of two different fuels, usually gasoline and an alternative fuel, but not a mixture of the fuels. That is, only one fuel at a time.

"Board" means the State Air Pollution Control Board or its designated representative.

"Calibration" means establishing or verifying the total response curve of a measurement device using several different measurements having precisely known quantities.

"Calibration gases" means gases of precisely known concentrations which are used as references for establishing or verifying the calibration curve of a measurement device.

"Canister" means a mechanical device capable of adsorbing and retaining hydrocarbon vapors.

"Catalytic converter" means a post combustion device which oxidizes hydrocarbons, carbon monoxide gases, and may also reduce oxides of nitrogen.

"Certified enhanced analyzer system" or "analyzer system" means the complete system which samples and reads concentrations of hydrocarbon, carbon dioxide, nitrogen oxides and carbon monoxide gases and which is approved by the department for use in the Enhanced Emissions Inspection Program in accordance with Part X (9 VAC 5-91-640 et seq.). The system includes the exhaust gas handling system, the exhaust gas analyzer, evaporative system pressure and purge test equipment, associated automation hardware and software, data media, the analyzer system cabinet, the dynamometer and appurtenant devices, vehicle identification equipment, and associated cooling and exhaust fans and gas cylinders.

"Certificate of emissions inspection" means a document, device, or symbol, whether recorded in written or electronic form, as prescribed by the director and issued pursuant to this chapter, which indicates that (i) an affected motor vehicle has satisfactorily complied with the emissions standards and passed the emissions inspection provided for in this chapter; (ii) the requirement of compliance with the emissions standards has been waived; or (iii) the affected motor vehicle has failed the emissions inspection.

"Chargeable inspection" means an initial inspection, or a reinspection that occurs 15 days or later after the initial inspection, on an affected motor vehicle, for which the station owner is entitled to collect an inspection fee. No fee shall be paid for (i) inspections for which a vehicle emissions inspection report has not been issued, (ii) inspections that are conducted by the department for referee purposes, (iii) inspections which were ordered due to on-road test failures but which do not result in a failure at an inspection station, or (iv) the first reinspection done at the same station that performed the initial inspection within 14 days.

"Confidential information" means secret formulae, secret processes, secret methods or other trade secrets which are proprietary information certified by the signature of the responsible person for the owner to meet the following

criteria: (i) information for which the owner has been taking and will continue to take measures to protect confidentiality; (ii) information that has not been and is not presently reasonably obtainable without the owner's consent by private citizens or other firms through legitimate means other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding; (iii) information which is not publicly available from sources other than the owner; and (iv) information the disclosure of which would cause substantial harm to the owner.

"Consent order" means a mutual agreement between the department and any owner, operator, emissions inspector, or emissions repair technician that such owner or other person will perform specific actions for the purpose of diminishing or abating the causes of air pollution or for the purpose of coming into compliance with this chapter. A consent order may include agreed upon civil charges. Such orders may be issued without a hearing.

"Curb idle" means vehicle operation whereby the transmission is disengaged and the engine is operated with the throttle in the closed or idle stop position with the resultant engine speed between 300 and 1,100 revolutions per minute (rpm), or at another idle speed if so specified by the manufacturer.

"Data handling system" means all the computer hardware, software and peripheral equipment used to conduct emissions inspections and manage the enhanced emissions inspection program.

"Data medium" or "data media" means the medium contained in the certified analyzer system and used to electronically record test data.

"Day" means a 24-hour period beginning at midnight.

"Dedicated-fuel vehicle" means a vehicle which was designed and manufactured to operate and operates on one specific fuel.

"Department" means any employee or other representative of the Virginia Department of Environmental Quality, as designated by the director.

"Director" means the director of the Virginia Department of Environmental Quality or a designated representative.

"Dual fuel" means a vehicle which operates on a combination of fuels, usually gasoline or diesel and an alternative fuel, at the same time. That is, the mixed fuels are introduced into the combustion chamber of the engine.

"Emissions control systems" means those parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the sole purpose of reducing emissions.

"Emissions inspection" means an emissions inspection of a motor vehicle performed by an emissions inspector employed by or working at an emissions inspection station or fleet emissions inspection station, using the tests, procedures, and provisions set forth in this chapter.

"Emissions inspection station" means a facility or portion of a facility which has obtained an emissions inspection station

Proposed Regulations

permit from the director authorizing the facility to perform emissions inspections in accordance with the provisions of this chapter.

"Emissions inspector" means a person licensed by the department to perform inspections of vehicles required under the Virginia Motor Vehicle Emissions Control Law and is qualified in accordance with this chapter.

"Emissions repair facility" means a facility, or portion of a facility, which has obtained a certification in accordance with Part VII (9 VAC 5-91-500 et seq.) to perform emissions related repairs on motor vehicles.

"Emissions repair technician" or "emissions repair mechanic" means a person who has obtained a certification in accordance with Part VIII (9 VAC 5-91-550 et seq.) to perform emissions related repairs on motor vehicles.

"Emissions standard" means any provision of Part III (9 VAC 5-91-160 et seq.) or Part XIV (9 VAC 5-91-790 et seq.) which prescribes an emission limitation, or other emission control requirements for motor vehicle air pollution.

"Empty weight (EW)" means that weight stated as the EW on a Virginia motor vehicle registration or derived from the motor vehicle title or manufacturer's certificate of origin. The EW may be used to determine emissions inspection standards.

"Enhanced emissions inspection program" means a motor vehicle emissions inspection including procedures, emissions standards, and equipment required by 40 CFR Part 51, Subpart S or equivalent and consistent with applicable requirements of the federal Clean Air Act. The director shall administer the enhanced emissions inspection program. Such program shall require biennial inspections at official emissions inspection stations, which may be test and repair facilities, in accordance with this chapter. Nothing in this program shall bar enhanced emissions inspection stations or facilities from also performing vehicle repairs.

"Equivalent test weight (ETW)" means the weight of a motor vehicle as automatically determined by the emissions analyzer system based on vehicle make, model, body, style, model year, engine size, permanently installed equipment, and other manufacturer and aftermarket supplied information, and used for the purpose of assigning dynamometer resistance and exhaust emissions standards for the conduct of an exhaust emissions inspection.

"Evaporative system pressure test" or "pressure test" means a physical test of the evaporative emission control system on a motor vehicle to determine whether the evaporative system vents emissions of volatile organic compounds from the fuel tank and fuel system to an on-board emission control device, and prevents their release to the ambient air under normal vehicle operating conditions.

"Evaporative system purge test" or "purge test" means a test which measures the instantaneous purge flow in standard liters per minute from the canister to the motor intake manifold, based upon computation of the total volume of the flow in standard liters over a prescribed driving cycle, or an equivalent procedure approved by the department.

"Exhaust gas analyzer" means an instrument which is capable of measuring the concentrations of certain air pollutants in the exhaust gas from a motor vehicle.

"Facility" means something that is built, installed or established to serve a particular purpose; includes, but is not limited to, buildings, installations, public works, businesses, commercial and industrial plants, shops and stores, apparatus, processes, operations, structures, and equipment of all types.

"Federal Clean Air Act" means 42 USC § 7401 et seq.

"Federal employee" means civilian or military personnel employed or stationed at a federal facility, including contractor personnel, for more than 60 days in a calendar year.

"Federal facility" means a facility or complex that is owned, leased, or operated by a United States government agency, including parking areas provided to federal employees at the facility.

"Fleet" means 20 or more motor vehicles which are owned, operated, leased or rented for use by a common owner.

"Fleet emissions inspection station" means any inspection facility operated under a permit issued to a qualified fleet owner or lessee as determined by the director.

"Flexible-fuel vehicle" means any motor vehicle having a single fuel tank and capable of operating on two or more fuels, either one at a time or any mixture of two or more different fuels.

"Formal hearing" means administrative proceedings other than those informational or factual inquiries of an informal nature provided in §§ 9-6.14:7.1 and 9-6.14:11 of the Administrative Process Act and includes only (i) opportunity for private parties to submit factual proofs in formal proceedings as provided in § 9-6.14:8 of the Administrative Process Act in connection with the making of regulations or (ii) a similar right of private parties or requirement of public agencies as provided in § 9-6.14:12 of the Administrative Process Act in connection with case decisions.

"Fuel control systems" means those mechanical, electro-mechanical, galvanic or electronic parts or assemblies which regulate the air-to-fuel ratio in an engine for the purpose of providing a combustible charge.

"Fuel filler cap pressure test" or "fuel filler cap test" or "gas cap test" means a test of the ability of the fuel filler cap to prevent the release of fuel vapors from the fuel tank under normal operating conditions.

"Gas span" means the adjustment of an exhaust gas analyzer to correspond with known concentrations of gases.

"Gas span check" means a procedure using known concentrations of gases to verify the gas span adjustment of an analyzer.

"Gross vehicle weight rating (GVWR)" means the maximum recommended combined weight of the motor vehicle and its load as prescribed by the manufacturer and is (i) expressed on a permanent identification label affixed to

the motor vehicle; (ii) stated on the manufacturer's certificate of origin; or (iii) coded in the vehicle identification number.

"Gross weight (GW)" means the weight stated as GW on a Virginia motor vehicle registration and has been declared by the customer at the time of registration, based on the empty weight and the maximum weight the vehicle may legally carry under such registration.

"Heavy duty vehicle" means any affected motor vehicle (i) which is rated at more than 8,500 pounds GVWR or (ii) which has a loaded vehicle weight or GVWR of more than 6,000 pounds and has a basic frontal area in excess of 45 square feet.

"Idle mode" means a condition where the vehicle engine is warm and running at the rate specified by the manufacturer's curb idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position.

"Ignition systems" means those parts or assemblies which are designed to cause and time the ignition of a compressed air and fuel charge.

"Inspection area" means the area that is occupied by the certified analyzer system and the vehicle being inspected.

"Inspector access code" means the security phrase or number issued by the department to an emissions inspector.

"Inspection fee" means the amount of money that the station owner may collect from the motor vehicle owner for each chargeable inspection.

"Inspector number" means the alpha or numeric identifier issued by the department to every emissions inspector at the time of licensing.

"Light duty truck" means any affected motor vehicle registered with the Department of Motor Vehicles as a truck and which (i) has a loaded vehicle weight or GVWR of 6,000 pounds or less and meets any one of the criteria below; or (ii) is rated at more than 6,000 pounds GVWR but less than 8,500 pounds GVWR and has a basic vehicle frontal area of 45 square feet or less; and meets one of the following criteria:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle.
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons.
3. Equipped with special features enabling off-street or off-highway operation and use.

"Light duty truck 1" or "LDT1" means any affected motor vehicle which meets the criteria above and is rated at 6,000 pounds GVWR or less. LDT1 is a subset of light duty trucks.

"Light duty truck 2" or "LDT2" means any affected motor vehicle which meets the criteria above and is rated at greater than 6,000 pounds GVWR. LDT2 is a subset of light duty trucks.

"Light duty vehicle" means an affected motor vehicle that is a passenger car or passenger car derivative capable of seating 12 passengers or less.

"Loaded vehicle weight (LVW)" or "curb weight" means the weight of a vehicle and its standard equipment; i.e., the empty weight as recorded on the vehicle's registration or the base shipping weight as recorded in the vehicle identification number, whichever is greater; plus the weight of any permanent attachments, the weight of a nominally filled fuel tank, plus 300 pounds.

"Locality" means a city, town, or county created by or pursuant to state law.

"Mobile fleet emissions inspection station" means a facility or entity which provides emissions inspection equipment or services to a fleet emissions inspection station on a temporary basis. Such equipment is not permanently installed at the fleet facility but is temporarily located at the fleet facility for the sole purpose of testing vehicles owned, operated, leased or rented for use by a common owner.

"Model year" means, except as may be otherwise defined in this chapter, the motor vehicle manufacturer's annual production period which includes the time period from January 1 of the calendar year prior to the stated model year to December 31 of the calendar year of the stated model year; provided that, if the manufacturer has no annual production period, the term "model year" shall mean the calendar year of manufacture. For the purpose of this definition, model year is applied to the vehicle chassis, irrespective of the year of manufacture of the vehicle engine.

"Motor vehicle" means any motor vehicle as defined in § 46.2-100 of the Code of Virginia as a motor vehicle and which:

1. Was manufactured for the 1968 model year or more recent model year;
2. Is designed for the transportation of persons or property; and
3. Is powered by an internal combustion engine.

"Motor vehicle dealer" means a person who is licensed by the Department of Motor Vehicles in accordance with §§ 46.2-1500 and 46.2-1508 of the Code of Virginia.

"Motor vehicle inspection report" or "vehicle inspection report" means a report of the results of an emissions inspection, indicating whether the motor vehicle has (i) passed, (ii) failed, (iii) been rejected, or (iv) obtained an emissions inspection waiver. The report shall accurately identify the motor vehicle and shall include inspection results, recall information, warranty and repair information, and a unique identification number.

"Motor vehicle owner" means any person who owns, leases, operates, or controls a motor vehicle or fleet of motor vehicles.

"Normal business hours" for emissions inspection stations, means a daily eight-hour period Monday through Friday, between the hours of 8 a.m. and 6 p.m., with the exception of national holidays, temporary closures noticed to the department and closures due to the inability to meet the requirements of this chapter. Nothing in this chapter shall prevent stations from performing inspections at other times in addition to the "normal business hours."

Proposed Regulations

"Northern Virginia emissions inspection program" means the emissions inspection program required by this chapter to be implemented in the Northern Virginia program area.

"Northern Virginia program area" or "program area" means the territorial area encompassed by the boundaries of the following localities: the counties of Arlington, Fairfax, Fauquier, Loudoun, Prince William, and Stafford; and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

"On-road testing" means tests of motor vehicle emissions or emissions control devices by means of roadside pullovers or remote sensing devices.

"Operated primarily" means, for motor vehicles registered by the Virginia Department of Motor Vehicles and garaged outside of the program area, the area within which the affected motor vehicle is primarily driven. A vehicle is primarily driven in the program area if the vehicle is operated in the program area for an amount of annual mileage equal to or greater than (i) 50% of its annual mileage or (ii) 6,000 miles, whichever is greater, or routinely driven into or within the program area as determined by recordation of travel in the program area more than three times in a two-week period by remote sensing or on-road testing.

"Order" means any decision or directive of the board or the director, including orders, consent orders, and orders of all types rendered for the purpose of diminishing or abating the causes of air pollution or enforcement of this chapter. Unless specified otherwise in this chapter, orders shall only be issued after the appropriate administrative proceeding.

"Original condition" means the condition of the vehicle, parts, and components as installed by the manufacturer but not necessarily to the original level of effectiveness.

"Original Equipment Manufacturer (OEM) dedicated fuel vehicle" means a vehicle which was configured by the vehicle manufacturer to operate only on one specific fuel other than (i) gasoline, (ii) diesel, or (iii) fuel mixtures containing more than 15% by volume of gasoline.

"Owner" means any person who owns, leases, operates, controls or supervises a facility or motor vehicle.

"Party" means any person who actively participates in the administrative proceeding or offers comments through the public participation process and is named in the administrative record. The term "party" also means the department.

"Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation, or any other legal entity.

"Pollutant" means any substance the presence of which in the outdoor atmosphere is or may be harmful or injurious to human health, welfare or safety, to animal or plant life, or to property, or which unreasonably interferes with the enjoyment by the people of life or property.

"Public hearing" means unless indicated otherwise an informal proceeding, similar to that provided for in § 9-6.14:7.1 of the Administrative Process Act, held to afford

persons an opportunity to submit views and data relative to a matter on which a decision of the board is pending.

"Referee station" means those facilities operated or used by the department to (i) determine program effectiveness, (ii) resolve emissions inspection conflicts between motor vehicle owners and emissions inspection stations, and (iii) provide such other technical support and information, as appropriate, to emissions inspection stations and motor vehicle owners.

"Reinspection" means a type of inspection selected by the department or the emissions inspector when a request for an inspection is accompanied by a completed motor vehicle inspection report indicating a previous failure.

"Remote sensing" means the observation, measurement, and recordation of motor vehicle exhaust emissions from motor vehicles while travelling on roadways or in specified areas by equipment which is not connected to the vehicle. Such equipment may use light sensing and electronic stimuli in conjunction with devices, including videographic and digitized images, to detect and record vehicle identification information, such as registration or other identification numbers.

"Span gas" means gases of known concentration used as references to adjust or verify the accuracy of an exhaust gas analyzer that are approved by the department and are so labeled.

"Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm of Hg (29.92 in. of Hg).

"Standardized instruments" means laboratory instruments calibrated with precision gases traceable to the National Institute of Standards and Technology and accepted by the department as the standards to be used for comparison purposes. All candidate instruments are compared in performance to the standardized instruments.

"State Implementation Plan" means the plan, including any revision thereof, which has been submitted by the Commonwealth and approved in Subpart VV of 40 CFR Part 52 by the administrator under § 110 of the federal Clean Air Act, or promulgated in Subpart VV of 40 CFR Part 52 by the administrator under § 110(c) of the federal Clean Air Act, or promulgated or approved by the administrator pursuant to regulations promulgated under § 301(d) of the federal Clean Air Act and which implements the relevant requirements of the federal Clean Air Act.

"Tactical military vehicle" means any motor vehicle designed to military specifications or a commercially designed motor vehicle modified to military specifications to meet direct transportation support of combat, tactical, or military relief operations, or training of personnel for such operations.

"Tampering" means to alter, remove or otherwise disable or reduce the effectiveness of emissions control equipment on a motor vehicle.

"Test" means an emissions inspection of a vehicle, or any portion thereof, performed by an emissions inspector at an emissions inspection station, using the procedures and provisions set forth in this chapter.

"Test and repair" means motor vehicle emissions inspection stations which perform emissions inspections and may also perform vehicle repairs. No provision of this chapter shall bar emissions inspection stations from also performing vehicle repairs.

"Thermometer, certified" means a laboratory grade ambient temperature measuring device with a range of at least 20°F through 120°F, and an attested accuracy of at least $\pm 1^\circ\text{F}$ with increments of 1°, with protective shielding.

"Thermostatic air cleaner" means a system that supplies warm air to the air intake during cold engine operation and is active during cold engine warm-up only.

"Tier 1" means new gaseous and particulate tail pipe emission standards for use in certifying new light duty vehicles and light duty trucks which began to be phased in with the 1994 model year and are completely phased-in during the 1996 model year, as promulgated by the U.S. Environmental Protection Agency at 40 CFR Part 86, as amended in the Federal Register, Volume 56, Number 108, page 25724, on June 5, 1991.

"True concentration" means the concentration of the gases of interest as measured by a standardized instrument which has been calibrated with 1.0% precision gases traceable to the National Bureau of Standards.

"Two speed idle test" means a vehicle exhaust emissions test, performed in accordance with paragraph (II) of 40 CFR Part 51, Appendix B to Subpart S, which measures the concentrations of pollutants in the exhaust gases of an engine (i) while the motor vehicle transmission is not propelling the vehicle and (ii) while the engine is operated at both curb idle and at a nominal engine speed of 2,500 rpm.

"Variance" means the temporary exemption of an owner or other person from specific provisions of this chapter, or a temporary change in this chapter as it applies to an owner or other person.

"Virginia Motor Vehicle Emissions Control Program" means the program for the inspection and control of motor vehicle emissions established by Virginia Motor Vehicle Emissions Control Law.

"Virginia Register Act" means Chapter 1.2 (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia.

"Virginia Motor Vehicle Emissions Control Law" means Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of Title 46.2 of the Code of Virginia.

"Zero gas" means a gas, usually air or nitrogen, which is used as a reference for establishing or verifying the zero point of an exhaust gas analyzer.

PART II. GENERAL PROVISIONS.

9 VAC 5-91-30. Applicability and authority of the department.

A. The provisions of this chapter, unless specified otherwise, apply to the following:

1. Any owner of an affected motor vehicle, including new motor vehicles, specified in subsection B of this section

(i) on or after July 1, 1997, or (ii) later upon written notification of the emissions inspection requirement by the Department of Environmental Quality or the Department of Motor Vehicles.

2. Any owner of an emissions inspection station or fleet emissions inspection station under the auspices of the enhanced emissions inspection program.

3. Any person who conducts an emissions inspection under the auspices of the enhanced emissions inspection program.

4. Any owner of an emissions repair facility performing emissions repairs on motor vehicles affected by this chapter.

5. Any emissions repair technician performing emissions repairs on motor vehicles affected by this chapter.

B. The provisions of this chapter, unless specified otherwise, apply to the following affected motor vehicles:

1. Any affected motor vehicle, including new motor vehicles, registered by the Virginia Department of Motor Vehicles and garaged within the Northern Virginia program area.

2. Any affected motor vehicle, including new motor vehicles, registered by the Virginia Department of Motor Vehicles and garaged outside of the Northern Virginia program area but operated primarily in the Northern Virginia program area.

3. Any affected motor vehicle, including new motor vehicles, (i) owned or operated by a United States government agency located within the Northern Virginia program area, (ii) operated on or commuting to a federal facility within the Northern Virginia program area, or (iii) owned or operated by a United States government agency located outside the Northern Virginia program area but operated primarily in the Northern Virginia program area.

4. Any affected motor vehicle, including new motor vehicles, (i) owned or operated by a state or local government agency located within the Northern Virginia program area, (ii) operated on or commuting to a state or local government facility within the Northern Virginia program area, or (iii) owned or operated by a state or local government agency located outside the Northern Virginia program area but operated primarily in the Northern Virginia program area.

Motor vehicles having obtained a valid enhanced emissions inspection pass or waiver from another program area or another state within the most recent 12 months may be determined by the director to have complied with the enhanced emissions inspection required by this chapter for initial registration in Virginia. The valid period for such emissions inspection shall be determined by the director, not to exceed one year. The subject motor vehicle and proof of emissions inspection results from an enhanced emissions inspection program shall be presented to the department in such cases. Such vehicles are subject to all other provisions of this chapter.

Proposed Regulations

The director may temporarily defer the emissions inspection requirement for motor vehicles registered in, but temporarily located outside the program area at the time of such requirement based on information including, but not limited to, the location of the vehicle, the reason for and length of its temporary location, and demonstration that it is not practical or reasonable to return the vehicle to the program area for inspection. All such information shall be provided by the registered owner and is subject to verification by the department.

C. Motor vehicles being titled for the first time shall be considered to have an enhanced emissions inspection valid for two years. Such vehicles are not exempt from the emissions inspection program and are subject to all other provisions of this chapter.

D. Pursuant to § 46.2-1180 B of the Motor Vehicle Emissions Control Law, motor vehicles of the current model year and the four immediately preceding model years, held for sale in a licensed motor vehicle dealer's inventory, may be registered for one year upon sale without obtaining an emissions inspection in accordance with conditions enumerated below.

1. The vehicle must be registered in the program area.
2. The vehicle has not failed its most recent emissions inspection.
3. The vehicle has not previously been registered under the provisions of this subsection.
4. The motor vehicle dealer guarantees in writing to the customer and to the department that the emissions equipment on the motor vehicle is operating in compliance with the warranty of the manufacturer or distributor, or both if applicable, at the time of sale.
 - a. The document supplied must describe the method by which this compliance was determined and provide a copy of any emissions readings obtained from the vehicle for the purpose of making this showing.
 - b. The document must state in prominent or bold print that the certification in no way warrants or guarantees that the vehicle complied with the emission standards used in the Virginia enhanced emissions inspection program, or similar language approved by the department and that the customer has a right to request an emissions inspection, which may be at the expense of the customer, in lieu of such extension.
5. A written request, including the documentation cited above, must be presented to the department not more than 30 days prior to the date of sale so that the department can record such temporary emissions validation period and furnish it to the Department of Motor Vehicles.
6. Such temporary validation period shall not be granted more than once for any motor vehicle.
7. For the purposes of subsection D of this section, any used motor vehicle will be considered to be one model year old on the first day of October of the next calendar year after the model year described on the vehicle title or

registration, and shall increase in age by one year on the first day of each October thereafter.

E. The provisions of this chapter, unless specified otherwise, apply only to those pollutants for which emission standards are set forth in Part III (9 VAC 5-91-160 et seq.).

F. By the adoption of this chapter, the board confers upon the department the administrative, enforcement and decision making authority enumerated herein.

9 VAC 5-91-40. Establishment of regulations.

A. This chapter is established to implement the provisions of the Virginia Motor Vehicle Emissions Control Law and the federal Clean Air Act.

B. This chapter shall be adopted, amended or repealed in accordance with the provisions of the Air Pollution Control Law, Virginia Motor Vehicle Emissions Control Law, Articles 1 and 2 of the Administrative Process Act, and the Public Participation Procedures in Appendix E of 9 VAC 5-10-10.

C. Regulations, amendments and repeals shall become effective as provided in § 9-6.14:9.3 of the Administrative Process Act, except in no case shall the effective date be less than 60 days after adoption by the board.

D. If necessary in an emergency situation, the board may adopt, amend or stay a regulation under § 9-6.14:4.1 of the Administrative Process Act, but such regulation or stay of regulation shall remain effective no longer than one year unless readopted following the requirements of subsection B of this section.

9 VAC 5-91-50. Documents incorporated by reference.

A. The Administrative Process Act and Virginia Register Act provide that state regulations may incorporate documents by reference. Throughout this chapter, documents of the types specified below have been incorporated by reference.

1. United States Code.
2. Code of Virginia.
3. Code of Federal Regulations.
4. Federal Register.
5. Technical and scientific reference documents.

Additional information on key federal regulations and nonstatutory documents incorporated by reference and their availability may be found in subsections E and F of this section.

B. Any reference in this chapter to any provision of the Code of Federal Regulations (CFR) shall be considered as the adoption by reference of that provision. The specific version of the provision adopted by reference shall be that contained in the latest revision to the CFR in effect on July 1, 1995. In making reference to the Code of Federal Regulations, 40 CFR Part 35 means Part 35 of Title 40 of the Code of Federal Regulations; 40 CFR 35.20 means § 35.20 in Part 35 of Title 40 of the Code of Federal Regulations.

C. Failure to include in this part any document referenced in the regulation shall not invalidate the applicability of the referenced document.

D. Copies of materials incorporated by reference in this part may be examined by the public at the headquarters office of the Department of Environmental Quality, Air Division, Eighth Floor, 629 East Main Street, Richmond, Virginia, between 8:30 a.m. and 4:30 p.m. of each business day.

E. Code of Federal Regulations.

1. The provisions specified below from the Code of Federal Regulations (CFR) are incorporated herein by reference:

a. 40 CFR Part 51 - Requirements for Preparation, Adoption and Submittal of Implementation Plans, specifically Subpart S (Inspection and Maintenance Program Requirements).

b. 40 CFR Part 85 - Control of Air Pollution from Motor Vehicles and Motor Vehicle Engines, specifically Subpart W (Emission Control System Performance Warranty Short Tests).

2. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238.

F. Environmental Protection Agency, Motor Vehicle Emissions Laboratory.

1. The following document from the Environmental Protection Agency is incorporated herein by reference: Environmental Protection Agency technical report, "EPA Recommended Practice for Naming I/M Calibration Gas," EPA-AA-TSS-83-8-B, September 1983.

2. Copies may be obtained from: Environmental Protection Agency, Motor Vehicle Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105.

G. California Bureau of Automotive Repair.

1. The following document from the California Bureau of Automotive Repair is incorporated herein by reference: BAR 90, Test Analyzer System Specifications, October 1991.

2. Copies may be obtained from: Department of Consumer Affairs, Bureau of Automotive Repair, California Vehicle Inspection Program, 3116 Bradshaw Road, Sacramento, California 95827.

9 VAC 5-91-60. Hearings and proceedings.

A. The primary hearings and proceedings associated with the promulgation and enforcement of statutory and regulatory provisions are as follows:

1. For public hearing and informational proceeding required before considering regulations, authorized under § 46.2-1180 of the Virginia Motor Vehicle Emissions Control Law, the procedure for public hearings or informational proceedings shall conform to (i) § 9-6.14:7.1 of the Administrative Process Act and (ii) the

Public Participation Procedures in Appendix E of 9 VAC 5-10-10.

2. For the public hearing required before considering variances and amendments to and revocation of variances, the procedure for a public hearing shall conform to the provisions of 9 VAC 5-91-80.

3. For the informal fact finding used to make case decisions, the procedure for an informal fact finding shall conform to § 9-6.14:11 of the Administrative Process Act.

4. For the formal hearing for the enforcement or review of orders, licenses, permits and certifications and for the enforcement of regulations, the procedure for a formal hearing shall conform to § 9-6.14:12 of the Administrative Process Act and § 10.1-1037 D and F of the Air Pollution Control Law.

B. The director may adopt policies and procedures to supplement the statutory procedural requirements for the various proceedings cited in subsection A of this section.

C. Records of hearings and proceedings may be kept in one of the following forms:

1. Oral statements or testimony at any public hearing or informational proceeding will be stenographically or electronically recorded, and may be transcribed to written form.

2. Oral statements or testimony at any informal proceeding will be stenographically or electronically recorded, and may be transcribed to written form.

3. Formal hearings will be recorded by a court reporter, or electronically recorded for transcription to written form.

D. Availability of records of hearings and proceedings shall be as follows:

1. A copy of the transcript of a public hearing or informational proceeding, if transcribed, will be provided within a reasonable time to any person upon receipt of a written request and payment of the cost; if not transcribed, the additional cost of preparation will be paid by the person making the request.

2. A copy of the transcript of an informal fact finding, if transcribed, will be provided within a reasonable time to any person upon receipt of a written request and payment of cost; if not transcribed, the additional cost of preparation will be paid by the person making the request.

3. Any person desiring a copy of the transcript of a formal hearing recorded by a court reporter may purchase the copy directly from the court reporter; if not transcribed, the additional cost of preparation will be paid by the person making the request.

9 VAC 5-91-70. Appeal of case decisions.

A. Any owner, emissions inspector, emissions repair technician, or other party significantly affected by any action of the director or the department taken without a formal hearing may request a formal hearing in accordance with § 9-6.14:12 of the Administrative Process Act, provided a

Proposed Regulations

formal hearing has not been waived and a petition requesting such hearing is filed with the director within 30 days after notice of the action is mailed or delivered to such owner, emissions inspector, emissions repair technician, or party requesting notification of such action.

B. In cases where the director or the department fails to make a case decision within the time frame specified by §§ 9-6.14:11 and 9-6.14:12, the owner, emissions inspector, emissions repair technician, or other party significantly affected, may provide written notice to the director that a decision is due in accordance with § 9-6.14:11 or § 9-6.14:12 of the Administrative Process Act. Appeals thereafter shall be in accordance with the Administrative Process Act.

C. Prior to any formal hearing, an informal fact finding shall be held pursuant to § 9-6.14:11 of the Administrative Process Act, unless the named party and the director consent to waive the informal fact finding and go directly to a formal hearing.

D. Any decision of the director resulting from a formal hearing or from an informal fact finding wherein the parties have agreed to waive a formal hearing shall constitute the final decision appealable to court.

E. Judicial review of any final decision shall be afforded in accordance with § 9-6.14:16 of the Administrative Process Act.

F. Nothing in this section shall prevent disposition of any case by consent.

G. Any petition for a formal hearing or any notice or petition for an appeal by itself shall not constitute a stay of decision or action.

9 VAC 5-91-80. Variances.

A. The board may in its discretion grant variances to any provision of this chapter after an investigation and public hearing. If a variance is appropriate, the board shall issue an order to this effect. Such order shall be subject to amendment or revocation at any time for reasons specified in the order.

B. The board shall adopt variances and amend or revoke variances if warranted only after conducting a public hearing pursuant to public advertisement in at least one major newspaper of general circulation in the Northern Virginia program area of the subject, date, time and place of the public hearing at least 30 days prior to the scheduled hearing. The hearing shall be conducted to give the public an opportunity to comment on the variance and the hearing record shall remain open for a minimum of 15 days after the hearing for the purpose of receiving additional public comment.

9 VAC 5-91-90. Right of entry.

Whenever it is necessary for the purposes of this chapter, the department may enter, at reasonable times, any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys, audits or investigations as authorized by § 46.2-1187.1 of the Virginia Motor Vehicle Emissions Control Law.

9 VAC 5-91-100. Conditions on approvals.

A. The director may impose conditions upon permits, licenses, certifications and other approvals issued pursuant to this chapter, (i) which may be necessary to carry out the Virginia Motor Vehicle Emissions Control Law and (ii) which are consistent with this chapter. Except as specified herein, nothing in this chapter shall be understood to limit the power of the department in this regard.

B. A license, permit, or certification applicant may consider any condition imposed by the director as a denial of the requested permit, license, certification or other approval, which shall entitle the applicant to appeal the decision pursuant to 9 VAC 5-91-70.

C. The existence of a permit, license or certification under this chapter shall not constitute a defense to a violation of the Virginia Air Pollution Control Law, the Virginia Motor Vehicle Emissions Control Law or this chapter and shall not relieve any owner of the responsibility to comply with any applicable regulations, laws, ordinances and orders of any governmental entities having jurisdiction.

9 VAC 5-91-110. Procedural information and guidance.

A. The department may adopt detailed policies and procedures which:

1. Request data and information in addition to and in amplification of the provisions of this chapter;
2. Specify the methods and means to determine compliance with applicable provisions of this chapter;
3. Set forth the format by which all data and information should be submitted; and
4. Set forth how the regulatory programs should be implemented.

B. In cases where this chapter specifies that procedures or methods shall be approved by, acceptable to or determined by the director or the department; the owner, emissions inspector, emissions repair technician, or any other affected person may request information and guidance concerning the proper procedures and methods and the board or the department shall furnish in writing such information on a case-by-case basis.

9 VAC 5-91-120. Export and import of motor vehicles.

A. A person may remove the catalyst and fuel filler inlet restrictor from used motor vehicles scheduled for shipment to or from a foreign country provided that:

1. The export or import of the motor vehicle meets the provisions of subsection B of this section; and
2. The removal of the emissions control equipment does not take place prior to 10 days before the vehicle is turned over to the port authorities and the reinstallation of the emissions control equipment takes place within 10 days after receipt of the vehicle by the motor vehicle owner from the port authorities in the United States if such equipment is required for the vehicle configuration.

B. To be exempted under the provisions of subsection A of this section, the motor vehicle must:

1. Be exported or imported under a U.S. Environmental Protection Agency approved catalyst control program;
2. Be exported or imported under a Department of Defense privately owned vehicle import control program; or
3. Be entered through U.S. Customs under cash bond and formal entry procedures, (19 CFR Part 12 - Special classes of merchandise) and be modified to bring it into conformity with applicable federal motor vehicle emission standards (40 CFR Part 86 - Control of air pollution from new motor vehicle engines: Certification and test procedures).

9 VAC 5-91-130. Relationship of state regulations to federal regulations.

A. In order for the Commonwealth to fulfill its obligations under the federal Clean Air Act, some provisions of this chapter are required to be approved by the U.S. Environmental Protection Agency and when approved those provisions become federally enforceable.

B. In cases where this chapter specifies that procedures or methods shall be approved by, acceptable to or determined by the director or the department or specifically provides for decisions to be made by the director or the department, it may be necessary to have such actions (approvals, determinations, exemptions, exclusions, or decisions) reviewed and confirmed as acceptable or approved by the U.S. Environmental Protection Agency in order to make them federally enforceable. Determination of which state actions require federal confirmation or approval and the administrative mechanism for making associated confirmation or approval decisions shall be made on a case-by-case basis in accordance with U.S. Environmental Protection Agency regulations and policy.

9 VAC 5-91-140. Delegation of authority.

In accordance with the Motor Vehicle Emissions Control Law, the director, or a designee acting for him, may perform any act provided under this chapter.

9 VAC 5-91-150. Availability of information.

A. Emissions data in the possession of the department shall be available to the public without exception.

B. Any other records, reports or information in the possession of the department shall be available to the public with the following exception:

The department shall consider such records, reports or information, or particular part thereof, confidential in accordance with the Virginia Uniform Trade Secrets Act, § 59.1-336 et seq. of the Code of Virginia, upon a showing satisfactory to the department by any station owner that such records, reports or information, or particular part thereof, meet the criteria in subsection C of this section and the station owner provides a certification to that effect signed by a responsible person for such owner. Such records, reports or information, or particular part thereof, may be disclosed,

however, to other officers, employees or authorized representatives of the Commonwealth of Virginia and the U.S. Environmental Protection Agency concerned with carrying out the provisions of the Motor Vehicle Emissions Control Law and the federal Clean Air Act.

C. In order to be exempt from disclosure to the public under subsection B of this section, the information must satisfy the following criteria:

1. Information for which the station owner has been taking and will continue to take measures to protect confidentiality;
2. Information that has not been and is not presently reasonably obtainable without the consent of the station owner or motor vehicle owner by private citizens or other firms through legitimate means other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding;
3. Information which is not publicly available from sources other than the station owner; and
4. Information the disclosure of which would cause substantial harm to the station owner.

PART III.

EMISSION STANDARDS FOR MOTOR VEHICLE AIR POLLUTION.

9 VAC 5-91-160. Exhaust emission standards for two-speed idle testing in enhanced emissions inspection programs.

A. No motor vehicle subject to the two-speed idle test shall discharge carbon monoxide (CO), or hydrocarbons (HC) in its exhaust emissions in excess of standards set forth in Table III-A when measured with a certified analyzer system and in accordance with the two-speed idle inspection procedures prescribed in Part VI (9 VAC 5-91-410 et seq.).

B. The measured concentration of CO plus CO₂ shall be greater than or equal to 6.0%.

C. The standards in Table III-A may be adjusted by no more than one percentage point for CO and 100 ppm for HC in order to meet the requirements of the Environmental Protection Agency or the federal Clean Air Act.

TABLE III-A.

EXHAUST EMISSION STANDARDS FOR TWO-SPEED IDLE EMISSIONS INSPECTIONS.

Model Year	HC (ppm)	CO (%)
For idle test and 2500 RPM test for vehicles up to 8500 pounds GVWR:		
1994 & later Tier 1	220	1.2
1981 & later	220	1.2
1980	220	2.0
1975-79	400	4.0
1970-74	600	6.0
1968-69	800	8.0
For vehicles from 8501 to 10000 pounds GVWR:		
1994 & later Tier 1	220	1.2

Proposed Regulations

1981 & later	220	1.2
1980	220	2.0
1975-79	400	4.0
1970-74	800	6.5
1968-69	1000	8.0

9 VAC 5-91-170. Exhaust emission standards for ASM testing in enhanced emissions inspection programs.

A. No motor vehicle shall discharge carbon monoxide (CO), hydrocarbons (HC), or oxides of nitrogen (NO_x) in its exhaust emissions in excess of standards set forth in tables in Part XIV (9 VAC 5-91-790 et seq.) when measured with a certified analyzer system and in accordance with the ASM inspection procedures prescribed in Part VI (9 VAC 5-91-410 et seq.).

B. The director may determine, based on results of emissions inspections verified by the department and in consultation with vehicle manufacturers, that emissions standards for specific vehicle models, model years, or weight classifications shall remain at the phase-in level as specified in 9 VAC 5-91-790 rather than being adjusted automatically to the final standards specified in 9 VAC 5-91-800.

9 VAC 5-91-180. Exhaust emissions standards for on-road device measurements.

A. No motor vehicle shall exceed the emissions standard for carbon monoxide (CO) set forth in Table III-B when measured with a certified on-road testing system and in accordance with the inspection procedures prescribed in Part XII (9 VAC 5-91-740 et seq.).

B. Any motor vehicle determined to have exceeded any emissions standards in Table III-B twice within 90 days when measured by an on-road testing device in accordance with the procedures of Part XII (9 VAC 5-91-740 et seq.) may be subject to an emissions inspection at an emissions inspection station in accordance with Part XII.

C. The department may adjust the standards in Table III-B by no more than two percentage points if it is determined that the standard is causing a false failure rate in excess of 20% or less than 5.0% as measured by the results of emissions inspections at emissions inspection stations.

TABLE III-B.
EXHAUST EMISSION STANDARDS FOR ON-ROAD TESTING MEASUREMENTS.

Model Year	CO (%)
1968-74, 4 cyl. engines and fewer	6.30
1968-74, more than 4 cyl.	5.90
1975-78, 6000 lb. and less	3.80
1975-78, more than 6000 lb.	5.10
1979 and newer, 8500 lb. and less	3.80
1979 and newer, more than 8500 lb.	5.10
1996 and newer, 6000 lb. and less	3.80
1996 and newer, more than 6000 lb.	5.10

D. For any single month, up to 5.0% of the vehicles which have been detected as having the cleanest measurements, based on an average of three measurements using on-road testing equipment within any 30-day period, may, at the discretion of the director, be recorded as having passed an emissions inspection and such result shall be entered into the emissions inspection record for that vehicle.

1. On-road testing measurements used for such purposes shall be from at least two different on-road testing locations.

2. On-road testing measurements obtained while a vehicle is decelerating shall not be used for the purpose described in this subsection.

9 VAC 5-91-190. Emissions control systems standards.

A. In accordance with § 46.2-1048 of the Code of Virginia and 9 VAC 5-40-5670, no motor vehicle manufactured for the model year 1973 or for subsequent model years shall be operated on the highways of the Commonwealth unless it is equipped with an emissions control system or device, or combination of such systems or devices, such as a crankcase emissions control system or device, exhaust emissions control system or device, fuel evaporative emissions control system or device, or other emissions control system or device which has been installed in accordance with federal laws and regulations.

B. In accordance with 9 VAC 5-40-5670, Applicability of and Compliance with Air Quality Standards, no motor vehicle or engine shall be operated if any motor vehicle emissions control system or device has been defeated or replaced by installing any part or component which is not (i) a standard factory replacement part or component or factory equivalent and (ii) a part or component certified by the U.S. Environmental Protection Agency to comply with the Federal Motor Vehicle Control Program requirements.

C. In accordance with 9 VAC 5-40-5670, no motor vehicle or engine shall be operated with the motor vehicle emissions control system or device removed or otherwise rendered inoperable.

D. The provisions of this section shall not prohibit or prevent shop adjustments or replacement, or both, of equipment for maintenance or repair, or the conversion of engines to low polluting fuels such as, but not limited to, natural gas or propane.

9 VAC 5-91-200. Evaporative emissions standards.

A. Standards for evaporative emissions inspections shall be those described in 9 VAC 5-91-450 and 9 VAC 5-91-460 for applicable motor vehicles.

B. Evaporative system fuel filler cap (gas cap) and pressure test standards shall apply upon implementation of the enhanced emissions inspection program.

C. Evaporative system purge testing shall begin and standards shall apply two years after implementation of the enhanced emissions inspection program and upon a successful demonstration, based on the results of voluntary testing performed by the department or emissions inspection stations, that such testing is applicable to and can be

accurately performed on a majority of the vehicles subject to the enhanced emissions inspection program. The director shall determine whether such demonstration warrants the implementation of evaporative system purge test standards, and shall notify all permittees, licensee, and certificate holders no later than six months prior to the implementation of such standards.

9 VAC 5-91-210. Visible emissions standards.

In accordance with 9 VAC 5-40-5670, no motor vehicle shall discharge visible air pollutants for longer than five consecutive seconds after the engine has been brought up to operating temperature.

PART IV.
PERMITTING AND OPERATION OF EMISSIONS
INSPECTION STATIONS.

9 VAC 5-91-220. General provisions.

A. The director shall issue, suspend, revoke or deny permits and establish procedures and other instructions for the operation of emissions inspection stations.

B. An emissions inspection station permit is valid only for the facility and owner identified on the permit and is not transferable to any other owner or facility. No facility shall be represented as an emissions inspection station unless the owner holds a valid permit issued by the director.

C. The emissions inspection station permit holder shall inform the department of any transfer or sale of the business or change in the name of the station, ownership, partnership, or name of leasee or operator within 10 days of such change.

D. All documents, permits, data media and other inspection related materials shall revert to the ownership of the department if the emissions inspection station is abandoned or if the emissions inspection business is discontinued by the permit holder.

9 VAC 5-91-230. Applications.

A. Applications for permits shall be made to, and in accordance with procedures approved by, the department.

B. Applications for permits shall be signed by the corporate president or by another duly authorized agent of the corporation; or by an equivalently responsible officer in the case of organizations other than corporations; or in other cases, by the owner; or in the case of governmental entities, by the highest executive official of such entities or his designee. A person is a duly authorized agent only if the authorization is made in writing by the corporate president or by an equivalently responsible officer in the case of organizations other than corporations. Such signature shall constitute personal affirmation that the statements made in the application are true and complete to the best of the knowledge and belief of the signer.

C. An application for permit shall identify the facility for which application is made to become an emissions inspection station. A separate application is required for each facility and each facility requires a separate permit.

1. More than one inspection lane may be included in a single permit but, in such case, any enforcement action taken in regard to that permit shall apply to all lanes contained in the permit.

2. In the case of mobile fleet emissions inspection station permits, the application shall identify the fleet that will be tested as well as the planned dates and times of operations.

D. Applications for permits shall include such information as may be required by the department to determine compliance with applicable requirements of this chapter. The information required shall include, but is not limited to, the following:

1. The name of the applicant.

2. The street and mailing address of the facility or the permittee, or both, as determined by the department, and number of inspections lanes planned.

3. Demonstration that the analyzer system used by each facility for which a permit is requested complies with the provisions of Part X (9 VAC 5-91-640 et seq.).

4. Proof of business ownership, articles of incorporation, partnership agreements, and lease agreements and proof of conformity with local zoning, use, or business licensing laws, ordinances or regulations.

E. The applicant shall provide any other information that the department deems necessary to determine conformity with this chapter.

F. The applicant shall provide any subsequent changes to the information required under subsection B of this section within 30 days of such change.

9 VAC 5-91-240. Standards and conditions for permits.

A. No permit for an emissions inspection station or fleet emissions inspection station shall be issued unless the director determines that:

1. The station owner has obtained and properly installed an analyzer system certified by the department, tools and electronic data processing and other equipment to adequately conduct the required emissions inspection in the manner prescribed by this chapter;

2. The station owner has employed properly trained and licensed personnel to perform the necessary emissions inspections;

3. For mobile fleet emissions inspection stations, a fleet emissions inspection permit has been issued for the fleet that will be tested; and

4. The station owner has complied with all other requirements of this chapter which pertain to emissions inspection stations.

B. No permit shall be issued to a facility which has a permit currently under suspension by the director until such suspension period has elapsed.

C. No permit shall be issued pursuant to this section unless it is shown to the satisfaction of the director that the

Proposed Regulations

emissions inspection station shall operate without causing a violation of the applicable provisions of this chapter and the Virginia Motor Vehicle Emissions Control Law.

D. Any permit applicant whose permit has been revoked shall make a showing to the director that the condition causing the revocation has been corrected to the satisfaction of the director.

E. Permits issued under this section shall contain, but not be limited to, the following elements:

1. The street address of the facility or the permittee, or both;
2. The name of the permittee or permittees;
3. The expiration date of the permit; and
4. Other requirements as may be necessary to ensure compliance with this chapter.

9 VAC 5-91-250. Action on permit application.

A. After receipt of an application or any additional information, the department shall advise the applicant of any deficiency in such application or information.

B. Processing time for a permit is normally 90 days following receipt of a complete application. The department may extend this time period if additional information is required. Processing steps may include, but not be limited to:

1. Completion of a preliminary review and a preliminary decision of the director;
2. Inspection or audit of the facility; and
3. Completion of the final review and the final decision of the director.

C. The director normally will take action on all applications after completion of the review, unless more information is needed. The director shall issue the permit or notify the applicant in writing of the decision, with the reasons, not to issue the permit.

9 VAC 5-91-260. Emissions inspection station permits, categories.

A. A permit shall be issued to a qualified applicant in the following categories, as determined by the department.

1. Emissions inspection station.
2. Fleet emissions inspection station meeting the requirements of 9 VAC 5-91-370.

B. A permit shall be valid only for the emissions inspection station and operator, owner or leasee to which it is issued and shall not be valid for any other emissions inspection station nor any other operator, owner or leasee.

C. A permit shall be valid for time periods determined by the department, not to exceed three years.

D. Upon expiration of the permit, the emissions inspection station shall no longer be authorized to perform inspections.

E. A permit shall expire whenever the owner voluntarily discontinues the operation of an emissions inspection station. Remaining emissions inspection materials shall be returned to the department immediately.

F. A permit shall expire and documents or data media related to emissions inspections, reinspections, waivers and audits shall become the property of the department when the owner of record abandons the place of business and cannot be located.

9 VAC 5-91-270. Permit renewals.

A. Renewals of permits shall be subject to the same provisions of this chapter as are original permits.

B. It is the responsibility of the emissions inspection station to have a current valid permit. The department will endeavor to notify emissions inspection stations prior to the expiration of their permit.

C. When supported by justification which the department deems adequate, the director may, upon request by a station owner, extend the expiration date of a permit by a period not to exceed 90 days for the purpose of allowing sufficient time for a station owner to correct such deficiencies in the application as have been identified by the department and to allow completion of the application review by the department.

D. It is the responsibility of the emissions inspection station to notify the department of the expiration of a suspension period.

9 VAC 5-91-280. Permit revocation, surrender of materials.

Upon notice of revocation, emissions inspection stations shall surrender to the department all permits, forms, data media and documents issued by or purchased from the department.

9 VAC 5-91-290. Emissions inspection station operations.

A. Emissions inspection station operations shall be conducted in accordance with applicable statutes and this chapter.

B. Emissions inspection stations shall cooperate with the department during the conduct of audits, investigations and complaint resolutions.

C. Emissions inspection stations, except fleet emissions inspection stations permitted under 9 VAC 5-91-370, shall conduct emissions inspections during normal business hours and shall inspect every vehicle presented for inspection within a reasonable time period.

D. Emissions inspection stations which have performed a chargeable inspection that resulted in a test failure shall provide one free reinspection upon request within 14 calendar days of the first test failure.

E. Emissions inspection stations finding it necessary to suspend inspections due to analyzer system malfunction or any other reason shall refund any inspection fee collected when a station cannot accommodate a customer's request for a free reinspection in accordance with 9 VAC 5-91-420 M.

F. Emissions inspection stations shall notify the department when they are unable to perform emission inspections and shall notify the department when they are able to resume inspections.

G. Emissions inspection stations shall:

1. Employ at least one emissions inspector.
2. Have an emissions inspector on duty during posted emissions inspection hours, if applicable.
3. Only allow licensed emissions inspectors to conduct inspections.

H. Emissions inspection stations shall provide to emissions inspection customers any information which has been provided to the emissions inspection station by the department and which is intended to be provided to the customer.

I. Emissions inspection stations shall allow emissions inspection customers to have viewing access to the inspection process.

9 VAC 5-91-300. Emissions inspection station records.

A. Emissions inspection stations shall have records available at the station for inspection by the department any time during normal business hours.

B. Test, waiver, and repair records, as appropriate, shall be maintained by the permittee for 12 months or until transferred to the department.

C. Certificates of vehicle emissions inspection and motor vehicle inspection reports shall be issued only by emissions inspection stations holding valid permits issued by the department.

D. Documents and data pertaining to emissions inspections and waivers shall be kept in a secure location and only be available to emissions inspectors or authorized personnel, as approved by the department.

E. Missing or stolen emissions inspection data or other official documents shall be reported to the department within 24 hours.

F. Emissions inspection stations shall be accountable for all documents and media issued to them by the department. Emissions inspection stations shall be subject to quality assurance and control procedures as defined in 40 CFR 51.363.

G. Emissions inspection stations shall maintain a file of the name, address, and inspector number of all currently employed emissions inspectors authorized by the permittee to perform emissions inspections at that emissions inspection station and shall notify the department of any changes. The emissions inspection station shall provide the file to the department upon request.

9 VAC 5-91-310. Sign and permit posting.

A. Emissions inspection stations shall post a sign, approved or provided by the department, which conforms to local ordinances or codes, designating the location as a Virginia Motor Vehicle Emissions Control Program Inspection

Station in a conspicuous location on the permitted premises, within view of the public.

B. Emissions inspection station permits shall be posted in a frame, in a conspicuous place on the permitted premises, within view of the public and approved by the department.

C. Emissions inspection stations shall post the following in a conspicuous location on the permitted premises, within view of the public, and in a manner approved by the department:

1. Notice of availability of the applicable exhaust emissions standards prescribed in Part III (9 VAC 5-91-160 et seq.) and Part XIV (9 VAC 5-91-790 et seq.);
2. The fees charged for emissions inspections; and
3. The hours of operation for emissions inspections;

D. Emissions inspection stations shall post all signs required by this chapter in a location approved by the department and in a manner that does not violate local sign ordinances or codes.

E. Fleet emissions inspection stations and mobile fleet emissions inspection stations permitted under 9 VAC 5-91-370 shall be exempt from the sign posting requirements in subsections A and C of this section.

9 VAC 5-91-320. Equipment and facility requirements.

A. Emissions inspection stations shall have adequate facilities to perform all elements of the emissions inspection.

B. Emissions inspection stations shall be equipped in accordance with this chapter and applicable statutes.

C. Emissions inspection stations which no longer meet the requirements of this part shall cease inspection operations and may be subject to enforcement actions in accordance with Part IX (9 VAC 5-91-590 et seq.).

D. Emissions inspection stations shall be equipped with the following equipment, tools and reference materials at all times. Fleet and mobile fleet emissions inspection stations shall be so equipped during inspection periods reported to the department.

1. A certified analyzer system in accordance with Part X (9 VAC 5-91-640 et seq.).
2. Span gases approved by the department and equipment for performing gas span checks.
3. Hand tools and equipment for the proper performance of inspections as approved by the department.
4. Suitable nonreactive exhaust hoses.
5. A current emissions control systems application guide which contains a quick reference for emissions control systems and their uses on specific make, model, and model year vehicles. This may be in an electronic form.
6. Analyzer manufacturer's maintenance and calibration manual.
7. Certified thermometer.

Proposed Regulations

8. A ventilation system which conforms to the Building Officials and Code Administrators (BOCA) mechanical code for automotive service stations and for facilities in which vehicle engines are operated in excess of 10 continuous seconds and which conforms to the applicable local building or safety code, zoning ordinance, or OSHA requirement.

a. The ventilation system shall discharge the vehicle exhaust outside the building.

b. The flow of the exhaust collection system shall not cause dilution of the exhaust at the sample point in the probe.

9. A cooling fan, used to ventilate the engine compartment, which is capable of generating at least 3,000 standard cubic feet per minute of air flow directed at the vehicle's cooling system at a distance of 12 inches.

10. This regulation (9 VAC 5-91-10 et seq.).

11. Telephone.

12. Dedicated phone line for use by the analyzer system in emissions inspection stations except fleet emissions inspection stations which have been authorized by the director to use a nondedicated phone line pursuant to an agreement between the director and the fleet emissions inspection station, based on vehicle maintenance or registration cycles.

13. Department approved paper for use in the analyzer system printer.

E. Emissions inspection stations shall maintain equipment, tools, and reference materials in proper working order and available at the emissions inspection station at all times.

F. It is the responsibility of the permit holder to maintain a safe and healthy working environment for the conduct of emissions inspections.

9 VAC 5-91-330. Analyzer system operation.

A. Emissions inspection stations shall maintain the analyzer in such a manner that will permit the proper operation in accordance with the requirements of the manufacturer, this chapter, applicable statutes, and any procedures developed by the department.

B. The analyzer shall be gas spanned and leak checked according to 40 CFR Part 51, Appendix A to Subpart S or other procedure as approved by the department.

C. No additions or modifications shall be made to the analyzer unless approved by the analyzer manufacturer and the department.

1. All repairs to the analyzer system must be performed by an authorized manufacturer representative.

2. No analyzer replacement parts shall be used that are not original equipment replacement, or equivalent, as approved by the department.

D. No person shall tamper or circumvent any system or function of the analyzer.

E. Emissions inspection stations shall be responsible for preventing any tampering or unauthorized use of the analyzer or its functions.

F. Analyzer lockout conditions shall be removed only by authorized service or department personnel.

G. The analyzer system shall be capable of electronically transmitting to and receiving data from the department computer network related to the administration of the Virginia Vehicle Emissions Control Program.

9 VAC 5-91-340. Motor vehicle inspection report; certificate of emissions inspection.

A. Emission inspection stations and emissions inspectors shall be responsible for ensuring that all motor vehicle inspection reports are legible, and properly completed and printed with all information appearing in the correct location on the form.

B. Emissions inspectors and emissions inspection stations shall be responsible for ensuring that all emissions inspection results are properly communicated to the department.

C. Certificates of vehicle emissions inspection shall be used only for documentation of official test results and registration of vehicles as appropriate.

D. Certificates of emission inspections and motor vehicle inspection reports shall be issued only by licensed emissions inspectors employed by permitted emissions inspection stations.

9 VAC 5-91-350. Data media.

Data media used for the collection of official test data shall become property of the department.

9 VAC 5-91-360. Inspector number and access code usage.

A. The department shall assign each emissions inspector a unique number and numerical code known as an access code to gain access to the analyzer at the inspector's place of employment.

B. Access codes and inspector numbers shall be added and deleted only by department personnel.

C. An access code shall be used only by the inspector to whom it was assigned.

D. An inspector's name printed on a motor vehicle inspection report shall be an endorsement that the entire test was performed by the inspector whose name appears on the vehicle inspection report. Each inspector must sign his full name on any vehicle inspection report for each emission inspection conducted.

E. Emissions inspection stations and emissions inspectors shall report any unauthorized use of an access code to the department within 24 hours of the discovery of unauthorized use.

F. Emissions inspection stations and inspectors shall be responsible for any violation or fraudulent inspection which occurs using inspector numbers or access codes.

G. Emissions inspection stations shall be responsible for all certificates of vehicle emissions inspection and motor vehicle inspection reports issued by that emissions inspection station.

9 VAC 5-91-370. Fleet emissions inspection stations; mobile fleet emissions inspection stations.

A. A person by whom there are 20 or more vehicles commonly owned, operated, leased or rented may be permitted as a fleet emissions inspection station and may conduct inspections of that fleet or contract to have such inspections conducted. As a fleet inspection station, inspections shall be conducted only on vehicles commonly owned, operated, leased, or rented by that person or political subdivision and not for employees or the general public. A fleet emissions inspection station shall comply with all applicable requirements for emissions inspection stations except those from which they are specifically exempted.

B. Fleet emissions inspections stations may, upon application and granted permit, have fleet vehicles inspected through the use of mobile emissions inspection stations which have obtained a permit from the director to conduct inspections of that fleet.

C. Fleet emissions inspection stations using mobile fleet emissions inspections equipment shall notify the department of the planned dates, times and location of intended inspections not later than two weeks prior to testing and, upon request by the department, shall provide a list of vehicles to be inspected.

D. Each fleet emissions inspection station is responsible for all vehicle emissions inspection records and data for vehicles inspected in that facility.

E. Fleets and fleet emissions inspection stations shall provide a list, updated annually, of vehicles not registered in the program area but otherwise subject to this chapter.

PART V.

EMISSIONS INSPECTOR TESTING AND LICENSING.

9 VAC 5-91-380. Emissions inspector licenses and renewals.

A. The director shall issue, suspend, revoke or deny licenses, and establish procedures and other instructions for emissions inspectors.

B. Applicants shall qualify under 9 VAC 5-91-390 and shall demonstrate to the department proof of identification and the ability to properly conduct vehicle emissions inspections according to this chapter prior to being issued an emissions inspector license.

C. Application for licenses shall be made to, and in accordance with procedures approved by, the department.

D. Licenses are valid for time periods determined by the department, not to exceed three years.

1. Upon expiration of the license, the emissions inspector shall no longer be authorized to perform emissions inspections.

2. Upon expiration of the license, the applicant shall be required to pass the testing requirements in 9 VAC 5-91-390 before being relicensed.

E. When supported by justification which the department deems adequate, the director may, upon written request by an emissions inspector, extend the expiration date of a license by a period not to exceed 90 days for the purpose of allowing sufficient time for an inspector to correct such deficiencies in the application, such as completion of the required instruction, as have been identified by the department and to allow completion of the application review by the department. Such application for license extension may require demonstration of the applicant's ability to perform an emissions inspection at an emissions inspection or referee facility to the satisfaction of the department.

F. No person shall represent themselves as an emissions inspector without holding a valid license issued by the director.

1. Licenses shall be made available to department personnel upon request.

2. It is the responsibility of the emissions inspector to have a current valid license. The department will endeavor to notify inspectors prior to the expiration of their license.

3. Licenses are valid only for the person to whom they are issued.

4. Emissions inspector access codes are valid only for the person to whom they are issued. Emissions inspectors shall not provide access codes to anyone.

G. Upon notification of revocation, the inspector shall surrender to the department all licenses issued by the director. It is the responsibility of the emissions inspector to notify the department of the termination of a suspension period.

H. Emissions inspectors shall keep their current mailing address and place of employment on file with the department and must notify the department of any changes in employment or mailing address.

I. Emissions inspectors may perform emissions inspections at more than one permitted emission inspection station after notification to the department and with the authorization of the emissions inspection station owners.

J. The provisions of this part apply to both initial licenses and any renewals of licenses.

9 VAC 5-91-390. Qualification requirements for emissions inspector licenses.

A. Applications to qualify for emissions inspector licenses shall be filed with the department and the issuance of the licenses shall be administered by the department. Applications for such licenses shall be completed on forms provided by the department. Before an applicant may be given a license, he must comply with the requirements of this section. The department will notify applicants of the evaluation requirements prior to testing.

Proposed Regulations

B. An applicant shall demonstrate the ability to operate the certified analyzer systems properly and perform testing as required by this chapter.

C. No emissions inspector license shall be issued unless it is shown to the satisfaction of the director that the emissions inspector has the ability and resources to perform emissions inspections without causing a violation of the applicable provisions of this chapter and the Virginia Motor Vehicle Emissions Control Law.

D. Any applicant whose license has been revoked shall make a showing to the director that the condition causing the revocation has been corrected to the satisfaction of the director.

E. An applicant shall bear a valid motor vehicle driver's or operator's license and shall present proof of such license to the department at the time of application.

F. An applicant shall demonstrate knowledge, skill, and competence concerning the conduct of emissions inspections. Such knowledge, skill and competence shall be demonstrated by completing training courses approved by the department and by passing a qualification test (scoring 80% or higher) which may include, but not be limited to, knowledge of the following;

1. Operation and purpose of emissions control systems.
2. General relationship of hydrocarbon, oxides of nitrogen (NO_x), and carbon monoxide emissions to timing and air-to-fuel ratio control.
3. General information regarding adjustment and repair based on manufacturers' specifications.
4. This regulation (9 VAC 5-91-10 et seq.).
5. General information regarding contemporary diagnostic and engine tune-up procedures.
6. The provisions of the Emissions Control Systems Performance Warranty pursuant to § 207(b) of the federal Clean Air Act as it applies to this chapter.
7. Visual inspection of the required emissions control equipment for 1973 and newer vehicles.
8. Operation of and proper use, care, maintenance, and gas span checking of certified analyzer systems.
9. Proper use of and distribution of motor vehicle inspection reports, certificates of emissions inspection, and supplemental documents.
10. Inspections for visible smoke emissions.
11. Functional testing of the evaporative emissions control system as required in the enhanced emissions inspection program.
12. Safety and public health as it applies to the Virginia Vehicle Emissions Control Program.
13. Public relations as it applies to the Virginia Vehicle Emissions Control Program.

9 VAC 5-91-400. Conduct of emissions inspectors.

Emissions inspectors shall be truthful and cooperate with the department during the conduct of audits, investigations and complaint resolution.

PART VI. INSPECTION PROCEDURES.

9 VAC 5-91-410. General.

A. The key steps in the emissions inspection procedure are as follows:

1. Preliminary inspection of the vehicle to determine whether to accept the vehicle for testing or reject it, as approved by the department and according to 9 VAC 5-91-420 C, based on safety and health concerns as related to the safe performance of an emissions inspection. The results of such preliminary inspection shall be provided to the customer.
2. Advise the customer of the ability of the emissions inspection station to perform emissions related repairs including the availability of certified emissions repair technicians and necessary equipment.
3. An agreement between the customer and the emissions inspection station, oral or written, that an emissions inspection will be performed and the requisite fee paid.
4. Determination of the type of exhaust analysis, either ASM or two-speed idle.
5. The inspection of emissions control equipment.
6. The test of exhaust emissions levels using a certified analyzer system.
7. The evaporative system pressure test, pressure test of the fuel filler cap, and evaporative system purge test as applicable and according to the procedure determined automatically by the analyzer system.
8. The distribution of documents and emissions inspection results.
9. Advise customers of emissions inspection results, options for waiver if applicable, and the obligation of the station to perform a free retest within 14 days for failed vehicles and the conditions placed on the motorist in regard to free retests.
10. Conduct free retest, if necessary, within 14 days of original test.

B. The emissions inspection station may charge a fee not to exceed the amount specified in § 46.2-1182 of the Code of Virginia.

9 VAC 5-91-420. Inspection procedure; rejection, pass, fail, waiver.

A. All aspects of the inspection shall be performed by an emissions inspector, using the instructions programmed in the certified analyzer system and procedures approved by the department, within the designated inspection area, and on the permitted premises.

B. The emissions inspection station shall notify the customer prior to initiating an emissions inspection that the emissions inspection station is either able or unable to perform the emission related repairs required by 9 VAC 5-91-480 for that particular vehicle should that vehicle fail the inspection. The emissions inspector shall not conduct an inspection on a motor vehicle unless the customer gives approval after being so notified.

C. The emissions inspector shall not conduct an inspection on a motor vehicle if the vehicle is in an unsafe condition for testing according to the following conditions. The customer shall be informed of any such condition.

1. The vehicle shall not have holes or detectable leaks in the exhaust system. The inspector may check the system for leaks by listening for such leaks or by measuring carbon dioxide. The presence of leaks shall cause the vehicle to be rejected from testing.
2. The motor vehicle shall be evaluated for the presence of visible smoke emissions. Those vehicles exhibiting any smoke emissions from the engine crankcase or exhaust system or both, shall be rejected from testing.
3. The vehicle shall not have any mechanical problems, such as engine, brake, or transmission problems or engine, radiator, or transmission fluid leaks which would create a safety hazard for the applicable test, or bias test results. Such conditions shall cause the vehicle to be rejected from testing.
4. For vehicles receiving a test while operating on a dynamometer, the vehicle shall be rejected from testing if tread wear indicators, tire cords, bubbles, cuts, or other damage are visible. Such vehicles shall be rejected from testing if space-saver spare tires are being used on a drive axle or if they do not have reasonably sized tires on the drive axle or axles based on dynamometer manufacturer safety criteria or if the set of tires is a mixture of radial and bias ply. Vehicles may be rejected if they have different sized tires on the drive axle or axles. Drive wheel tires shall be checked with a gauge for appropriate tire pressure and adjusted as necessary as recommended by the tire or vehicle manufacturer.
5. The vehicle shall be rejected from testing if the fuel filler cap (gas cap) is missing.
6. The vehicle shall be rejected from testing if a known, emissions-related, manufacturers recall has not been satisfied according to Part XI (9 VAC 5-91-720 et seq.).
7. Vehicles which are overheated shall be rejected from testing.

D. The emissions inspection procedure shall be performed under the following conditions:

1. The entire vehicle shall be in normal operating condition as indicated by a temperature gauge or touch test on the radiator hose. If ASM testing is performed, a cooling fan shall be directed at the engine cooling system if the ambient temperature exceeds 72°F.
2. The inspection shall be performed with the transmission in park or neutral for two-speed idle testing,

or in drive (if automatic), second or third gear (if manual), as appropriate, for ASM testing; and with all accessories off.

3. The analyzer probe shall be properly inserted into the exhaust system.

a. The analyzer probe shall be inserted into the tailpipe as recommended by the analyzer manufacturer for a quality sample, or at least 10 inches if not specified by the manufacturer.

b. If a baffle or screen prevents probe insertion to an adequate depth, a suitable probe adapter or extension boot which effectively lengthens the tail pipe must be used.

c. If the vehicle is equipped with multiple exhaust outlets, a suitable analyzer manufacturer recommended adapter or other apparatus shall be used in order to provide a single supply of the sample exhaust to the analyzer.

d. Vehicle exhaust shall be vented safely out of the inspection area and facility.

4. If the vehicle stops running or the engine stalls during the test it shall be started as soon as possible and shall be running for at least 30 seconds prior to the restart of the test.

5. The exhaust test shall be terminated upon reaching the overall maximum test time for the applicable test, or if CO plus CO₂ concentration falls below 6.0% as determined by the analyzer system.

E. In consideration of maintaining inspection integrity:

1. The temperature of the inspection area shall be between 41°F and 110°F during the inspection. Inspection area temperatures shall be accurately measured in a well-ventilated location away from vehicle engine and exhaust heat sources and out of direct sunlight. The analyzer shall not be operated when the temperature of the inspection area is not within the range stated above.

2. The analyzer system shall be kept in a stable environment which affords adequate protection from the weather and local sources of hydrocarbons or other pollutants that may interfere with analyzer performance or accuracy of test results, or both.

3. The electrical supply to the analyzer system shall be able to meet the manufacturer's requirements for voltage and frequency stability.

4. The inspection location shall meet all applicable zoning requirements.

5. The analyzer system shall be operated according to quality assurance procedures and other procedures approved by the department.

F. The emissions inspector shall accurately identify and enter vehicle and owner information as required for vehicle emissions inspection records. The data entered into the analyzer and recorded on the certificate of vehicle emissions

Proposed Regulations

inspection shall be the data from the vehicle being inspected and must be obtained from that vehicle.

G. For 1973 and newer model year vehicles, the emissions inspector shall perform an inspection of the emissions control systems. The inspection shall include:

1. Examination of the emissions control information decal (sticker) under the hood, reference manual, and applications guide to determine if the vehicle, as manufactured or certified for sale or use within the United States, should be equipped with a catalytic converter system, air injection system, fuel evaporative emissions control system, positive crankcase ventilation system, exhaust gas recirculation valve, on-board diagnostic system, or thermostatic air cleaner system, as appropriate.

2. Visual inspection for the presence and operability of the air injection system, catalytic converter system, fuel evaporative emissions control system, positive crankcase ventilation system, exhaust gas recirculation valve, and thermostatic air cleaner system based on determinations made in 9 VAC 5-91-420 G 1. If any of these parts or systems are inoperable, or have been removed or damaged, or rendered inoperable, the vehicle will not qualify for a certificate of emissions inspection approval or waiver. If systems are missing which the reference manual or applications guide indicates should be present, the motor vehicle manufacturer's emissions control information provided for that vehicle shall apply.

3. For vehicles so equipped, electronic inspection of the applicable on-board diagnostic (OBD) system, phase I or phase II, according to manufacturer specifications.

a. Emissions-related results of sensing of OBD phase I systems shall be recorded in the inspection record and reported to the customer.

b. Beginning January 1, 1998, emissions-related results of sensing of OBD phase II systems shall be recorded in the inspection record and reported to the customer.

c. Beginning January 1, 2000, emissions-related failure codes provided by OBD phase II systems shall cause the vehicle to fail the emissions inspection.

H. For vehicles otherwise subject to ASM testing based on model year and weight classification, the department may determine, due to complications identified in consultation with vehicle manufacturers, that certain vehicle makes or models shall be tested using the two-speed idle test in lieu of the ASM test or using a mixture of test modes such as an ASM 2525 coupled with an idle test.

I. For 1981 model year and newer vehicles with a GVWR up to and including 8,500 pounds, the exhaust emissions inspection procedure shall be an ASM, two-mode (ASM 5015 plus ASM 2525), loaded test, performed while the vehicle is operating on the analyzer system dynamometer. The test shall be preceded by a 30-60 second preconditioning period, as determined by the department, using the ASM 2525 load simulation.

J. The exhaust emissions inspection procedure shall be a two-speed idle test as specified in paragraph (II) of Appendix B of 40 CFR Part 51, Subpart S, and 9 VAC 5-91-440 for the following vehicles:

1. Vehicles with a GVWR greater than 8,500 pounds and up to and including 10,000 pounds,

2. Vehicles of model years 1968 through 1980,

3. Vehicles which employ full-time four wheel drive systems,

4. Vehicles which have traction control or anti-lock brake systems which have been determined by the manufacturer, to permanently interfere with proper testing; or

5. Vehicles which have some other configuration which has been determined by the department to permanently interfere with proper testing.

K. The vehicle's evaporative emissions control system shall be checked by performing (i) an evaporative system pressure test, (ii) a fuel filler cap pressure test, (iii) an evaporative system purge test, or (iv) any combination thereof, as applicable and according to the phase-in of standards specified in 9 VAC 5-91-200.

1. The evaporative system pressure test shall be performed on vehicles of model year 1973 and newer.

2. A separate fuel filler cap pressure test shall be performed on vehicles of model year 1973 and newer unless the evaporative system pressure test method employed includes a test of the fuel filler cap.

3. The evaporative system purge test shall be performed on vehicles of model year 1981 and newer which receive ASM exhaust emissions testing, according to the phase-in standards in Part III (9 VAC 5-91-160 et seq.).

L. In order to obtain a vehicle registration from the Department of Motor Vehicles, a certificate shall be issued by an emissions inspector or the department indicating that the vehicle has either passed the emissions inspection or has received a waiver as specified below. A motor vehicle shall pass the emissions inspection and a certificate of vehicle emissions inspection and a motor vehicle inspection report indicating the vehicle has passed shall be issued if:

1. The motor vehicle meets the applicable emissions control systems inspection requirements;

2. The vehicle emissions levels are the same as or less than the applicable exhaust emission standards in Part III (9 VAC 5-91-160 et seq.) and Appendix A, as applicable;

3. There are no smoke emissions visible from the vehicle engine crankcase or tail pipe, or both; and

4. The vehicle passes the evaporative system pressure and purge tests or fuel filler cap pressure test as applicable.

M. If the vehicle fails the initial emissions inspection, a certificate of emissions inspection and a motor vehicle

inspection report shall be issued indicating a failure, and the owner shall have 14 days in which to have repairs or adjustments made and return the vehicle to the emissions inspection station which performed the initial inspection for one free reinspection.

N. A certificate of vehicle emissions inspection waiver may be issued if all of the following conditions are met:

1. The vehicle passes the emissions control systems inspection (1973 and newer model year vehicles only) described by subsection G of this section.
2. There are no smoke emissions visible from the vehicle engine crankcase or exhaust system, or both.
3. The vehicle continues to exceed applicable emissions standards after emissions related repairs required by 9 VAC 5-91-480 have been performed.
4. An amount equal to or greater than the adjusted waiver cost for enhanced emissions inspection programs, listed below, has been spent on emissions related repairs as specified in 9 VAC 5-91-480 and according to 40 CFR 51.360 (a) (1) (as amended in 60 Federal Register 20934, April 28, 1995) provided that (i) proof that appropriate repairs have been accomplished and costs for that specific vehicle have been provided to the emissions inspection station in the form of an itemized bill, invoice, paid work order, or statement in which emissions related parts or repairs, or both, are specifically identified, (ii) the emissions inspector has confirmed that the repair work was performed or approved by a certified emissions repair technician at a certified emissions repair facility, and (iii) the repair work was performed no earlier than 60 days prior to the initial inspection.
5. The repair cost requirements for waiver eligibility for the enhanced emissions inspection program shall be adjusted annually to reflect the increase in the Consumer Price Index (CPI), as described at 40 CFR 51.360(a)(7), and shall be phased-in as follows:
 - a. Through December 31, 1997, the amount shall be \$250 multiplied by the CPI as provided by the Environmental Protection Agency (EPA) according to the Clean Air Act.
 - b. From January 1, 1998, through June 30, 1998, the amount shall be \$350 multiplied by the CPI as described above.
 - c. From July 1, 1998, and henceforward, the amount shall be \$450 multiplied annually by the CPI as described above.
6. A waiver shall not be issued for a vehicle which is eligible for the emissions control systems performance warranty, under the provisions of § 207(b) of the federal Clean Air Act. In accordance with the provisions of § 207(b) of the federal Clean Air Act, the repair costs necessary for compliance with emissions standards specified in Part III (9 VAC 5-91-160 et seq.) will be borne by the vehicle manufacturer or authorized dealer representative.

O. The analyzer system shall generate an electronic record of the certificate of emissions inspection and transmit the appropriate data to the department and the emissions inspector shall make distribution of the vehicle inspection report to the customer.

P. The emissions inspector shall advise the customer as specified below upon completion or termination of the inspection procedure.

1. If the test is terminated prior to completion, explain reasons for failure of vehicle or equipment and advise of free retest and time limit, if applicable.
2. If the vehicle passes or receives a waiver, provide a motor vehicle inspection report and advise motorist of registration requirement and process, including the process to be used in case of interruption of the electronic data transfer system.
3. If the vehicle fails:
 - a. Give vehicle inspection report of failure to customer;
 - b. Advise of type of failure;
 - c. Advise of free retest and time limit;
 - d. Advise of repair facility information as provided by the department; and
 - e. Advise of waiver requirements.

Q. In cases of complaints or disputes between the emissions inspector or emissions inspection station and the customer, the customer shall be advised of the location and phone number of a department representative to be contacted to obtain assistance in resolving disputes.

9 VAC 5-91-430. ASM test procedure.

A. The ASM equipment shall be in proper operating condition according to manufacturers instructions prior to initiating a test.

1. The vehicle shall be maneuvered onto the dynamometer with the drive wheels positioned on the dynamometer rolls. Prior to test initiation, the rolls shall be rotated until the vehicle laterally stabilizes on the dynamometer. Vehicles that cannot be stabilized on the dynamometer shall be rejected from testing. Drive wheel tires shall be dried if necessary to prevent slippage.
2. Prior to initiating the ASM exhaust test procedure, vehicles which are required to receive evaporative emissions testing shall be connected to the evaporative emissions test equipment according to 9 VAC 5-91-460. The evaporative emissions pressure test and fuel filler cap test, including second chance fuel filler cap test if required, shall be performed prior to the ASM test.
3. When ambient temperatures exceed 72°F, testing shall not begin until the cooling fan is positioned and activated. The cooling fan shall be positioned to direct air to the vehicle cooling system, but shall not be directed at the catalytic converter.

Proposed Regulations

4. Testing shall not begin until the vehicle is restrained according to the instructions provided by the analyzer equipment manufacturer. In addition, the parking brake shall be set for front wheel drive vehicles prior to the start of the test, unless parking brake functions on front axle or if is automatically disengaged when in gear.

5. Testing shall not begin until the exhaust ventilation system is properly functioning and attached or positioned as necessary.

6. To ensure that the motor vehicle and the dynamometer are in a warmed-up condition prior to official testing, a 30-60 second preconditioning, as determined by the department, shall be performed using the ASM 2525 load simulation.

7. Prior to each test or mode of a test, the system shall automatically select the load setting of the dynamometer from a supplied look-up table.

8. Engine speed shall be monitored by means of an RPM sensor and recorded in the test record.

B. The test sequence shall consist of both ASM modes described in this section. Vehicles that fail the first chance test as described shall receive a second chance test. The second chance test shall consist of a repetition of the mode or modes that were failed in the first chance test.

1. The ASM 5015 mode timer shall start when the dynamometer speed (and corresponding power) are maintained at 15 ± 1.0 miles per hour for five continuous seconds. If the acceleration simulation exceeds the tolerance specified by the analyzer equipment manufacturer for more than five consecutive seconds after the mode timer is started, the test mode timer shall be reset. Should this happen a second time, the test shall be aborted and another started. The dynamometer shall apply the required torque load for 15.0 mph at any testing speed within the tolerance of 15 ± 1.0 miles per hour (i.e., constant torque load over speed range). The torque tolerance shall be $\pm 5.0\%$ of the correct torque at 15 mph.

2. The analyzer shall automatically select the proper load setting for the dynamometer and test standards, based on the Equivalent Test Weight (ETW) and the look-up table in Part XIV (9 VAC 5-91-790 et seq.), using vehicle identification information. Vehicles for which a load setting is not automatically selected, and for which a test weight is not available shall be tested using the following default settings:

DEFAULT ASM 5015 DYNAMOMETER HORSEPOWER SETTINGS FOR 8.6" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3 CYL.	4 CYL.	5 & 6 CYL.	8 CYL.	>8 CYL.
SEDAN	7.9	11.4	13.8	16.4	16.0
STATION WAGON	8.1	11.7	13.8	16.1	16.1
MINI-VAN	10.2	14.1	15.8	17.9	18.2
PICKUP TRUCK	9.6	13.1	16.4	19.2	21.1
SPORT/UTILITY	10.1	13.4	15.5	19.4	21.1
FULL VAN	10.3	13.9	17.7	19.6	20.5

DEFAULT ASM 5015 DYNAMOMETER HORSEPOWER SETTINGS FOR 20" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3 CYL.	4 CYL.	5 & 6 CYL.	8 CYL.	>8 CYL.
SEDAN	8.1	11.8	14.3	16.9	16.6
STATION WAGON	8.3	12.1	14.2	16.6	16.6
MINI-VAN	10.4	14.5	16.3	18.5	18.7
PICKUP TRUCK	9.8	13.4	16.8	19.8	21.7
SPORT/UTILITY	10.5	13.8	15.9	19.9	21.7
FULL VAN	10.8	14.4	18.2	20.2	21.1

3. If the dynamometer speed or torque falls outside the speed or torque tolerance for more than two consecutive seconds, or for more than five seconds total, the test mode time shall reset to zero and resume timing. The minimum mode length shall be 45 seconds. The maximum mode length shall be 90 seconds elapsed time.

4. During the 10 second period used for the pass/fail decision, dynamometer speed shall not fall more than 0.5 mph (absolute drop, not cumulative). If the speed at the end of the 10 second period is more than 0.5 mph less than the speed at the start of the 10 second period, testing shall continue until the speed stabilizes enough to meet this criterion.

5. The pass/fail analysis shall begin after an elapsed time of 30 seconds. A pass or fail determination shall be made for the vehicle and the mode shall be terminated as follows:

a. The vehicle shall pass the ASM 5015 mode and the mode shall be immediately terminated if, at any point between an elapsed time of 30 seconds and 90 seconds, the 10 second running average measured values for each pollutant are simultaneously less than or equal to the applicable test standards described in Part XIV (9 VAC 5-91-790 et seq.).

b. The vehicle shall fail the ASM 5015 mode and the mode shall be terminated if subdivision B 5 a of this section is not satisfied by an elapsed time of 90 seconds.

6. Upon termination of the ASM 5015 mode, the vehicle shall immediately begin accelerating to the speed required for the ASM 2525 mode. The dynamometer torque shall smoothly transition during the acceleration period and shall automatically reset to the load required for the ASM 2525 mode as specified in subdivision B 8 of this subsection.

7. The ASM 2525 mode timer shall start when the dynamometer speed (and corresponding power) are maintained within 25 ± 1.0 miles per hour for five continuous seconds. If the acceleration simulation exceeds the tolerance specified by the analyzer system manufacturer for more than five consecutive seconds after the mode timer is started, the test mode timer shall be reset. Should this happen a second time, the test shall be aborted and another started. The dynamometer shall apply the required torque for 25.0 mph at any testing speed within the tolerance of 25 ± 1.0 miles per hour (i.e., constant torque load over speed range). The torque tolerance shall be $\pm 5.0\%$ of the correct torque at 25 mph.

8. The analyzer shall automatically select the proper load setting for the dynamometer and test standards, based on the ETW and the look-up table in Part XIV (9 VAC 5-91-790 et seq.), using vehicle identification information. Vehicles for which a load setting is not automatically selected, and for which a test weight is not available shall be tested using the following default settings:

DEFAULT ASM 2525 DYNAMOMETER HORSEPOWER SETTINGS FOR 8.6" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3 CYL.	4 CYL.	5 & 6 CYL.	8 CYL.	>8 CYL.
SEDAN	6.9	9.5	11.5	13.7	13.3
STATION WAGON	6.8	9.7	11.5	13.4	13.3
MINI-VAN	8.8	11.7	13.2	14.9	15.3
PICKUP TRUCK	8.0	10.9	13.6	16.0	17.8
SPORT/UTILITY	8.8	11.2	12.9	16.1	17.8
FULL VAN	9.0	11.6	14.7	16.3	17.2

DEFAULT ASM 2525 DYNAMOMETER HORSEPOWER SETTINGS FOR 20" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3 CYL.	4 CYL.	5 & 6 CYL.	8 CYL.	>8 CYL.
SEDAN	6.9	10.1	12.3	14.5	14.3
STATION WAGON	7.0	10.4	12.2	14.2	14.4
MINI-VAN	8.9	12.5	14.0	15.9	16.3
PICKUP TRUCK	8.1	11.4	14.4	16.9	18.8
SPORT/UTILITY	8.9	11.8	13.6	17.1	18.8
FULL VAN	9.1	12.5	15.5	17.3	18.3

9. If the dynamometer speed or torque falls outside the speed or torque tolerance for more than two consecutive seconds, or for more than five seconds total, the mode timer shall reset to zero and resume timing. The minimum mode length shall be 40 seconds. The maximum mode length shall be 90 seconds elapsed time.

10. During the 10 second period used for the pass/fail decision, dynamometer speed shall not fall more than 0.5 mph (absolute drop, not cumulative). If the speed at the end of the 10 second period is more than 0.5 mph less than the speed at the start of the 10 second period, testing shall continue until the speed stabilizes enough to meet this criterion.

11. The pass/fail analysis shall begin after an elapsed time of 30 seconds. A pass or fail determination shall be made for the vehicle and the mode shall be terminated as follows:

a. The vehicle shall pass the ASM 2525 mode if, at any point between an elapsed time of 30 seconds and 90 seconds, the 10-second running average measured values for each pollutant are simultaneously less than or equal to the applicable test standards described in Appendix A. If the vehicle passed the ASM 5015 mode, the ASM 2525 mode shall be terminated upon obtaining passing scores for all three pollutants.

b. The vehicle shall fail the initial ASM 2525 mode if subdivision B 11 a of this section is not satisfied by an elapsed time of 90 seconds.

12. The inspector shall perform a second chance test on vehicles which fail either mode of the previous test sequence as follows:

a. If the vehicle fails the first-chance test, the test timer shall reset to zero and a second-chance test shall be performed, except as noted below. The second-chance test shall have an overall maximum

Proposed Regulations

test time of 145 seconds if one mode is repeated, an overall maximum time of 290 seconds if two modes are repeated.

b. If the vehicle failed only the ASM 5015 mode of the first chance test, then that mode shall be repeated upon completion of the ASM 2525 mode. The repeated mode shall be performed as described in this section except that the provisions of subdivision B 6 of this section shall be omitted.

c. If the vehicle fails only the ASM 2525 mode of the first chance test, then the ASM 2525 mode shall not end at 90 seconds but shall continue for up to 180 seconds.

d. If the vehicle failed both ASM 5015 and ASM 2525 modes of the first chance test, then the vehicle shall receive a second-chance test for the ASM 2525 mode. If the vehicle fails the second-chance ASM 2525 mode, then the vehicle shall fail the test, otherwise the vehicle shall also receive a second-chance ASM 5015 mode test.

9 VAC 5-91-440. Two-speed idle test procedure.

A. The emissions inspection procedure shall be a two-speed idle test as specified in paragraph (II) of Appendix B of 40 CFR Part 51, Subpart S.

1. The two-speed idle test shall consist of a test of the vehicle's exhaust emissions at idle and at 2500 rpm while the vehicle's gear selector is in neutral or park.

2. The idle test shall be administered prior to the 2500 rpm test. The tests shall be run consecutively.

3. The complete test shall consist of a first chance idle mode test; followed by a first chance 2500 RPM mode test; followed by a second chance 2500 RPM mode test if the first one was failed; followed by a second chance idle mode if the first one was failed and if the second chance 2500 RPM mode test was passed.

4. If the vehicle fails the first chance test, the second chance test shall be omitted if no exhaust hydrocarbon concentration less than 1800 ppm is detected within an elapsed time of 30 seconds.

5. Motor vehicle manufacturers and the Environmental Protection Agency may issue special test instructions for specific vehicle models which shall be followed in lieu of the test procedures specified in this section if such instructions are provided through the administrator.

6. In order to pass the two-speed idle test, the vehicle's exhaust shall not exceed the standards listed in 9 VAC 5-91-160.

B. The idle test mode shall be performed as follows:

1. The vehicle transmission shall be in neutral or park and the parking brake applied; the engine shall be operating at curb idle according to manufacturer specifications, and there shall not be any manipulation of the engine throttle mechanism.

2. The engine speed (RPM) shall be obtained and shall be between 350 and 1100 RPM for the duration of the test mode.

3. The pass/fail analysis shall begin after an elapsed time of 10 seconds.

4. The minimum idle mode elapsed time shall be 30 seconds and the maximum idle mode elapsed time shall be 90 seconds.

5. The exhaust concentrations shall be measured as percent carbon monoxide and parts per million hydrocarbons after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first.

C. The 2500 RPM mode shall be performed as follows:

1. The vehicle transmission shall be in neutral or park.

2. The vehicle engine speed shall be increased from idle to between 2200 and 2800 RPM and maintained at that level.

3. If the engine speed varies outside the parameters of 2200 to 2800 RPM for more than two seconds during a sampling period, the value shall be invalid and the test duration extended to allow another sampling. If the engine speed varies outside such parameters more for than 10 seconds, the 2500 RPM test mode shall be invalid and another initiated.

4. The pass/fail analysis shall begin after an elapsed time of 10 seconds.

5. The minimum 2500 RPM mode elapsed time shall be 30 seconds and the maximum initial 2500 RPM mode elapsed time shall not exceed 90 seconds.

6. If a second chance 2500 RPM mode is conducted immediately thereafter, the maximum total 2500 RPM mode elapsed time shall not exceed 180 seconds.

7. The exhaust concentrations shall be measured as percent carbon monoxide and parts per million hydrocarbons after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first.

9 VAC 5-91-450. Fuel system evaporative pressure test and gas cap pressure test procedure.

A. The evaporative pressure test and fuel filler cap test shall be performed according to the requirements of 40 CFR 51.357 (a) (10) and (b) (3), or according to alternate procedures approved by the Environmental Protection Agency and approved by the department as part of a certified analyzer system.

B. If the certified analyzer system uses the procedures in 40 CFR 51.357 (a) (10), the test shall be performed as follows:

1. The gas cap shall be removed and the appropriate adapter connected to the fuel filler inlet.

2. The gas cap shall be connected to an appropriate adapter, either as part of the adapter connected to the fuel filler inlet or as part of a separate gas cap test rig.

3. The vapor hose or line in the fuel system connecting the evaporative canister to the fuel tank shall be clamped as close as possible to the canister. If the vapor line cannot be clamped to prevent vapor passage, it shall be disconnected from the canister and plugged to prevent vapor passage.

4. The fuel tank shall be pressurized with ambient air, or a suitable, equivalent gas, to a pressure of 14 inches, \pm 0.5 inches, of water.

5. The flow shall be turned off and the decay of pressure monitored for up to two minutes.

6. If at any time during the two minutes the fuel tank vapor system is being monitored the pressure drops from the starting pressure by more than six inches of water, the test shall be terminated and the vehicle shall be determined to fail the evaporative pressure test.

7. After two minutes, the clamp shall be removed from the vapor line or the line shall be unplugged and the system monitored for a drop in pressure. If a pressure drop is detected, and the fuel tank vapor system did not fail the conditions in step 6 above, the vehicle shall pass the fuel tank portion of the evaporative pressure test. If the gas cap is also connected to the fuel filler neck adapter during the fuel tank evaporative pressure test then the gas cap shall also pass and the vehicle shall pass the evaporative system pressure test.

8. If no pressure drop was detected after unclamping or unplugging the vapor line, the fuel tank, and cap if attached to the fuel inlet adapter, shall be pressurized to a pressure of 28 inches, \pm 1.0 inches, of water, and steps 5, 6, and 7 above repeated.

9. If the gas cap was connected to an adapter on a separate gas cap test rig, the gas cap shall be pressurized to a pressure of 28 inches, \pm 1.0 inches, of water.

10. The flow shall be turned off and the decay of pressure monitored for up to two minutes.

11. If at any time during the two minutes the gas cap test rig is being monitored the pressure drops from the starting pressure by more than six inches of water, the test shall be terminated and the vehicle shall be determined to fail the evaporative pressure test; otherwise the vehicle shall pass the gas cap test.

12. If both the fuel tank and gas cap pressures tests are passed, the vehicle shall pass the evaporative system pressure test.

13. At the termination of the test, the vapor hose and gas cap shall be reinstalled.

C. If the vehicle fails the evaporative system pressure test solely because of the failure of the gas cap test, a new gas cap may be installed and a second chance gas cap test performed. Any failure and subsequent pass under this second chance testing must be recorded as part of the emissions inspection and reported to the customer.

9 VAC 5-91-460. Fuel system evaporative purge test procedure.

A. The evaporative purge test shall be conducted only on vehicles receiving the ASM exhaust emissions test and shall be conducted in conjunction with that test.

B. The evaporative purge test shall be performed according to the requirements of 40 CFR 51.357 (a) (9) and (b) (3), or according to alternate procedures approved by the Environmental Protection Agency and approved by the department as part of a certified analyzer system.

C. If the certified analyzer system uses the procedures in 40 CFR 51.357 (a) (9), the test shall be performed as follows:

1. Prior to initiating the ASM exhaust emissions test, the vapor hose or line between the evaporative canister and the engine shall be disconnected at one end and the purge flow meter installed, reconnecting the system.

2. The vehicle shall undergo the ASM test and the evaporative purge flow shall be monitored.

3. If the purge flow meter indicates a total flow volume of over one liter at any time over the course of the ASM exhaust emissions test, the vehicle shall pass the evaporative purge test.

4. If the ASM exhaust emissions test ends prior to a purge of one liter, and the vehicle did not receive a second chance ASM test, the vehicle shall be operated up to an additional 90 seconds in the ASM 2525 mode in order to detect a purge exceeding one liter. Otherwise, the vehicle shall be determined to have failed the evaporative purge test.

5. At the termination of the test the flow meter shall be disconnected and the vapor hose reconnected.

D. If the evaporative purge test is conducted by introducing an inert gas to the evaporative system and determining its presence in the exhaust, the test shall be conducted as follows:

1. Prior to initiating the ASM exhaust emissions test, the gas cap shall be removed and an appropriate fuel filler inlet adapter installed.

2. Helium or a suitable inert gas shall be introduced into the fuel tank according to the specifications of the analyzer system manufacturer.

3. The exhaust shall be monitored for the flow of helium.

4. At the end of ASM exhaust emissions test, if the helium concentration has at no time exceeded 25 ppm, the vehicle shall be determined to have failed the evaporative purge test; except that if the vehicle passed or failed the ASM exhaust emissions test without requiring a second chance test in either mode, the vehicle shall be operated the additional time periods allowed for whichever second-chance test modes have not been performed in order to obtain a passing concentration of 25 ppm. Otherwise, the vehicle shall fail the evaporative purge test.

Proposed Regulations

5. At the termination of the test, the gas cap shall be properly reinstalled.

9 VAC 5-91-470. Short test standards for warranty eligibility.

A. For 1981 and newer model year light-duty vehicles for which any of the test procedures described in 9 VAC 5-91-420 are utilized to establish Emissions Performance Warranty eligibility, (i.e., 1981 and newer model year light-duty vehicles at low altitude and 1982 and newer model year vehicles at high altitude certification standards of 1.5 grams per mile HC and 15 grams per mile CO or less) short test emissions for all tests and test modes for HC shall not exceed 220 parts per million as hexane and 1.2% CO.

B. For 1981 and newer model year light-duty trucks for which any of the test procedures described in 9 VAC 5-91-420 are utilized to establish Emissions Performance Warranty eligibility, (i.e., 1981 and newer model year light-duty trucks at low altitude and 1982 and newer model year trucks at high altitude certification standards of 2.0 grams per mile HC and 26 grams per mile CO or less) short test emissions for all tests and test modes for HC shall not exceed 220 parts per million as hexane and 1.2% CO.

9 VAC 5-91-480. Emissions related repairs.

A. Emissions related repairs generally include only those adjustments to and maintenance and repair of the motor vehicle components and systems which are directly related to the reduction of exhaust and evaporative emissions necessary to comply with the applicable emissions standards. The expenditure for emissions related repairs does not include the inspection fee as specified in § 46.2-1182 of the Virginia Motor Vehicle Emissions Control Law, the expense of emissions related adjustments, repairs or replacements required by subdivision G 2 of 9 VAC 5-91-420 or the expenses associated with the adjustments to and maintenance, replacement, and repair of emissions control equipment on the vehicle if the need for such adjustment, maintenance, or repair is due to obvious disconnection of, tampering with, or abuse to such emissions control equipment. Emissions control equipment means any part, assembly or system originally installed by the manufacturer for the sole or primary purpose of reducing emissions.

B. Repairs and maintenance including but not limited to the following systems may qualify as emissions related repairs insofar as the purpose is to reduce exhaust or evaporative emissions:

1. Air intake systems.
2. Ignition systems.
3. Electrical systems.
4. Fuel control systems.
5. Emissions control systems.
6. Basic engine systems.
7. Engine cooling systems for microprocessor based air and fuel control systems.
8. On-board diagnostic systems.

9 VAC 5-91-490. Engine and fuel changes.

A. For those vehicles in which the original engine has been replaced, the following conditions shall apply:

1. The emissions standards and applicable emissions control equipment for the year and model of the vehicle body or chassis, or the engine, whichever is newer, according to the registration or title, shall apply.

2. For those diesel powered vehicles which have been converted to operate on fuels other than diesel, the emissions standards and applicable emissions control equipment for the year, make and model of the gasoline equivalent for the vehicle chassis, according to the registration, shall apply.

3. Exceptions and final determinations regarding this section may be granted by the department provided information is verifiable by inspection of the vehicle engine and emissions control equipment by the department.

B. For those vehicles titled or registered as model year 1973 and newer, that were assembled by other than a licensed manufacturer, such as kit cars, the applicable emissions control equipment and emissions standards shall be based upon a determination of the year of the vehicle engine. The year of the engine shall be presumed to be that stated by the vehicle owner unless it is determined by the department, after physical inspection of the vehicle engine, that the year of the engine is other than stated by the owner. The emissions standards for a vehicle of this classification shall be determined by the year of manufacture of the engine.

C. For those vehicles which have the capability or are equipped to operate on either gasoline or an alternative fuel, and are subject to emissions inspections, the vehicle shall be tested while operating on gasoline.

D. In order to provide for the accurate inspection and registration coordination of motor vehicles in which the original engine has been replaced, questions shall be referred to the department for resolution.

PART VII.

VEHICLE EMISSIONS REPAIR FACILITY CERTIFICATION.

9 VAC 5-91-500. Applicability and authority.

A. The director shall issue, deny, suspend or revoke certification and establish procedures and other instructions for the operation of vehicle emissions repair facilities where vehicle emissions related repairs will apply toward a vehicle emissions inspection waiver.

B. The provisions of this part apply to initial certifications, renewals of certification, reinstatements and requalifications.

C. The director shall issue a certification for any emissions repair facility qualified or requalified under 9 VAC 5-91-510 except facilities whose suspension period has not expired.

9 VAC 5-91-510. Certification qualifications.

A. Application for certification shall be made to the department in accordance with procedures approved by the department.

B. Applicants shall demonstrate to the department the ability to conform to this chapter.

C. Certifications shall be valid only to the emissions repair facility, owner, or leasee for which it is issued and may not be transferred or used at any other emissions repair facility nor by any other owner.

D. Transfer or sale of business, or changes in name or location will require notification to the department and may require new certification.

E. The department may require proof of business ownership, articles of incorporation, partnership agreements and lease agreements prior to certification of an emissions repair facility.

F. All emissions repair facility certification documentation shall be posted in a conspicuous place on the certified premises, within view of the public and approved by the department.

G. Certification is valid for time periods determined by the department, not to exceed three years.

H. Equipment, tools, and reference materials, including but not limited to the following list, are required to be available in certified emissions repair facilities contingent on commercial availability.

1. For vehicles subject to the Northern Virginia emissions inspection program and serviced by that emissions repair facility, current reference material, either in manual or electronic form, to include:

- a. Emissions control systems and application guides.
- b. Emissions related repair guides.

2. Necessary tools and equipment, either as components or as a complete system, for emissions related repairs as listed below:

- a. An exhaust emissions analyzer capable of analyzing exhaust emissions from vehicles on which emissions repairs are being performed.
- b. Oscilloscope or other automotive analyzer capable of displaying ignition patterns, cylinder power contributions, and square wave and injection patterns of vehicles.
- c. Ammeter, DC.
- d. Ohmmeter.
- e. Voltmeter, AC/DC.
- f. Tachometer, RPM meter.
- g. Fuel pressure gauge capable of fuel injection diagnosis.
- h. Cam-angle dwell meter.
- i. Ignition timing light with timing advance meter and adjustment.
- j. Compression test gauge and cylinder leak-down tester.

k. Vacuum pump with gauge for applying simulated manifold vacuum to emissions control devices.

l. Temperature gauge (32° to 300°F) for measuring engine coolant temperature.

m. Scan tools, supplemental analyzer provisions, or detailed reference materials sufficient to allow the extraction and interpretation of computer fault codes from any vehicle being repaired that is equipped with an exhaust gas oxygen sensor and malfunction indicator light.

9 VAC 5-91-520. Expiration, reinstatement, renewal, and requalification.

A. Upon expiration, suspension, or revocation of certification, vehicle emissions related repairs henceforth performed by the emissions repair facility shall no longer be applicable toward a vehicle emissions inspection waiver as described in 9 VAC 5-91-420 N.

B. A new application is required after revocation or expiration of the certification.

C. The director shall reinstate an emissions repair facility certification at the end of a suspension period upon notification by the facility that the suspension period has ended.

D. Requalification may be required at any time by the department based on the results of monitoring of emissions repair facility performance or changes in applicable vehicle emissions control or repair technology.

E. If an emissions repair facility fails to become requalified within 90 days after notice of requalification requirement by the department, the certification shall expire.

F. The department will endeavor to notify facilities prior to the expiration of certification. However, it is the responsibility of the emissions repair facility to have a current valid certification.

G. Expiration of certification or revocation of certification shall require reapplication.

H. Upon expiration or notification of revocation, the emissions repair facility shall surrender to the department all certification documents issued by the department.

I. Any applicant whose certification has been revoked shall make a showing to the director that the condition causing the revocation has been corrected to the satisfaction of the director.

9 VAC 5-91-530. Emissions repair facility operations.

A. Emissions repair facilities shall maintain applicable repair and certification related records available for inspection and audit by the department any time during normal business hours for 12 months.

B. Emissions repair facilities shall employ at least one certified emissions repair technician during posted emissions repair station hours.

Proposed Regulations

C. Emissions repair facilities operations shall be conducted in accordance with applicable statutes and this chapter.

D. Emissions repair facilities shall provide emissions repair data and other such information related to repair effectiveness as required by the department in accordance with 9 VAC 5-91-530 A for the purposes of emissions related repair performance monitoring.

E. No facility shall be represented as a certified emissions repair facility unless a valid certification has been issued for that facility by the director.

F. Emissions repair facilities shall cooperate with the department during the conduct of audits, investigations and complaint resolutions.

G. Equipment, tools, and reference materials must be maintained in proper working order.

H. Emissions repair facilities shall maintain a file of the name, address, and identification number of all currently employed certified emissions technicians and shall provide such information to the department upon request.

9 VAC 5-91-540. Sign posting.

A. Emissions repair facilities performing emissions related repairs for the public shall post a sign approved or provided by the department designating the location as a certified vehicle emissions repair facility in a conspicuous location on the premises, in view of the public and approved by the department.

B. Emissions repair facilities performing emissions related repairs for the public shall post the applicable waiver costs limit in a conspicuous location on the premises, in view of the public, and approved by the department.

PART VIII.

EMISSIONS REPAIR TECHNICIAN CERTIFICATION AND RESPONSIBILITIES.

9 VAC 5-91-550. Applicability and authority.

A. The director shall issue, deny, suspend or revoke certifications to perform adjustments and repairs which are intended to apply towards a vehicle emissions inspection waiver.

B. The provisions of this part apply to initial certifications, renewals, requalifications and any reinstatement of certification.

C. The director shall issue a certification to any person qualified or requalified under 9 VAC 5-91-560 except persons whose suspension period has not expired.

9 VAC 5-91-560. Certification qualifications for emissions repair technicians.

A. Application for certification under this part shall be made to the department and in accordance with procedures approved by the department.

B. Applicants shall demonstrate to the department the ability to conform with applicable motor vehicle laws and this chapter.

C. Certification is valid only for the person to whom it is issued.

D. Emissions repair technicians may be certified to perform emissions related repairs at more than one certified station.

E. Certification is valid for a time period determined by the department, not to exceed three years.

F. The requirements for emissions repair technician certification are as follows:

1. The certification process shall be administered by the department or its agent according to procedures of the department. Before applicants are certified, they must comply with the requirements of this section. The department will notify applicants of the certification requirements prior to testing.

2. An applicant shall demonstrate knowledge, skill, and competence concerning the adjustment and repair of vehicle emissions control systems. Such knowledge, skill and competence shall be demonstrated by passing a qualification test and certification process, which may include training, as approved by the department. Such demonstration may include knowledge of the following:

a. Operation and purpose of emissions control systems.

b. Relationship of hydrocarbon, oxides of nitrogen and carbon monoxide emissions to timing and air-to-fuel ratio control and vehicle load as applicable to the emissions inspection required.

c. Adjustment and repair to manufacturers' specifications.

d. Contemporary diagnostic and engine tune-up procedures.

e. Emissions related adjustment and repair requirements for all vehicles failing an emissions inspection.

f. Other such relevant emissions related repair criteria, as determined by the department.

g. Other provisions of this chapter applicable to emissions related repair.

G. Any certification applicant whose certification has been revoked shall make a showing to the director that the condition causing the revocation has been corrected to the satisfaction of the director.

9 VAC 5-91-570. Expiration, reinstatement, renewal and requalification.

A. Upon expiration, suspension, or revocation of the certification, the emissions repair technician shall no longer be authorized to perform emissions related repairs and have them apply toward emissions inspection waivers as described in 9 VAC 5-91-420 N.

B. Certification of an emissions repair technician is required as a result of revocation or expiration of the certification.

C. The director shall reinstate certification of an emissions repair technician at the end of a suspension period upon notification by the emissions repair technician that the suspension period has ended.

D. Requalification may be required at any time by the department based on the results of monitoring of the performance of the emissions repair technician or based on changes in applicable vehicle emissions control or repair technology. Failure to requalify within 90 days shall result in expiration of the emissions repair technician certification.

E. The department will endeavor to notify technicians prior to the expiration of their certification. However, it is the responsibility of the emissions repair technician to maintain a current certification.

F. Upon expiration or notification of revocation or suspension, the technician shall surrender to the department all certification documents issued by the department.

G. Requalification requirements for all emissions repair technicians.

1. When necessary to update the technical qualifications of emissions repair technicians, or when technician performance monitoring indicates a need for additional training or other action, holders of emissions repair technician certifications shall be required to requalify.

2. Emissions repair technicians shall be required to requalify within 90 days from the date of written notification by the department. Notice of this requirement shall be mailed to the address of record as maintained by the department. The notice shall inform the person of the necessity of requalification and the nature of such skills, systems, and procedures requiring the training for the continued performance as an emissions repair technician. The notice shall give the name and location of training sources approved or accredited for purposes of retraining, the necessity of requalification by a certain date, and the nature and evidence of documentation to be filed with the department evidencing such requalification.

9 VAC 5-91-580. Certified emissions repair technician responsibilities.

A. No person shall claim to be a certified emissions repair technician without holding a valid certification issued by the director.

B. Certification documents shall be available on the premises where the emissions repair technician is performing emissions related repairs and available to department personnel upon request.

C. Emissions repair technicians shall keep their current mailing address and place of employment on file with the department.

D. Certified emissions repair technicians shall properly complete and sign forms, including but not limited to the repair section of the vehicle emissions inspection report, indicating the diagnosis or reason for failure of the emissions inspection, the type of emissions related repair work performed, the itemized and total cost of such repairs, and

provide other data the department requires for consideration of emissions inspection waiver requests.

E. All emissions repair technicians shall cooperate with the department during the conduct of audits, investigations and complaint resolution.

PART IX.
ENFORCEMENT PROCEDURES.

9 VAC 5-91-590. Enforcement of regulations, permits, licenses, certifications and orders.

A. Licensees, permittees, certified emissions repair technicians and certified emissions repair facilities shall be subject to the provisions of this chapter, be responsible for their own actions and be responsible for the actions of persons employed by them.

B. A violation of the Virginia Motor Vehicle Emissions Control Law, any provision of this chapter or any permit, license, certification or order shall be cause for a notice of violation to be served on the alleged violator, citing the applicable provisions of the Virginia Motor Vehicle Emissions Control Law, this chapter, the permit, license, certification requirement or order, or any combination thereof involved, and the facts on which the alleged violation is based.

C. Owners are responsible for the overall operation of the emissions inspection station or emissions repair facilities including the actions of its employees and any licensed emissions inspector or certified emissions repair technician working at that station or facility and may be issued a notice of violation for any violation of this chapter by such persons.

D. A notice of violation may be addressed through a consent order or through the informal fact finding or formal hearing process.

E. The director or a designated representative shall issue and sign consent orders, conduct informal fact findings and formal hearings and make all case decisions.

F. Nothing in this chapter shall prevent the department from negotiating a consent order in lieu of a penalty in any case.

9 VAC 5-91-600. General enforcement process.

A. Upon issuance of a notice of violation, attempts shall be made to negotiate a consent order. The negotiation process may take the form of two tiers, the first involving negotiations with the department field staff. The second tier involves subsequent negotiations with the department's management personnel for regional compliance, mobile sources operations, or enforcement if the first tier negotiations are unsuccessful and the alleged violator wishes to continue negotiations.

B. If the parties cannot agree on a consent order, an informal fact finding shall be held after reasonable notice in accordance with § 9-6.14:11 of the Virginia Administrative Process Act. Upon consent of all parties, the informal fact finding may be waived and a formal hearing shall be held after reasonable notice in accordance with § 9-6.14:12 of the Virginia Administrative Process Act. During these proceedings, the department and the alleged violator may

Proposed Regulations

present facts and circumstances surrounding the alleged violation in accordance with the Virginia Administrative Process Act.

C. A formal hearing shall be held to suspend emissions inspection station permits, unless the parties agree to hold an informal fact finding and waive a formal hearing and agree that the decision from the informal fact finding is the final decision appealable to court. An emissions inspection station permit may be suspended pursuant to an informal fact finding, provided the department holds a formal hearing within 10 days from the date of suspension in accordance with § 46.2-1185 of the Virginia Motor Vehicle Emissions Control Law.

D. As provided in § 46.2-1185 of the Virginia Motor Vehicle Emissions Control Law, the director can summarily suspend an emissions inspection station permit without a formal hearing and require the permit holder to immediately cease performing emissions inspections. Within 10 days of such action, the director shall hold a formal hearing to affirm, modify, amend, or cancel the suspension unless the affected party agrees to waive the formal hearing and allow the suspension to remain in effect.

E. For all formal hearings, the department shall issue a prehearing order which shall indicate the manner in which the hearing will be conducted and shall address witnesses, the prefilling of exhibits, and proposed findings of fact and conclusions of law.

F. With respect to appeals of penalties imposed pursuant to an informal fact finding, the presiding officer shall be a designee of the director other than the regional emissions inspection program manager or any emissions inspection program staff member.

G. Any case decision made pursuant to an informal fact finding must be in writing, must inform the alleged violator of the penalty being imposed and the basis for any adverse decision, and must inform the named party of his right to appeal.

1. Any affected party has the right to request a formal hearing to appeal an adverse decision from an informal fact finding unless the parties agree before the decision is rendered to waive the formal hearing and that the decision shall be considered a final decision appealable to court.

2. A written informal fact finding decision shall contain a statement that the affected party has the right to request a formal hearing in order to appeal the decision within 10 days of notification of the decision or, if previously agreed by the parties, that the decision is final and the affected party has the right to appeal the decision to court.

3. Any request for a formal hearing shall be made within 10 days of notification of the decision by the affected party, in writing, to the department representative who made the informal fact finding decision.

H. Case decisions made pursuant to a formal hearing shall be made by the director. They must be in writing and contain findings of fact and conclusions of law that set forth the basis

for any adverse decision, inform the alleged violator of the penalty being imposed and inform the named party of his right to appeal that decision to court.

I. All permits, licenses and certifications shall be surrendered to the department upon notice of revocation. Emissions inspection stations and emissions repair facilities shall also surrender to the department all forms, data media and documents issued by or purchased from the department.

J. If the case decision is a final decision appealable to court, the department need not act further except to enforce any penalty or order issued pursuant to the decision.

K. If the director determines that a permittee, licensee, or holder of a certification is not complying with the Virginia Motor Vehicle Emissions Control Law, this chapter, any case decision, penalty or consent order issued pursuant to this chapter, the director may seek appropriate criminal or civil judicial enforcement, or both, in accordance with § 46.2-1187 and § 46.2-1187.2 of the Code of Virginia.

9 VAC 5-91-610. Consent orders and penalties for violations.

A. Penalties for violations of the Virginia Motor Vehicle Control Law, this chapter, permits, licenses, certifications and orders include letters of reprimand, probation, suspension, and revocation.

B. Penalties may be imposed as a result of an informal fact finding or formal hearing, and may be negotiated by the parties for inclusion in consent orders.

C. A consent order shall contain an agreed-to penalty in the form of a letter of reprimand, probationary period, or suspension, or a civil charge, a combination thereof, or other agreed upon actions.

D. For any minor violation, as described in 9 VAC 5-91-630, the director may negotiate or impose pursuant to an informal fact finding or formal proceeding:

1. A letter of reprimand.

2. For the second minor violation within 24 months, a letter of reprimand and a probationary period not to exceed 24 months.

E. For any major violation, as described in 9 VAC 5-91-620, the director may negotiate or impose pursuant to an informal fact finding or formal proceeding:

1. A letter of reprimand.

2. A letter of reprimand and a probationary period not to exceed 24 months.

3. A suspension or revocation of a permit, license or certification.

F. Suspensions shall be for a period not to exceed one year.

G. In the case of multiple violations, suspensions may run concurrently.

H. Emissions inspectors and emissions repair technicians are subject to the same penalties that may be imposed on emissions inspection station permit holders. Such penalties

shall be imposed separately on each affected party only as part of a consent order or through an informal fact finding or formal hearing. The director shall consider a party's level of responsibility for the violation in negotiating a consent order or in imposing a particular level of penalty pursuant to an informal fact finding or a formal hearing.

9 VAC 5-91-620. Major violations.

A. Major violations are considered the most serious of offenses resulting from unacceptable performances in the conduct of emissions inspections, the operation of emissions analyzer systems, and the conduct of emissions related repairs. Such violations are of a nature that would directly affect the integrity, credibility, and emissions reduction effectiveness of the vehicle emissions inspection program.

B. A violation of the following provisions of this chapter shall constitute a major violation:

Permittee:	Licensee:	Emissions Repair Facility:
9 VAC 5-91-220 B, C 9 VAC 5-91-260 B, D 9 VAC 5-91-280 9 VAC 5-91-290 B, G, H 9 VAC 5-91-300 B, C, D, F 9 VAC 5-91-320 A, D 1, 2, 4, 5, 8, 11 9 VAC 5-91-330 9 VAC 5-91-340 9 VAC 5-91-360 B, C, E 9 VAC 5-91-370 9 VAC 5-91-410, 420, 430, 440, 450, 460 9 VAC 5-91-480, 490	9 VAC 5-91-290 B 9 VAC 5-91-330 9 VAC 5-91-340 9 VAC 5-91-360 C, E 9 VAC 5-91-370 9 VAC 5-91-380 F, I 9 VAC 5-91-400 9 VAC 5-91-410, 420, 430, 440, 450, 460 9 VAC 5-91-480, 490	9 VAC 5-91-510 C, H 9 VAC 5-91-520 H 9 VAC 5-91-530 A through G
		Emissions Repair Technician:
		9 VAC 5-91-560 C 9 VAC 5-91-570 F 9 VAC 5-91-580 A, D, E

C. Obtaining a permit, license or certification by false statement or misrepresentation is a major violation and shall be grounds for revocation.

D. Use of alcohol or illegal drugs while performing emissions inspections or emissions-related repair shall be considered a major violation.

E. Any third and subsequent minor violation within 24 months shall be considered a major violation.

F. Any violation of the Virginia Motor Vehicle Emissions Control Law and this chapter that is not specifically identified in this section may be treated as a major violation if the director determines on a case-by-case basis that the violation

fits the criteria for major violations set forth in subsection A of this section.

9 VAC 5-91-630. Minor violations.

A. Although they may not necessarily directly affect emissions reduction effectiveness, minor violations are considered to be serious enough to influence the overall effectiveness of the Motor Vehicle Emissions Control Program, and pertain to station operations, quality assurance, quality control, unacceptable security of documents and records, maintenance of certain required equipment and systems, emissions repair efficiency and such other items as are necessary to maintain program uniformity, and to ensure the ability to function as a permittee, licensee or certified emissions repair technician or facility.

B. A violation of any provision of this chapter not previously listed under subsections B, C and D of 9 VAC 5-91-620 shall constitute a minor violation, as they pertain to a permittee, licensee, or certified emissions repair technician or facility, unless the director determines that the violation is a major violation in accordance with subsection F of 9 VAC 5-91-620.

PART X.
ANALYZER SYSTEM CERTIFICATION AND SPECIFICATIONS FOR ENHANCED EMISSIONS INSPECTION PROGRAMS.

9 VAC 5-91-640. Applicability.

A. The provisions of this chapter apply to any instrument or equipment used for measuring exhaust gases and evaporative emissions from motor vehicles in the Virginia Motor Vehicle Emissions Control Program.

B. No owner or other person shall conduct emissions inspections required by the Virginia Vehicle Emissions Control Program pursuant to this chapter unless the analyzer system used to perform such inspections is certified by the department and such other required equipment meets the provision of this chapter.

9 VAC 5-91-650. Design goals.

A. The analyzer system shall be designed for maximum operational simplicity with a minimum number of operational decisions required by the emissions inspector in the performance of a complete exhaust emissions analysis including evaporative emissions tests or fuel filler cap test or a combination of such tests.

B. The analyzer system shall be unaffected by ambient conditions in a typical emissions inspection station environment and its use shall be primarily for compliance inspection purposes. It shall be capable of providing emissions characteristics, independent of the inspection function, which can be used for vehicle diagnostic work as well.

C. The analyzer system shall be of a design which can perform ASM testing using a BAR 90 analyzer with the addition of (i) a dynamometer, (ii) a NOx analyzer, (iii) evaporative emissions control system pressure test equipment, (iv) fuel filler cap test equipment, (v) on-board diagnostic (OBD) connection equipment for manufacturer

Proposed Regulations

phase I, and (vi) a two-dimensional bar code reader and laser printer.

D. The analyzer shall be readily upgradable, without replacing the existing central processing unit, to incorporate on-board diagnostic (OBD) phase II testing equipment, evaporative system purge test equipment, and additional electronic vehicle identification equipment such as video and audio processes.

9 VAC 5-91-660. Warranty; service contract.

A. A certified emissions analyzer system shall include, at a minimum, a warranty, including parts and labor, which shall begin on the day of the enhanced emissions inspection program implementation and continue in force for one year. The disk drive system in the central processing unit shall be warranted for two years.

B. Emissions analyzer system manufacturers or vendors shall offer, at a price to be stated at the time such system is offered for sale, an extended warranty for an additional five years beyond the initial one-year warranty.

C. Emissions analyzer system manufacturers or vendors shall offer, at a price to be stated at the time such system is offered for sale, a maintenance service contract for the period of time remaining from the startup date to a date six years afterward.

9 VAC 5-91-670. Owner provided services.

A. The owner of an emissions inspection station shall enter into an agreement with a manufacturer or its authorized representative to provide the following services to the emissions inspection station at an initial fixed cost per analyzer system to be agreed upon by both parties.

1. Delivery, installation, calibration, and verification of the proper operating condition of an analyzer system which has been certified in writing by the department.

2. Training of all inspectors employed by the emissions inspection station at the time of installation in (i) the proper use, maintenance, and operation of the exhaust analyzer system, (ii) the step-by-step procedure for performing an emissions inspection and any evaporative emissions control system test or fuel filler cap test required, and (iii) proper safety precautions for dynamometer use and exhaust and calibration gas ventilation procedures.

3. Annual updates of the preexisting internal computer software of the analyzer as specified by the department including, but not limited to:

- a. Changes to the emissions standards;
- b. Changes to the listed vehicle codes;
- c. Changes to the items in the printing system to correspond to changes in other requirements; and
- d. Additions or changes to the tampering list.

B. Emissions inspection stations shall maintain their analyzer systems in good working condition such that they continue to meet certification requirements. Any further

arrangements regarding service or maintenance are at the discretion of the emissions inspection station and the manufacturer or equipment vendor.

C. Repair or replacement of analyzer system components, other than for normal maintenance, must be performed by the analyzer system manufacturer or authorized agent.

9 VAC 5-91-680. Certification of analyzer systems.

A. No analyzer system may be installed, sold or represented as a certified enhanced analyzer system without prior written certification by the department.

B. In order to receive department certification, the analyzer system must have a certificate from the manufacturer that it meets the specifications of 40 CFR Part 85, Subpart W. This certification is necessary so that inspections performed using that analyzer will qualify applicable vehicles for warranty repair coverage according to the provisions of the Emissions Control System Performance Warranty (§ 207(b) of the federal Clean Air Act).

C. A manufacturer requesting the approval of an instrument for the measurement of exhaust gases for use in the Virginia Motor Vehicle Emissions Control Program shall make application to the department using procedures approved by the department.

9 VAC 5-91-690. Span gases; gases for calibration purposes.

A. The gases used in the emissions inspection shall be approved by the department and shall comply with the "Virginia Approved Span Gas Verification Program" requirements as established by the department.

1. Gases shall be manufactured in accordance with U.S. Environmental Protection Agency technical report, "EPA Recommended Practice for Naming I/M Calibration Gas."

2. The station owner shall maintain a comprehensive, up-to-date list, including with addresses and phone numbers, of gas blenders approved by the department.

B. The gas concentrations supplied to the emissions inspection stations shall conform to the specifications contained in this section. Accuracy of the gas blends shall be certified by the gas blender to be within $\pm 2.0\%$ of the labeled concentration and shall be traceable to the National Institute of Standards and Technology.

1. The carrier gas shall be nitrogen; the hydrocarbon gas shall be propane. Three component (hydrocarbon, carbon monoxide, carbon dioxide and carrier) gases shall be provided.

2. The concentrations of the gas blend shall be within limits established by the department to provide for uniform exhaust gas analyzer spanning.

C. Gases shall be supplied in containers which meet all the provisions of the Occupational Safety and Health Administration as specified in 36 Federal Register 105, dated May 29, 1971.

D. Each instrument shall be permanently labeled with its optical correction factor (also referred to as "C" factor,

propane equivalency factor, or propane to hexane conversion factor), carried to at least two decimal places (within the gas accuracy limits), e.g., (0.52). Factor confirmation shall be made on each assembled analyzer by measuring both N-hexane and propane on assembly line quality checks.

9 VAC 5-91-700. Calibration of exhaust gas analyzers.

The department shall use, and require for use, gases and containers meeting the following parameters, blends, and specifications in the calibration of exhaust gas analyzers:

1. The calibration gases for standardizing instruments shall conform to the provisions outlined in 40 CFR 86.114-79, or other specific guidance from the Environmental Protection Agency for ASM equipment, for automotive exhaust emissions testing. Those gases shall be of precision quality, certified to be within $\pm 1.0\%$ of the labeled concentration, and traceable to the National Institute of Standards and Technology.

2. Analyzers shall automatically require and successfully pass a three-point gas calibration for HC, CO, and CO₂ and a two-point calibration for NO, within 72 hours before each test.

3. Analyzers shall automatically require and successfully pass a five-point gas audit for HC, CO, CO₂, and NO every 90 days and each time an analyzer emissions measurement system, sensor, or other electronic components are repaired or replaced.

9 VAC 5-91-710. Upgrade of analyzer system.

A. Any requirement to upgrade a certified emissions inspection analyzer system as described in this chapter shall apply to all such systems certified under this chapter and shall require an amendment to this chapter.

B. Such upgrade may include, but not be limited to, on-board diagnostic (OBD) phase II testing equipment, any evaporative emissions control system pressure test or purge test equipment not already in use, and electronic vehicle identification systems such as video and audio processes.

PART XI.
MANUFACTURER RECALL.

9 VAC 5-91-720. Vehicle manufacturer recall.

A. Motor vehicles subject to the enhanced emissions inspection program shall have any known emissions-related, vehicle manufacturer recall requirement satisfied prior to testing.

B. Manufacturers' emissions-related recall requirements may be pursuant to either a "Voluntary Emissions Recall" as defined at 40 CFR 85.1902(d) or to a remedial plan determination made pursuant to 42 USC § 7541(c).

C. The motor vehicle owner shall provide proof of compliance with such recall requirement to the emissions inspector or to the department.

1. Such proof shall consist of dated receipts from a motor vehicle dealer or repair facility authorized by the vehicle manufacturer to perform such repair or adjustment required by the recall.

2. The motor vehicle owner is responsible for obtaining satisfactory resolution of any such recall requirement and retaining all pertinent records and data.

D. Notification by mail to the motor vehicle owner of an emissions-related manufacturer recall at least 60 days prior to the requirement for an emissions inspection shall constitute adequate notice. Such notice may be provided through motor vehicle registration renewal notification, motor vehicle dealer notification, notification by the department, or other means.

9 VAC 5-91-730. Exemptions; temporary extensions.

A. An exemption to the requirement to comply with emissions-related manufacturer recall may be granted by the director upon a showing, documented by corroborating information from the vehicle manufacturer or dealer, that such recall is no longer valid or can no longer be complied with due to technical reasons.

B. An extension of the vehicle emissions inspection valid period may be granted by the department for the purpose of compliance with emissions-related manufacturer recall upon a showing, documented by corroborating information from the vehicle manufacturer or dealer, that required parts, tools or required technological information is unavailable. Such extension shall be for a period which reflects the demonstrated need, not to exceed two years.

PART XII.
ON-ROAD TESTING.

9 VAC 5-91-740. General requirements.

A. The on-road testing program shall conform, at a minimum, to the requirements of 40 CFR 51.371 and § 46.2-1178.1 of the Code of Virginia applicable to the program area in which it is employed.

B. The emissions standards for the on-road testing program are those contained in Table III-B in 9 VAC 5-91-170.

C. The remote sensing program and the emissions standards applicable thereto shall apply to all motor vehicles registered in the program area and all those vehicles operated primarily in the program area.

9 VAC 5-91-750. Operating procedures; violation of standards.

A. Remote sensing equipment shall be operated in accordance with the remote sensing equipment manufacturers operating instructions and any contract or agreement between the department and the equipment operator.

B. Motor vehicles determined by remote sensing equipment to have exceeded the applicable emissions standard in Table III-B in 9 VAC 5-91-170 twice within 90 days shall be considered to have violated such emissions standards.

1. Owners of such motor vehicles shall be issued a notice of violation and shall be subject to the civil

Proposed Regulations

charges in 9 VAC 5-91-760 unless waived pursuant to this section.

2. If a violation has occurred, motorists shall be informed by the department or its representative of the failure to comply with emissions standards and of the dates, times, and places such remote sensing occurred.

C. Civil charges assessed pursuant to this part shall be waived if, within 90 days of the date of the notice of the violation, the motor vehicle owner provides proof that (i) since the date of the violation, the vehicle has passed a vehicle emissions inspection, (ii) the vehicle has received an emissions inspection and qualifies for a waiver, or (iii) the vehicle has qualified for a waiver within the 12 months prior to the violation.

D. The requirement for an emissions inspection, based on a remote sensing failure, may be waived by the department if the motor vehicle in question is, by virtue of its registration date, required to have an emissions inspection within 90 days of the date of the notice of violation.

9 VAC 5-91-760. Schedule of civil charges.

A. No charge shall exceed an adjusted maximum charge of \$450 adjusted annually by using 1990 as the base year and applying the consumer price index.

B. For violations measured in accordance with 9 VAC 5-91-750 B to be up to 120% of the applicable standard, the charge shall not exceed 20% of the adjusted maximum charge in subsection A of this section.

C. For violations measured in accordance with 9 VAC 5-91-750 B to be up to 140% of the applicable standard, the charge shall not exceed 40% of the adjusted maximum charge in subsection A of this section.

D. For violations measured in accordance with 9 VAC 5-91-750 B to be up to 160% of the applicable standard, the charge shall not exceed 60% of the adjusted maximum charge in subsection A of this section.

E. For violations measured in accordance with 9 VAC 5-91-750 B to be up to 180% of the applicable standard, the charge shall not exceed 80% of the adjusted maximum charge in subsection A of this section.

F. For violations measured in accordance with 9 VAC 5-91-750 B to be up to 200% or more of the applicable standard, the charge shall not exceed the adjusted maximum charge in subsection A of this section.

G. Civil charges assessed pursuant to this part shall be paid into the state treasury according to § 46.2-1178.1 of the Code of Virginia.

PART XIII. FEDERAL FACILITIES.

9 VAC 5-91-770. General requirements.

A. Federal facilities located within the Northern Virginia program area shall be subject to the Northern Virginia Vehicle Emissions Control Program, and shall ensure compliance with the program, according to § 118 of the federal Clean Air Act.

B. The program applies to affected motor vehicles (i) operated on or commuting to the federal facility regardless of where the vehicles are registered, and (ii) affected motor vehicles owned, leased, or operated by the federal government or federal employees.

C. This requirement shall not apply to vehicles which operate on or commute to federal facilities less than 60 calendar days per year.

9 VAC 5-91-780. Proof of compliance.

A. Each federal facility administrator or his designee shall provide the department with proof of compliance with this chapter by March 31 of each year, covering the preceding calendar year.

B. Such proof shall consist of a report, in a format approved by the department, which identifies, at a minimum:

1. A listing of each affected motor vehicle that has complied with all requirements of this chapter, its date of compliance, and the means of compliance as described in subsection C of this section;

2. A listing of each affected motor vehicle that has not complied with all requirements of this chapter and the reasons therefor; and

3. A plan for action necessary to ensure that vehicles in noncompliance with this part are brought into compliance within 90 days.

C. The federal facility administrator shall use one of the following means to establish proof of compliance:

1. Presentation of a valid vehicle inspection report showing compliance with any enhanced emissions inspection program;

2. Presentation of proof of vehicle registration identifying a garaged address within the Northern Virginia program area; or

3. Any other means approved by the department.

PART XIV. ASM EXHAUST EMISSION STANDARDS.

9 VAC 5-91-790. ASM start-up standards.

Start-up standards shall be used during the first test cycle of the emissions inspection program. The exhaust emissions standards for the following model years are cross-referenced by using the number in the column in Table 14.1 to locate the column that lists the appropriate standards in the tables in 9 VAC 5-91-810. Each column reference below corresponds to two columns, one for the ASM 5015 and one for the ASM 2525, in Table 14.3. The test standards are then listed in the appropriate column according to the Equivalent Test Weight.

TABLE 14.1
Light Duty Vehicles.

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1	1	21	41
1991-1995	2	22	42
1983-1990	4	23	43
1981-1982	4	26	43
1980	4	26	48
1977-1979	11	30	48
1975-1976	11	30	50
1973-1974	13	34	50
1968-1972	13	34	51

Light Duty Trucks 1 (less than 6000 pounds GVWR).

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1			
(<3750 LVW)	1	21	41
(>3750 LVW)	2	22	42
1991-1995	5	26	43
1988-1990	7	29	44
1984-1987	7	29	49
1979-1983	11	31	49
1975-1978	12	32	50
1973-1974	13	34	50
1968-1972	13	34	51

Light Duty Trucks 2 (greater than 6000 pounds GVWR).

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1			
(<5750 LVW)	2	22	42
(>5750 LVW)	5	26	45
1991-1995	5	26	46
1988-1990	7	29	47
1984-1987	7	29	49
1979-1983	11	31	49
1975-1978	12	32	50
1973-1974	13	34	50
1968-1972	13	34	51

9 VAC 5-91-800. ASM final standards.

Final standards shall be used during the second and subsequent test cycles of the emissions inspection program unless specifically determined according to 9 VAC 5-91-170.

The exhaust emissions standards for the following model years are cross-referenced by using the number in the column in Table 14.2 to locate the column that lists the appropriate standards in the tables in 9 VAC 5-91-810. Each column reference below corresponds to two columns, one for the ASM 5015 and one for the ASM 2525, in Table 14.3. The test standards are then listed in the appropriate column according to the equivalent test weight.

TABLE 14.2
Light Duty Vehicles.

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1	1	21	41
1983-1995	1	21	41
1981-1982	1	23	41
1980	1	23	45
1977-1979	6	27	45
1975-1976	6	27	48
1973-1974	10	32	48
1968-1972	10	32	49

Light Duty Trucks 1 (less than 6000 pounds GVWR).

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1			
(<3750 LVW)	1	21	41
(>3750 LVW)	1	21	41
1988-1995	3	24	42
1984-1987	3	24	46
1979-1983	8	28	46
1975-1978	9	29	48
1973-1974	10	32	48
1968-1972	10	32	49

Light Duty Trucks 2 (greater than 6000 pounds GVWR).

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1			
(<5750 LVW)	1	21	41
(>5750 LVW)	1	21	41
1988-1995	3	24	44
1984-1987	3	24	46
1979-1983	8	28	46
1975-1978	9	29	48
1973-1974	10	32	48
1968-1972	10	32	49

Proposed Regulations

9 VAC 5-91-810. ASM 2525 and 5015 Concentration Tables.

A. ASM 2525 and ASM 5015 Hydrocarbon Table (ppm C6)

Column ETW	1 5015	1 2525	2 5015	2 2525	3 5015	3 2525	4 5015	4 2525
1750	142	136	224	216	257	249	291	282
1875	134	129	212	205	243	236	275	266
2000	127	123	201	194	230	223	260	252
2125	121	116	191	184	219	212	246	239
2250	115	111	182	175	208	201	234	227
2375	109	106	173	167	198	192	223	216
2500	105	101	166	160	189	183	212	206
2625	100	97	159	153	181	175	203	197
2750	96	93	152	147	173	168	194	189
2875	92	89	146	141	167	161	187	181
3000	89	86	141	136	160	155	180	174
3125	86	83	136	132	155	150	173	168
3250	83	80	132	127	149	145	167	162
3375	81	78	128	123	145	140	162	157
3500	78	76	124	120	140	136	157	152
3625	76	74	120	117	136	132	152	148
3750	74	72	117	114	133	129	148	144
3875	72	70	114	111	129	125	144	140
4000	71	68	112	108	126	122	140	137
4125	69	67	109	106	123	119	137	133
4250	67	65	107	103	120	117	134	130
4375	66	64	104	101	118	114	131	127
4500	65	63	102	99	115	112	128	124
4625	63	61	100	97	113	109	125	122
4750	62	60	98	95	110	107	122	119
4875	61	59	96	93	108	105	120	117
5000	60	58	94	92	106	103	117	114
5125	58	57	93	90	104	101	115	112
5250	57	56	91	88	102	99	112	110
5375	56	55	89	86	100	97	110	107
5500	55	54	87	85	98	95	108	105
5625	54	53	86	83	96	93	106	103
5750	53	52	84	82	94	91	104	101
5875	52	51	83	80	92	90	102	99
6000	51	50	81	79	90	88	100	97
6125	50	49	80	78	89	86	98	95
6250	50	48	79	76	87	85	96	94
6375	49	48	77	75	86	84	95	92
6500	48	47	76	74	85	83	93	91
6625	48	46	76	74	84	82	92	90
6750	47	46	75	73	83	81	91	89
6875	47	46	75	73	83	81	91	89
7000	47	46	74	72	83	80	91	88
7125	47	46	74	72	82	80	90	88
7250	47	46	74	72	82	80	90	88
7375	47	46	74	72	82	80	90	88
7500	47	46	74	72	82	80	90	88

Proposed Regulations

Column ETW	5		6		7		8	
	5015	2525	5015	2525	5015	2525	5015	2525
1750	324	315	374	364	390	381	407	397
1875	306	297	353	344	368	359	384	375
2000	289	281	333	325	348	339	363	354
2125	274	267	316	308	329	321	343	335
2250	260	253	299	292	312	305	325	318
2375	247	241	284	277	297	290	309	302
2500	236	230	271	264	283	276	294	288
2625	225	219	259	252	270	263	281	274
2750	216	210	247	241	258	252	269	262
2875	207	201	237	231	247	241	257	251
3000	199	194	228	222	237	232	247	241
3125	191	186	219	214	228	223	238	232
3250	185	180	211	206	220	215	229	224
3375	179	174	204	199	213	208	221	216
3500	173	169	198	193	206	201	214	209
3625	168	164	192	187	200	195	207	203
3750	163	159	186	182	194	189	201	197
3875	159	155	181	177	188	184	196	191
4000	155	151	176	172	183	179	191	186
4125	151	147	172	168	179	175	186	181
4250	147	143	167	164	174	170	181	177
4375	144	140	164	160	170	166	177	173
4500	141	137	160	156	166	162	172	169
4625	137	134	156	152	162	159	169	165
4750	134	131	153	149	159	155	165	161
4875	132	128	149	146	155	152	161	157
5000	129	126	146	143	152	148	157	154
5125	126	123	143	139	148	145	154	150
5250	123	120	140	136	145	142	150	147
5375	121	118	137	133	142	139	147	144
5500	118	115	134	130	139	136	144	141
5625	116	113	131	128	136	133	141	138
5750	113	111	128	125	133	130	138	135
5875	111	108	125	122	130	127	135	132
6000	109	106	123	120	127	124	132	129
6125	107	104	120	118	125	122	129	126
6250	105	102	118	115	123	120	127	124
6375	103	101	116	113	120	118	125	122
6500	102	99	114	112	119	116	123	120
6625	101	98	113	110	117	114	121	119
6750	100	97	112	109	116	113	120	117
6875	99	97	111	109	115	113	119	117
7000	99	96	111	108	115	112	119	116
7125	98	96	111	108	115	112	119	116
7250	98	96	111	108	115	112	119	116
7375	98	96	111	108	115	112	119	116
7500	98	96	111	108	115	112	119	116

Proposed Regulations

Column ETW	9		10		11		12	
	5015	2525	5015	2525	5015	2525	5015	2525
1750	457	447	706	694	774	761	843	828
1875	431	421	665	653	729	717	794	780
2000	407	398	627	616	688	676	749	736
2125	385	376	592	582	650	638	707	695
2250	365	357	560	551	615	604	669	658
2375	346	339	531	522	583	573	635	624
2500	329	322	505	496	554	544	603	593
2625	314	307	481	472	528	518	574	564
2750	300	294	459	451	503	495	548	539
2875	287	281	439	431	481	473	524	515
3000	276	270	420	413	461	453	502	493
3125	265	260	404	397	443	435	482	474
3250	256	250	388	382	426	419	464	456
3375	247	241	374	368	411	404	447	440
3500	239	234	362	355	397	390	432	424
3625	231	226	350	344	384	377	418	411
3750	224	220	339	333	372	365	405	398
3875	218	213	329	323	361	355	393	386
4000	212	208	320	314	351	345	382	375
4125	206	202	311	305	341	335	371	365
4250	201	197	303	297	332	326	361	355
4375	196	192	295	290	323	318	352	346
4500	192	188	287	282	315	310	343	337
4625	187	183	280	275	308	302	335	329
4750	183	179	273	269	300	295	327	321
4875	179	175	267	262	293	288	319	313
5000	175	171	260	256	286	281	311	305
5125	171	167	254	250	279	274	304	298
5250	167	163	248	244	272	267	296	291
5375	163	159	242	238	266	261	289	284
5500	159	156	236	232	259	255	282	277
5625	156	152	231	226	253	248	276	271
5750	152	149	225	221	247	243	269	264
5875	149	146	220	216	241	237	263	258
6000	146	143	215	211	236	232	257	252
6125	143	140	210	206	231	227	251	247
6250	140	137	206	202	226	222	246	242
6375	138	135	202	198	222	218	242	237
6500	136	133	199	195	218	214	238	233
6625	134	131	196	192	215	211	234	230
6750	132	129	194	190	213	209	232	227
6875	132	129	193	189	211	207	230	225
7000	131	128	192	188	211	207	229	225
7125	131	128	192	188	211	206	229	225
7250	131	128	192	188	211	206	229	225
7375	131	128	192	188	211	206	229	225
7500	131	128	192	188	211	206	229	225

Proposed Regulations

Column ETW	13 5015	13 2525
1750	1118	1098
1875	1052	1034
2000	992	975
2125	938	921
2250	887	872
2375	841	827
2500	800	786
2625	761	748
2750	726	714
2875	695	683
3000	666	654
3125	639	628
3250	615	604
3375	593	583
3500	573	563
3625	554	544
3750	537	527
3875	521	512
4000	506	497
4125	492	484
4250	479	471
4375	467	459
4500	455	447

Column ETW	13 5015	13 2525
4625	444	436
4750	433	425
4875	423	415
5000	412	405
5125	402	395
5250	393	386
5375	383	376
5500	374	367
5625	365	359
5750	357	350
5875	348	342
6000	341	334
6125	333	327
6250	326	320
6375	320	314
6500	315	309
6625	310	304
6750	307	301
6875	305	299
7000	304	298
7125	304	298
7250	304	298
7375	304	298
7500	304	298

Proposed Regulations

B. ASM 2525 and ASM 5015 Carbon Monoxide Table (% CO)

Column ETW	21 5015	21 2525	22 5015	22 2525	23 5015	23 2525	24 5015	24 2525
1750	0.80	0.77	1.26	1.22	1.64	1.83	2.02	2.43
1875	0.75	0.73	1.19	1.16	1.55	1.72	1.91	2.29
2000	0.71	0.69	1.13	1.09	1.47	1.63	1.81	2.17
2125	0.68	0.66	1.07	1.04	1.39	1.54	1.71	2.05
2250	0.64	0.62	1.02	0.99	1.32	1.47	1.62	1.94
2375	0.61	0.59	0.97	0.94	1.26	1.39	1.54	1.85
2500	0.59	0.57	0.93	0.90	1.20	1.33	1.47	1.76
2625	0.56	0.54	0.89	0.86	1.15	1.27	1.41	1.68
2750	0.54	0.52	0.85	0.82	1.10	1.21	1.34	1.60
2875	0.52	0.50	0.82	0.79	1.05	1.16	1.29	1.54
3000	0.50	0.48	0.79	0.76	1.01	1.12	1.24	1.48
3125	0.48	0.46	0.76	0.73	0.98	1.08	1.19	1.42
3250	0.46	0.45	0.73	0.71	0.94	1.04	1.15	1.37
3375	0.45	0.43	0.71	0.69	0.91	1.00	1.11	1.32
3500	0.44	0.42	0.69	0.67	0.88	0.97	1.08	1.28
3625	0.42	0.41	0.67	0.65	0.86	0.94	1.05	1.24
3750	0.41	0.40	0.65	0.63	0.83	0.92	1.02	1.20
3875	0.40	0.39	0.63	0.61	0.81	0.89	0.99	1.17
4000	0.39	0.38	0.62	0.60	0.79	0.87	0.96	1.14
4125	0.38	0.37	0.60	0.58	0.77	0.85	0.94	1.11
4250	0.37	0.36	0.59	0.57	0.75	0.83	0.92	1.08
4375	0.36	0.35	0.58	0.56	0.74	0.81	0.89	1.06
4500	0.36	0.35	0.57	0.55	0.72	0.79	0.87	1.03
4625	0.35	0.34	0.55	0.54	0.70	0.77	0.85	1.01
4750	0.34	0.33	0.54	0.53	0.69	0.76	0.84	0.99
4875	0.34	0.33	0.53	0.52	0.67	0.74	0.82	0.97
5000	0.33	0.32	0.52	0.51	0.66	0.73	0.80	0.95
5125	0.32	0.31	0.51	0.50	0.65	0.71	0.78	0.92
5250	0.32	0.31	0.50	0.49	0.63	0.70	0.77	0.90
5375	0.31	0.30	0.49	0.48	0.62	0.68	0.75	0.89
5500	0.30	0.30	0.48	0.47	0.61	0.67	0.73	0.87
5625	0.30	0.29	0.47	0.46	0.59	0.65	0.72	0.85
5750	0.29	0.29	0.46	0.45	0.58	0.64	0.70	0.83
5875	0.29	0.28	0.45	0.44	0.57	0.63	0.69	0.81
6000	0.28	0.28	0.44	0.44	0.56	0.62	0.67	0.80
6125	0.28	0.27	0.44	0.43	0.55	0.61	0.66	0.78
6250	0.27	0.27	0.43	0.42	0.54	0.60	0.65	0.77
6375	0.27	0.26	0.42	0.42	0.53	0.59	0.64	0.76
6500	0.26	0.26	0.42	0.41	0.52	0.58	0.63	0.74
6625	0.26	0.26	0.41	0.41	0.52	0.57	0.62	0.73
6750	0.26	0.26	0.41	0.41	0.51	0.57	0.61	0.73
6875	0.26	0.25	0.40	0.40	0.51	0.56	0.61	0.72
7000	0.25	0.25	0.40	0.40	0.51	0.56	0.61	0.72
7125	0.25	0.25	0.40	0.40	0.51	0.56	0.61	0.72
7250	0.25	0.25	0.40	0.40	0.50	0.56	0.61	0.72
7375	0.25	0.25	0.40	0.40	0.50	0.56	0.61	0.72
7500	0.25	0.25	0.40	0.40	0.50	0.56	0.61	0.72

Proposed Regulations

Column ETW	25 5015	25 2525	26 5015	26 2525	27 5015	27 2525	28 5015	28 2525
1750	2.21	2.73	2.78	3.64	2.97	3.94	3.16	4.24
1875	2.09	2.58	2.63	3.43	2.81	3.71	2.98	4.00
2000	1.97	2.43	2.48	3.24	2.65	3.51	2.82	3.77
2125	1.87	2.30	2.35	3.06	2.51	3.32	2.67	3.57
2250	1.77	2.18	2.23	2.90	2.38	3.14	2.53	3.38
2375	1.69	2.07	2.12	2.76	2.26	2.98	2.40	3.21
2500	1.61	1.97	2.02	2.62	2.15	2.84	2.29	3.05
2625	1.53	1.88	1.92	2.50	2.05	2.70	2.18	2.91
2750	1.47	1.80	1.84	2.39	1.96	2.58	2.09	2.78
2875	1.41	1.72	1.76	2.29	1.88	2.47	2.00	2.66
3000	1.35	1.66	1.69	2.19	1.80	2.37	1.92	2.55
3125	1.30	1.59	1.63	2.11	1.74	2.28	1.84	2.45
3250	1.26	1.53	1.57	2.03	1.67	2.20	1.78	2.36
3375	1.21	1.48	1.52	1.96	1.62	2.12	1.72	2.28
3500	1.17	1.43	1.47	1.89	1.56	2.05	1.66	2.20
3625	1.14	1.39	1.42	1.84	1.52	1.98	1.61	2.13
3750	1.11	1.35	1.38	1.78	1.47	1.92	1.56	2.07
3875	1.08	1.31	1.34	1.73	1.43	1.87	1.52	2.01
4000	1.05	1.28	1.31	1.68	1.39	1.82	1.48	1.95
4125	1.02	1.24	1.27	1.64	1.36	1.77	1.44	1.90
4250	1.00	1.21	1.24	1.60	1.32	1.72	1.40	1.85
4375	0.97	1.18	1.21	1.56	1.29	1.68	1.37	1.81
4500	0.95	1.16	1.18	1.52	1.26	1.64	1.34	1.76
4625	0.93	1.13	1.15	1.48	1.23	1.60	1.30	1.72
4750	0.91	1.10	1.13	1.45	1.20	1.57	1.28	1.68
4875	0.89	1.08	1.10	1.42	1.17	1.53	1.25	1.64
5000	0.87	1.05	1.08	1.38	1.15	1.49	1.22	1.60
5125	0.85	1.03	1.05	1.35	1.12	1.46	1.19	1.57
5250	0.83	1.01	1.03	1.32	1.10	1.43	1.16	1.53
5375	0.81	0.99	1.01	1.29	1.07	1.39	1.14	1.50
5500	0.80	0.97	0.99	1.26	1.05	1.36	1.11	1.46
5625	0.78	0.94	0.97	1.24	1.03	1.33	1.09	1.43
5750	0.76	0.92	0.94	1.21	1.01	1.30	1.07	1.40
5875	0.75	0.91	0.92	1.18	0.98	1.27	1.04	1.37
6000	0.73	0.89	0.91	1.16	0.96	1.25	1.02	1.34
6125	0.72	0.87	0.89	1.13	0.94	1.22	1.00	1.31
6250	0.71	0.85	0.87	1.11	0.93	1.20	0.98	1.28
6375	0.69	0.84	0.86	1.09	0.91	1.18	0.96	1.26
6500	0.68	0.83	0.84	1.08	0.90	1.16	0.95	1.24
6625	0.67	0.82	0.83	1.06	0.88	1.14	0.94	1.23
6750	0.67	0.81	0.82	1.05	0.88	1.13	0.93	1.21
6875	0.66	0.80	0.82	1.04	0.87	1.12	0.92	1.20
7000	0.66	0.80	0.82	1.04	0.87	1.12	0.92	1.20
7125	0.66	0.80	0.81	1.04	0.87	1.12	0.92	1.20
7250	0.66	0.80	0.81	1.04	0.86	1.12	0.92	1.20
7375	0.66	0.80	0.81	1.04	0.86	1.12	0.92	1.20
7500	0.66	0.80	0.81	1.04	0.86	1.12	0.92	1.20

Proposed Regulations

Column ETW	29 5015	29 2525	30 5015	30 2525	31 5015	31 2525	32 5015	32 2525
1750	3.54	4.85	3.92	5.45	4.31	6.06	5.07	7.26
1875	3.34	4.57	3.70	5.14	4.06	5.70	4.78	6.84
2000	3.16	4.31	3.49	4.85	3.83	5.38	4.51	6.45
2125	2.99	4.08	3.31	4.58	3.63	5.09	4.26	6.10
2250	2.83	3.86	3.13	4.34	3.44	4.82	4.04	5.78
2375	2.69	3.66	2.98	4.12	3.26	4.57	3.83	5.48
2500	2.56	3.48	2.83	3.91	3.10	4.35	3.65	5.21
2625	2.44	3.32	2.70	3.73	2.96	4.14	3.48	4.96
2750	2.33	3.17	2.58	3.56	2.83	3.95	3.32	4.73
2875	2.23	3.03	2.47	3.41	2.71	3.78	3.18	4.53
3000	2.14	2.91	2.37	3.27	2.60	3.62	3.05	4.34
3125	2.06	2.79	2.28	3.14	2.50	3.48	2.93	4.17
3250	1.99	2.69	2.20	3.02	2.40	3.35	2.82	4.01
3375	1.92	2.60	2.12	2.91	2.32	3.23	2.72	3.87
3500	1.86	2.51	2.05	2.82	2.24	3.12	2.63	3.74
3625	1.80	2.43	1.99	2.73	2.17	3.02	2.55	3.62
3750	1.74	2.36	1.93	2.64	2.11	2.93	2.47	3.51
3875	1.69	2.29	1.87	2.57	2.05	2.85	2.40	3.40
4000	1.65	2.22	1.82	2.49	1.99	2.77	2.33	3.31
4125	1.61	2.16	1.77	2.43	1.94	2.69	2.27	3.22
4250	1.56	2.11	1.73	2.36	1.89	2.62	2.21	3.13
4375	1.53	2.06	1.68	2.31	1.84	2.55	2.16	3.05
4500	1.49	2.01	1.64	2.25	1.80	2.49	2.11	2.98
4625	1.46	1.96	1.61	2.19	1.76	2.43	2.06	2.90
4750	1.42	1.91	1.57	2.14	1.72	2.37	2.01	2.83
4875	1.39	1.87	1.53	2.09	1.68	2.32	1.96	2.77
5000	1.36	1.82	1.50	2.04	1.64	2.26	1.92	2.70
5125	1.33	1.78	1.46	2.00	1.60	2.21	1.87	2.64
5250	1.30	1.74	1.43	1.95	1.56	2.16	1.83	2.58
5375	1.27	1.70	1.40	1.90	1.53	2.11	1.79	2.51
5500	1.24	1.66	1.37	1.86	1.49	2.06	1.75	2.46
5625	1.21	1.62	1.34	1.82	1.46	2.01	1.71	2.40
5750	1.19	1.59	1.31	1.78	1.43	1.96	1.67	2.34
5875	1.16	1.55	1.28	1.74	1.40	1.92	1.63	2.29
6000	1.14	1.52	1.25	1.70	1.37	1.88	1.60	2.24
6125	1.11	1.49	1.23	1.66	1.34	1.84	1.57	2.19
6250	1.09	1.46	1.20	1.63	1.31	1.80	1.54	2.15
6375	1.07	1.43	1.18	1.60	1.29	1.77	1.51	2.11
6500	1.06	1.41	1.16	1.57	1.27	1.74	1.48	2.07
6625	1.04	1.39	1.15	1.55	1.25	1.72	1.46	2.04
6750	1.03	1.37	1.14	1.54	1.24	1.70	1.45	2.02
6875	1.02	1.36	1.13	1.52	1.23	1.68	1.44	2.00
7000	1.02	1.36	1.12	1.52	1.23	1.68	1.43	2.00
7125	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00
7250	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00
7375	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00
7500	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00

Proposed Regulations

Column ETW	33	33	34	34
	5015	2525	5015	2525
1750	5.26	7.44	8.02	9.90
1875	4.96	7.05	7.56	9.90
2000	4.68	6.68	7.14	9.90
2125	4.43	6.34	6.75	9.66
2250	4.20	6.00	6.40	9.14
2375	3.98	5.69	6.07	8.67
2500	3.79	5.41	5.78	8.25
2625	3.61	5.15	5.51	7.85
2750	3.45	4.92	5.26	7.50
2875	3.30	4.70	5.03	7.17
3000	3.17	4.51	4.83	6.87
3125	3.04	4.33	4.64	6.60
3250	2.93	4.17	4.47	6.35
3375	2.83	4.02	4.31	6.13
3500	2.73	3.88	4.17	5.92
3625	2.65	3.76	4.04	5.73
3750	2.57	3.64	3.91	5.55
3875	2.49	3.54	3.80	5.39
4000	2.43	3.44	3.70	5.24
4125	2.36	3.34	3.60	5.09
4250	2.30	3.25	3.51	4.96
4375	2.24	3.17	3.42	4.83
4500	2.19	3.09	3.34	4.71
4625	2.14	3.02	3.26	4.60
4750	2.09	2.95	3.18	4.49
4875	2.04	2.87	3.11	4.38
5000	1.99	2.81	3.03	4.28
5125	1.95	2.74	2.97	4.18
5250	1.90	2.68	2.90	4.08
5375	1.86	2.61	2.83	3.98
5500	1.82	2.55	2.77	3.89
5625	1.77	2.49	2.70	3.80
5750	1.74	2.43	2.64	3.71
5875	1.70	2.38	2.59	3.62
6000	1.66	2.33	2.53	3.54
6125	1.63	2.28	2.48	3.47
6250	1.60	2.23	2.43	3.40
6375	1.57	2.19	2.39	3.34
6500	1.54	2.15	2.35	3.28
6625	1.52	2.12	2.32	3.23
6750	1.50	2.10	2.29	3.20
6875	1.49	2.08	2.28	3.17
7000	1.49	2.08	2.27	3.17
7125	1.49	2.08	2.27	3.17
7250	1.49	2.08	2.27	3.17
7375	1.49	2.08	2.27	3.17
7500	1.49	2.08	2.27	3.17

Proposed Regulations

C. ASM 2525 and ASM 5015 Nitric Oxide Table (% NO)

Column ETW	41 5015	41 2525	42 5015	42 2525	43 5015	43 2525	44 5015	44 2525
1750	1212	1095	1819	1642	2272	2114	2725	2587
1875	1142	1031	1713	1547	2181	1991	2649	2435
2000	1077	973	1616	1460	2058	1877	2499	2295
2125	1018	920	1527	1380	1944	1774	2360	2167
2250	964	871	1446	1307	1839	1678	2232	2050
2375	915	827	1372	1240	1744	1592	2115	1943
2500	869	786	1304	1179	1657	1512	2009	1845
2625	828	749	1242	1123	1577	1440	1912	1756
2750	791	715	1186	1072	1504	1374	1823	1675
2875	756	684	1134	1026	1438	1313	1742	1601
3000	725	656	1088	984	1378	1258	1668	1533
3125	696	630	1045	945	1323	1208	1601	1471
3250	670	607	1006	910	1273	1163	1539	1415
3375	647	585	970	878	1227	1121	1483	1363
3500	625	566	937	848	1184	1082	1432	1316
3625	605	547	907	821	1146	1047	1384	1273
3750	586	531	879	796	1110	1014	1340	1233
3875	569	515	853	773	1077	984	1300	1195
4000	553	501	829	751	1046	956	1262	1161
4125	538	487	807	731	1017	930	1227	1128
4250	524	475	786	712	990	905	1194	1098
4375	510	463	766	694	964	882	1162	1069
4500	498	451	747	677	939	859	1132	1042
4625	486	440	728	661	916	838	1104	1015
4750	474	430	711	645	893	818	1076	990
4875	463	420	694	630	872	798	1049	966
5000	452	410	677	615	850	778	1023	942
5125	441	400	661	600	830	760	998	919
5250	431	391	646	586	810	741	974	896
5375	420	382	631	573	790	723	950	874
5500	410	373	616	559	771	706	926	853
5625	401	364	601	546	752	689	904	832
5750	391	356	587	534	734	673	882	812
5875	383	348	574	522	717	657	860	793
6000	374	340	561	510	701	642	840	774
6125	366	333	549	499	685	628	822	757
6250	359	326	538	489	671	615	804	741
6375	352	320	528	480	658	604	788	727
6500	346	315	519	473	647	593	775	714
6625	341	311	512	466	638	585	763	704
6750	338	307	507	461	631	578	755	696
6875	335	305	503	458	626	574	749	691
7000	335	305	502	457	624	573	747	689
7125	335	305	502	457	625	573	747	689
7250	335	305	502	457	625	573	747	689
7375	335	305	502	457	625	573	747	689
7500	335	305	502	457	625	573	747	689

Proposed Regulations

Column ETW	45 5015	45 2525	46 5015	46 2525	47 5015	47 2525	48 5015	48 2525
1750	3178	3060	3631	3532	4084	4005	4990	4950
1875	3117	2879	3586	3323	4054	3767	4990	4655
2000	2941	2713	3383	3131	3824	3548	4707	4384
2125	2776	2561	3192	2955	3609	3348	4441	4136
2250	2625	2422	3018	2794	3411	3165	4197	3909
2375	2487	2295	2859	2646	3231	2998	3974	3701
2500	2361	2179	2714	2512	3066	2845	3771	3512
2625	2246	2073	2581	2389	2916	2706	3585	3339
2750	2142	1976	2460	2277	2779	2579	3416	3181
2875	2046	1888	2350	2175	2654	2463	3261	3037
3000	1959	1808	2249	2082	2539	2357	3120	2906
3125	1879	1734	2157	1997	2435	2260	2992	2787
3250	1806	1667	2073	1920	2340	2172	2874	2677
3375	1740	1606	1997	1849	2253	2092	2767	2577
3500	1679	1550	1926	1784	2174	2018	2668	2486
3625	1623	1498	1862	1724	2100	1950	2578	2401
3750	1571	1451	1802	1669	2033	1887	2494	2323
3875	1523	1407	1747	1618	1970	1829	2417	2251
4000	1479	1365	1695	1570	1912	1775	2345	2184
4125	1437	1327	1647	1526	1857	1724	2277	2122
4250	1398	1291	1602	1484	1806	1677	2214	2063
4375	1360	1257	1559	1444	1757	1632	2154	2007
4500	1325	1224	1518	1406	1711	1589	2096	1953
4625	1291	1193	1479	1370	1666	1548	2042	1903
4750	1259	1163	1441	1336	1624	1508	1989	1854
4875	1227	1134	1405	1302	1583	1470	1938	1806
5000	1196	1106	1369	1269	1542	1433	1889	1760
5125	1167	1078	1335	1237	1503	1397	1840	1715
5250	1138	1051	1301	1206	1465	1362	1793	1672
5375	1109	1025	1269	1176	1428	1327	1747	1629
5500	1082	1000	1237	1147	1392	1294	1703	1587
5625	1055	975	1206	1118	1357	1261	1659	1547
5750	1029	951	1176	1090	1323	1230	1617	1508
5875	1004	928	1147	1064	1290	1199	1577	1471
6000	980	906	1120	1039	1259	1171	1539	1435
6125	958	886	1094	1015	1230	1144	1503	1401
6250	937	867	1070	993	1203	1119	1469	1371
6375	919	850	1049	973	1179	1096	1439	1343
6500	902	835	1030	956	1158	1077	1413	1318
6625	889	823	1014	941	1140	1060	1391	1298
6750	879	813	1003	931	1127	1048	1374	1283
6875	872	807	995	924	1118	1040	1364	1273
7000	870	805	992	921	1115	1037	1360	1269
7125	870	805	992	921	1115	1037	1360	1269
7250	870	805	992	921	1115	1037	1360	1269
7375	870	805	992	921	1115	1037	1360	1269
7500	870	805	992	921	1115	1037	1360	1269

Proposed Regulations

Column ETW	49	49	50	50	51	51
	5015	2525	5015	2525	5015	2525
1750	4990	4960	4990	4980	4990	4990
1875	4990	4738	4990	4906	4990	4990
2000	4778	4535	4919	4838	4990	4990
2125	4578	4349	4853	4776	4990	4990
2250	4395	4179	4792	4720	4990	4990
2375	4228	4024	4736	4668	4990	4990
2500	4076	3881	4685	4620	4990	4990
2625	3936	3752	4639	4577	4990	4990
2750	3809	3579	4596	4374	4990	4772
2875	3669	3417	4484	4176	4892	4556
3000	3510	3270	4290	3996	4680	4359
3125	3366	3135	4114	3832	4488	4180
3250	3234	3012	3952	3681	4311	4016
3375	3113	2899	3804	3544	4150	3866
3500	3002	2796	3669	3418	4002	3728
3625	2900	2701	3544	3302	3867	3602
3750	2806	2614	3429	3195	3741	3485
3875	2719	2533	3323	3096	3625	3377
4000	2638	2457	3224	3003	3517	3276
4125	2562	2387	3131	2917	3416	3182
4250	2490	2320	3044	2836	3321	3094
4375	2423	2258	2961	2759	3230	3010
4500	2359	2198	2883	2686	3145	2930
4625	2297	2140	2807	2616	3063	2854
4750	2238	2085	2735	2549	2983	2780
4875	2180	2032	2665	2483	2907	2709
5000	2125	1980	2597	2420	2833	2640
5125	2070	1930	2530	2359	2760	2573
5250	2017	1881	2466	2298	2690	2507
5375	1966	1833	2403	2240	2621	2443
5500	1916	1786	2341	2183	2554	2381
5625	1867	1740	2282	2127	2489	2321
5750	1820	1697	2224	2074	2426	2262
5875	1774	1654	2168	2022	2366	2206
6000	1731	1614	2116	1973	2308	2152
6125	1690	1577	2066	1927	2254	2102
6250	1653	1542	2020	1884	2204	2056
6375	1619	1510	1979	1846	2159	2014
6500	1590	1483	1943	1813	2119	1977
6625	1565	1460	1913	1785	2087	1947
6750	1546	1443	1890	1764	2062	1924
6875	1534	1432	1875	1750	2046	1909
7000	1530	1428	1870	1745	2040	1904
7125	1531	1428	1874	1745	2045	1904
7250	1531	1428	1874	1745	2045	1904
7375	1531	1428	1874	1745	2045	1904
7500	1531	1428	1874	1745	2045	1904

Documents Incorporated By Reference

Environmental Protection Agency technical report, "EPA Recommended Practice for Naming I/M Calibration Gas," EPA-AA-TSS-83-8-B, September 1983.

California Bureau of Automotive Repair, BAR 90, Test Analyzer System Specifications, October 1991.

Building Officials and Code Administrators (BOCA) Mechanical Code.

Virginia Approved Span Gas Verification Requirements, Department of Environmental Quality.

VA.R. Doc. No. R96-434; Filed June 19, 1996, 11:50 a.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulation.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

REGISTRAR'S NOTICE: The Department of Housing and Community Development has claimed an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Housing and Community Development will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 13 VAC 5-190-10 et seq. Virginia Private Activity Bond Regulations (REPEALED).

Statutory Authority: § 15.1-1399.15 of the Code of Virginia.

Effective Date: August 15, 1996.

Summary:

The legislative authority for the Virginia Private Activity Bond Regulations, Chapter 33.2 (§ 15.1-1399.15) of Title 15.1 of the Code of Virginia, was amended by Chapter 128 of the 1995 Acts of Assembly. The amendment transferred the authority to regulate the private activity bond program to the Virginia Small Business Financing Authority.

Agency Contact: George W. Rickman, Jr., Regulatory Coordinator, Department of Housing and Community Development, 501 North Second Street, Richmond, VA 23219, telephone (804) 371-7170.

VA.R. Doc. No. R96-440; Filed June 19, 1996, 9:45 a.m.

BOARD OF PHARMACY

Title of Regulation: 18 VAC 110-20-10 et seq. Regulations of the Board of Pharmacy (amending 18 VAC 110-20-10, 18 VAC 110-20-20, 18 VAC 110-20-90, 18 VAC 110-20-110, 18 VAC 110-20-130, 18 VAC 110-20-210, 18 VAC 110-20-240, 18 VAC 110-20-260, 18 VAC 110-20-280, 18 VAC 110-20-290, 18 VAC 110-20-310, 18 VAC 110-20-320, 18 VAC 110-20-360, 18 VAC 110-20-370, 18 VAC 110-20-410, 18 VAC 110-20-420, 18 VAC 110-20-440, 18 VAC 110-20-480, 18 VAC 110-20-530, and 18 VAC 110-20-570; adding 18 VAC 110-20-285, 18 VAC 110-20-411 through 18 VAC 110-20-419; repealing 18 VAC 110-20-300).

Statutory Authority: §§ 54.1-2400, 54.1-3307 and 54.1-3312 of the Code of Virginia.

Effective Date: August 7, 1996.

Summary:

The Board of Pharmacy has amended its regulations to permit greater flexibility in the use of technology for the transmittal and delivery of prescription drugs, for a relaxation in requirements for continuing education, and for conformity with state and federal law. For assurance to the public of the safety and efficacy of sterile products compounded and utilized in the Commonwealth, the board proposes requirements consistent with the recognized industry standards.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Elizabeth Scott Russell, Board of Pharmacy, 6606 West Broad Street, Richmond, VA 23230, telephone (804) 662-9911.

18 VAC 110-20-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"ACPE" means the American Council on Pharmaceutical Education.

"Aseptic processing" means the technique involving procedures designed to preclude contamination of drugs, packaging, equipment, or supplies by microorganisms during processing.

"Board" means the Virginia State Board of Pharmacy.

"CE" means continuing education as required for renewal of licensure by the Board of Pharmacy.

"CEU" means a continuing education unit awarded for credit as the equivalent of 10 contact hours.

"Class 100 environment" means an atmospheric environment which contains less than 100 particles, 0.5 microns in diameter, per cubic foot of air.

"Closed system transfer" means the movement of sterile products from one container to another in which the container-closure system and transfer devices remain intact throughout the entire transfer process, compromised only by the penetration of a sterile, pyrogen-free needle or cannula through a designated stopper or port to effect transfer, withdrawal, or delivery, to include the withdrawal of a sterile solution from an ampul in a class 100 environment.

"Compliance packaging" means packaging for dispensed drugs which is comprised of a series of containers for solid oral dosage forms and which is designed to assist the user in

Final Regulations

administering or self-administering the drugs in accordance with directions for use.

"*Contact hour*" means the amount of credit awarded for 60 minutes of participation in and successful completion of a continuing education program.

"*Cytotoxic drug*" means a drug which has the capability of killing living cells.

"*Electronic transmission prescription*" is any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted from a practitioner authorized to prescribe directly to a pharmacy without interception or intervention from a third party, or from one pharmacy to another pharmacy.

"*Expiration date*" means that date placed on a drug package by the manufacturer or repacker beyond which the product may not be dispensed or used.

"*Facsimile (FAX) prescription*" means a written prescription or order which is transmitted by an electronic device over telephone lines which sends the exact image to the receiver (pharmacy) in a hard copy form.

"*Foreign college of pharmacy*" means a school outside the United States and its territories offering a course of study in basic sciences, pharmacology, and pharmacy of at least four years in duration resulting in a degree that qualifies a person to practice pharmacy in that country.

"*Generic drug name*" means the nonproprietary name listed in the United States Pharmacopeia-National Formulary (USP-NF) or in the USAN and the USP Dictionary of Drug Names.

"*Hermetic container*" means a container that is impervious to air or any other gas under the ordinary or customary conditions of handling, shipment, storage, and distribution.

"*Home infusion pharmacy*" means a pharmacy which compounds solutions for direct [*parenteral*] administration to a patient in a private residence, long-term care facility or hospice setting [~~by means of parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion~~].

"*Hospital*" or "*nursing home*" means those facilities as defined in Title 32.1 of the Code of Virginia or as defined in regulations by the Virginia Department of Health.

"*Inactive license*" means a license which is registered with the Commonwealth but does not entitle the licensee to practice, the holder of which is not required to submit documentation of CE necessary to hold an active license.

"*Light resistant container*" means a container that protects the contents from the effects of light by virtue of the specific properties of the material of which it is composed, including any coating applied to it. Alternatively, a clear and colorless or a translucent container may be made light-resistant by means of an opaque covering, in which case the label of the container bears a statement that the opaque covering is needed until the contents have been used. Where a monograph directs protection from light, storage in a light-resistant container is intended.

"*Long-term care facility*" means a nursing home, retirement care, mental care or other facility or institution which provides extended health care to resident patients.

"*Nuclear pharmacy*" means a pharmacy providing radiopharmaceutical services.

"*Open-system transfer*" means the combining of products in a nonsealed reservoir before filling or when a solution passes through the atmosphere during a transfer operation.

"*Permitted physician*" means a physician who is licensed pursuant to § 54.1-3304 of the Code of Virginia to dispense drugs to persons to whom or for whom pharmacy services are not reasonably available.

"*Personal supervision*" means the pharmacist must be physically present and render direct, personal control over the entire service being rendered or act(s) being performed. Neither prior nor future instructions shall be sufficient nor, shall supervision rendered by telephone, written instructions, or by any mechanical or electronic methods be sufficient.

"*Prescription department*" means any contiguous or noncontiguous areas used for the compounding, dispensing and storage of all Schedule II through VI drugs and devices and any Schedule I investigational drugs.

"*Radiopharmaceutical*" means any article that exhibits spontaneous decay or disintegration of any unstable atomic nucleus, usually accompanied by the emission of ionizing radiation and any nonradioactive reagent kit or nuclide generator which is intended to be used in the preparation of any such article.

"*Repackaged drug*" means any drug removed from the manufacturer's original package and placed in different packaging.

"*Safety closure container*" means a container which meets the requirements of the federal Poison Prevention Packaging Act of 1970 (15 USC §§ 1471-1476), i.e., in testing such containers, that 85% of a test group of 200 children of ages 41-52 months are unable to open the container in a five-minute period and that 80% fail in another five minutes after a demonstration of how to open it and that 90% of a test group of 100 adults must be able to open and close the container.

"*Satellite pharmacy*" means a pharmacy which is noncontiguous to the centrally permitted pharmacy of a hospital but at the location designated on the pharmacy permit.

"*Special packaging*" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open to obtain a toxic or harmful amount of the drug contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

"*Special use permit*" means a permit issued to conduct a pharmacy of a special scope of service that varies in any way from the provisions of any board regulation.

"*Sterile pharmaceutical product*" means a dosage form free from living microorganisms.

"Storage temperature" means those specific directions stated in some monographs with respect to the temperatures at which pharmaceutical articles shall be stored, where it is considered that storage at a lower or higher temperature may produce undesirable results. The conditions are defined by the following terms:

1. "Cold" means any temperature not exceeding 8°C (46°F). A refrigerator is a cold place in which temperature is maintained thermostatically between 2° and 8°C (36° and 46°F). A freezer is a cold place in which the temperature is maintained thermostatically between -20° and -10°C (-4° and 14°F).
2. "Room temperature" means the temperature prevailing in a working area.
3. "Controlled room temperature" is a temperature maintained thermostatically that encompasses the usual and customary working environment of 20° to 25°C (68° to 77°F); that results in a mean kinetic temperature calculated to be not more than 25°C; and that allows for excursions between 15° and 30°C (59° and 86°F) that are experienced in pharmacies, hospitals, and warehouses.
4. "Warm" means any temperature between 30° and 40°C (86° and 104°F).
5. "Excessive heat" means any temperature above 40°C (104°F).
6. "Protection from freezing" means where, in addition to the risk of breakage of the container, freezing subjects a product to loss of strength or potency, or to the destructive alteration of the dosage form its characteristics, the container label bears an appropriate instruction to protect the product from freezing.
7. "Cool" means any temperature between 8° and 15°C (46° and 59°F).

"Terminally ill" means a patient with a terminal condition as defined in § 54.1-2982 of the Code of Virginia.

"Tight container" means a container that protects the contents from contamination by extraneous liquids, solids, or vapors, from loss of the drug, and from efflorescence, deliquescence, or evaporation under the ordinary or customary conditions of handling, shipment, storage, and distribution, and is capable of tight reclosure. Where a tight container is specified, it may be replaced by a hermetic container for a single dose of a drug and physical tests to determine whether standards are met shall be as currently specified in United States Pharmacopoeia-National Formulary.

"Unit dose container" means a container that is a single-unit container, as defined in United States Pharmacopoeia-National Formulary, for articles intended for administration by other than the parenteral route as a single dose, direct from the container.

"Unit dose package" means a container that contains a particular dose ordered for a patient.

"Unit dose system" means a system in which multiple drugs in unit dose packaging are dispensed in a single container, such as a medication drawer or bin, labeled only with patient name and location. Directions for administration are not provided by the pharmacy on the drug packaging or container but are obtained by the person administering directly from a physician's order or medication administration record.

"U.S.P.-N.F." means the United States Pharmacopoeia-National Formulary.

"Well-closed container" means a container that protects the contents from extraneous solids and from loss of the drug under the ordinary or customary conditions of handling, shipment, storage, and distribution.

18 VAC 110-20-20. Fees.

A. ~~Fees shall be as listed in this section, and~~ Unless otherwise provided, ~~such fees listed in this section shall not be refundable.~~

B. Fee for initial pharmacist licensure.

1. ~~The application and initial examination fee for a pharmacist license shall be \$300.~~ ~~If an applicant withdraws the application prior to taking the examination, all but \$25 of the fee will be refunded.~~ ~~If the applicant wishes to take portions of the examination on separate dates, the fees shall be as follows:~~

~~a. The National Association of Boards of Pharmacy Examination (NABPLEX) shall be \$200.~~

~~b. The Federal Drug Law Examination (FDLE) shall be \$75.~~

~~c. The State Drug Law Examination (SDLE) shall be \$75.~~

~~2. The application and State Drug Law Examination fee for licensure by endorsement shall be \$150. The fee for retaking the examination shall be \$75.~~

~~3. The application and State Drug Law Examination fee for licensure by score transfer of NABPLEX or FDLE scores or both shall be \$150. The fee for taking NABPLEX, if needed, shall be \$200. The fee for taking FDLE, if needed, shall be \$75. The fee for retaking the SDLE shall be \$75.~~

~~2. The fees for taking all required examinations shall be paid directly to the examination service as specified by the board.~~

~~4. 3. The application fee for a person whose license has been revoked or suspended indefinitely shall be \$300.~~

C. Renewal of pharmacist license.

1. The annual fee for renewal of a pharmacist license shall be \$50.

2. The annual fee for renewal of an inactive pharmacist license shall be \$35.

3. If a pharmacist fails to renew his license within the Commonwealth by the renewal date, he must pay the

Final Regulations

back renewal fee and a \$25 late fee within 60 days of expiration.

4. Failure to renew a pharmacist license within 60 days following expiration shall cause the license to lapse and shall require the submission of a reinstatement application, payment of all unpaid renewal fees, and a delinquent fee of \$50.

D. Other licenses or permits.

1. The annual permit fee to conduct a resident or nonresident pharmacy shall be \$200.

2. The annual license fee for a permitted physician to dispense drugs shall be \$200.

3. An application for a change of the pharmacist-in-charge shall be accompanied by a fee of \$25.

4. An application for a change of location or a remodeling which requires an inspection shall be accompanied by a fee of \$100.

5. A nonrestricted manufacturing permit shall be \$200 annually.

6. A restricted manufacturing permit shall be \$150 annually.

7. A wholesale distributor license shall be \$200 annually.

8. A warehouse permit shall be \$200 annually.

9. A permit for a medical equipment supplier shall be \$150 annually.

10. A permit for a licensed humane society shall be \$10 annually.

11. If a licensee fails to renew a required license or permit prior to the expiration date, a \$25 late fee shall be assessed.

12. If a required license or permit is not renewed within 60 days after its expiration, the license or permit shall lapse, and continued practice or operation of business with a lapsed license or permit shall be illegal. Thereafter, reinstatement shall be at the discretion of the board upon submission of an application accompanied by all unpaid renewal fees and a delinquent fee of \$50.

E. Controlled substances registration.

1. The annual fee for a controlled substances registration as required by § 54.1-3422 of the Code of Virginia shall be \$20.

2. If a registration is not renewed within 60 days of the expiration date, the back renewal fee and a \$10 late fee shall be paid prior to renewal.

3. If a controlled substance registration has been allowed to lapse for more than 60 days, all back renewal fees and a \$25 delinquent fee must be paid before a current registration will be issued. Engaging in activities requiring a controlled substance registration without holding a current registration is illegal and may subject the registrant to disciplinary action by the board.

Reinstatement of a lapsed registration is at the discretion of the board and may be granted by the executive director of the board upon completion of an application and payment of all fees.

F. Other fees.

1. A request for a duplicate wall certificate shall be accompanied by a fee of \$25.

2. A request for certification of grades to another board shall be accompanied by a fee of \$25.

G. Board approval of continuing education programs and providers.

1. The application fee for approval of an individual CE program is \$100.

2. The application fee for approval of provider status is \$300.

3. Renewal of approved provider status is \$300 paid biennially.

18 VAC 110-20-90. Requirements for continuing education.

A. On and after December 31, 1993, a licensee shall be required to have completed a minimum of 1.5 CEU's or 15 contact hours of continuing pharmacy education in an approved program for each annual renewal of licensure. CEU's or hours in excess of the number required for renewal may not be transferred or credited to another year.

B. An approved continuing pharmacy education program is:

1. One that is approved by the American Council on Pharmaceutical Education and carries the provider logo and number of the ACPE; or

2. One that is approved as a Category I Continuing Medical Education (CME) course, the primary focus of which is pharmacy, pharmacology or drug therapy; or

3. One that is approved by the board.

C. A licensee is exempt from completing CE requirements and considered in compliance on the first renewal date following his initial licensure.

D. The board may grant an extension of up to one year for the completion of CE requirements upon a written request from the licensee prior to the renewal date. Any subsequent extension shall be granted only for good cause shown. Such an extension shall not relieve the licensee of the requirement for CEU's or hours.

E. The board may grant an exemption for all or part of the CE requirements due to circumstances beyond the control of the pharmacist, such as temporary disability, mandatory military service, or officially declared disasters.

F. Licensees are required to attest to compliance with CE requirements on their annual license renewal. Following the renewal period, the board may conduct an audit of licensees to verify compliance. Licensees selected for audit must provide original documents certifying that they have fulfilled

their CE requirements by the deadline date as specified by the board.

G. All licensees are required to maintain original documents verifying the date and subject of the program or activity, the CEU's or contact hours, and certification from an approved provider. Documentation shall be maintained for a period of two years following renewal in a file available to inspectors at the pharmacist's principal place of practice or, if there is no principal place of practice, at the pharmacist's address of record.

H. A pharmacist who holds an inactive license, who has allowed his license to lapse or who has had his license suspended or revoked must submit evidence of completion of CEU's or hours equal to the requirements for the number of years in which his license has not been active.

I. Pharmacists who are licensed by other states and who have obtained a minimum of 1.5 CEU's or 15 contact hours of approved CE programs of such other states need not obtain additional hours.

18 VAC 110-20-110. Pharmacy permits generally.

A. A pharmacy permit shall not be issued to a pharmacist to be simultaneously in charge of more than one pharmacy.

B. The pharmacist-in-charge or the pharmacist on duty shall control all aspects of the practice of pharmacy. Any decision overriding such control of the pharmacist-in-charge or other pharmacist on duty by nonpharmacist personnel shall be deemed the practice of pharmacy.

C. When the pharmacist-in-charge ceases practice at a pharmacy or no longer wishes to be designated as pharmacist-in-charge, he shall take a complete and accurate inventory of all Schedule II through V controlled substances on hand and shall immediately return the pharmacy permit to the board.

D. An application for a permit designating the new pharmacist-in-charge shall be filed with the required fee within 14 days on a form provided by the board. Pursuant to ~~§§ 54.1-111-1 and 54.1-3434 of the Code of Virginia~~, it shall be unlawful for a pharmacy to operate without a new permit past the 14-day deadline.

18 VAC 110-20-130. Pharmacies going out of business.

A. At least ~~30~~ 14 days prior to the closing date, the board shall be notified by the pharmacist-in-charge or owner. The disposition of all Schedule II through VI drugs shall be reported to the board. If the pharmacy drug stock is to be transferred to another licensee, the pharmacist-in-charge or owner shall inform the board of the name and address of the licensee to whom the drugs are being transferred and the date of transfer.

B. Exceptions to the ~~30-day~~ public notice as required in § 54.1-3434.01 of the Code of Virginia and the notice required in ~~18 VAC 110-20-140 subsection A of this chapter section~~ shall be sudden closing due to fire, destruction, natural disaster, death, property seizure, eviction, bankruptcy, or other emergency circumstances as approved by the board.

C. In the event of an exception to the ~~30-day~~ notice as required in § 54.1-3434.01 of the Code of Virginia and in ~~18 VAC 110-20-140 subsection A of this chapter section~~, the pharmacist-in-charge shall provide notice as far in advance of closing as allowed by the circumstances.

18 VAC 110-20-210. Disposal of Schedule II through V drugs by pharmacies.

If a pharmacist-in-charge wishes to dispose of unwanted Schedule II through V drugs, he shall use one of the following procedures:

~~1. Return the drugs to the Drug Enforcement Administration (DEA) by delivery to the nearest DEA office;~~

~~2. 1. Transfer the drugs to another person or entity authorized to possess Schedule II through V drugs; or~~

~~3. 2. Destroy the drugs according to the following procedures:~~

a. At least 14 days prior to the destruction date, the pharmacist-in-charge shall provide a written notice to the board office; the notice shall state the following:

(1) Date, time, manner, and place of destruction.

(2) The names of the pharmacists who will witness the destruction process.

b. If the destruction date is to be changed or the destruction does not occur, a new notice shall be provided to the board office as set forth above in this subsection.

c. The actual destruction shall be witnessed by the pharmacist-in-charge and another pharmacist not employed by the pharmacy.

d. The drugs shall be destroyed in accordance with all applicable local, state and federal laws and regulations by burning in an incinerator or by other methods approved in advance by the board.

e. The DEA drug destruction form shall be used to make a record of all drugs to be destroyed.

f. Each form shall show the following information:

(1) Legible signatures and license numbers of the pharmacist-in-charge and the witnessing pharmacist;

(2) The method of destruction; and

(3) The date of the destruction.

g. At the conclusion of the destruction of the drug stock:

(1) ~~Three copies~~ A copy of the completed destruction form shall be sent to Drug Enforcement Administration, Washington Field Division, Room 2558, 400 - 6th Street S.W., Washington, D.C. 20024, Attn: Diversion Control Group.

(2) A copy of the completed destruction form shall be sent to the office of the board.

Final Regulations

(3) A copy of the completed destruction form shall be retained with the pharmacy inventory records.

18 VAC 110-20-240. Manner of maintaining records, prescriptions, inventory records.

A. Each pharmacy shall maintain the inventories and records of drugs as follows:

1. Inventories and records of all drugs listed in Schedules I and II shall be maintained separately from all other records of the pharmacy.

2. Inventories and records of drugs listed in Schedules III, IV, and V may be maintained separately or with records of Schedule VI drugs but shall not be maintained with other records of the pharmacy.

3. All records of Schedule II through V drugs shall be maintained at the same location as the stock of drugs to which the records pertain except that records maintained in an off-site database shall be retrieved and made available for inspection or audit within 48 hours of a request by the board or an authorized agent.

4. In the event that an inventory is taken as the result of a theft of drugs pursuant to § 54.1-3404 of the Drug Control Act, the inventory shall be used as the opening inventory within the current biennial period. Such an inventory does not preclude the taking of the required inventory on the required biennial inventory date.

5. *All inventories required by § 54.1-3404 of the Code of Virginia shall be signed and dated by the person taking the inventory and shall indicate whether the inventory was taken prior to the opening of business or after close of business. A 24-hour pharmacy with no opening or closing of business shall clearly document whether the receipt or distribution of drugs on the inventory date occurred before or after the inventory was taken.*

6. All records required by this section shall be filed chronologically.

B. Prescriptions.

1. A hard copy prescription shall be placed on file for every initial prescription dispensed and be maintained for two years from the date of last refill. All prescriptions shall be filed chronologically by date of initial dispensing.

2. Schedule II drugs. Prescriptions for Schedule II drugs shall be maintained in a separate prescription file.

3. Schedule III through V drugs. Prescriptions for Schedule III through V drugs shall be maintained either in a separate prescription file for drugs listed in Schedules III, IV, and V only or in such form that they are readily retrievable from the other prescriptions of the pharmacy. Prescriptions will be deemed readily retrievable if, at the time they are initially filed, the face of the prescription is stamped in red ink in the lower right corner with the letter "C" no less than one inch high and filed in the prescription file for drugs listed in the usual consecutively numbered prescription file for Schedule VI drugs.

18 VAC 110-20-260. Pharmacy repackaging of drug; records required; labeling requirements.

A. Pharmacies in which bulk reconstitution of injectables, bulk compounding or the prepackaging of drugs is performed shall maintain adequate control records for a period of one year or until the expiration, whichever is greater. The records shall show the name of the drug(s) used, strength, if any, *date repackaged*, quantity prepared, initials of the pharmacist supervising the process, the assigned control number, or the manufacturer's or distributor's name and control number, and an expiration date.

B. The drug name, strength, if any, the assigned control number, or the manufacturer's or distributor's name and control number, and an appropriate expiration date shall appear on any subsequently repackaged or reconstituted units as follows:

1. If U.S.P.-N.F. Class B or better packaging material is used for oral unit dose packages, an expiration date not to exceed six months or the expiration date shown on the original manufacturing bulk container, whichever is less, shall appear on the repackaged or reconstituted units.

2. If it can be documented that the repackaged unit has a stability greater than six months, an appropriate expiration date may be assigned.

3. If U.S.P.-N.F. Class C or less packaging material is used for oral, solid medication, an expiration date not to exceed 30 days shall appear on the repackaged or reconstituted units.

18 VAC 110-20-280. Transmission of a prescription order by facsimile machine.

A. Prescription orders for Schedule III through VI drugs may be transmitted to pharmacies by facsimile device (FAX) upon the following conditions:

1. The transmission shall occur only with permission of the patient.

2. A valid faxed prescription must contain all required information for a written prescription, including the prescriber's signature.

3. A faxed prescription shall be valid only if faxed from the prescriber's practice location and only if the following additional information is recorded on the prescription prior to faxing:

a. Documentation that the prescription has been faxed;

b. The date that the prescription was faxed;

c. The printed name, address, phone number, and fax number of the authorized prescriber and the pharmacy to which the prescription was faxed; and

d. The institution, if applicable, from which the prescription was faxed, including address, phone number and fax number.

4. ~~If the faxed prescription is of such quality that the print will fade and not remain legible for the required retention~~

~~period, the receiving pharmacist shall photocopy the faxed prescription on paper of permanent quality.~~

B. Prescription orders for Schedule II drugs may only be faxed for information purposes and may not serve as the original written prescription authorizing dispensing, except for orders to be administered to nursing home and home infusion patients in accordance with § 54.1-3408 of the Code of Virginia.

C. If the faxed prescription is of such quality that the print will fade and not remain legible for the required retention period, the receiving pharmacist shall [photocopy copy] the faxed prescription on paper of permanent quality.

18 VAC 110-20-285. Electronic transmission of prescriptions from prescriber to pharmacy.

A. Unless otherwise prohibited by law, prescriptions may be transmitted by electronic means from the prescriber [or an authorized agent as defined in § 54.1-3408 B of the Code of Virginia for transmission of oral prescriptions] directly to the dispensing pharmacy.

B. In addition to all other information required to be included on a prescription, an electronically transmitted prescription shall include the telephone number of the prescriber, the full name of the prescriber's agent if other than the prescriber transmitting, date of transmission, and the identity of the receiving pharmacy.

C. A pharmacy receiving an electronic transmission prescription shall either receive the prescription in hard copy form or shall print out a hard copy of the prescription from the pharmacy's computer memory. Any hard copy of a prescription shall be maintained on paper of permanent quality and shall be placed on file in accordance with 18 VAC 110-20-240 B.

D. An electronically transmitted prescription shall be transmitted only to the pharmacy of the patient's choice.

18 VAC 110-20-290. Dispensing of Schedule II drugs.

A. A prescription for a Schedule II drug shall be dispensed in good faith but in no case shall it be dispensed more than six months after the date on which the prescription was issued.

B. A prescription for a Schedule II drug shall not be refilled except as authorized under the conditions for partial dispensing as set forth in 18 VAC 110-20-310.

~~18 VAC 110-20-300. Emergency prescriptions for Schedule II drugs.~~

C. In case of an emergency situation, a pharmacist may dispense a drug listed in Schedule II upon receiving oral authorization of a prescribing practitioner, provided that:

1. The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period;
2. The prescription shall be immediately reduced to writing by the pharmacist and shall contain all information required in § 54.1-3410 of the Drug Control

Act, except for the signature of the prescribing practitioner;

3. If the pharmacist does not know the practitioner, he shall make a reasonable effort to determine that the oral authorization came from a practitioner using his phone number as listed in the telephone directory or other good-faith efforts to ensure his identity; and

4. Within 72 hours after authorizing an emergency oral prescription, the prescribing practitioner shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to conforming to the requirements of § 54.1-3410 of the Drug Control Act, the prescription shall have written on its face "Authorization for Emergency Dispensing" and the date of the oral order. The written prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail, it must be postmarked within the 72-hour period. Upon receipt, the dispensing pharmacist shall attach this prescription to the oral emergency prescription which had earlier been reduced to writing. The pharmacist shall notify the nearest office of the Drug Enforcement Administration and the board if the prescribing practitioner fails to deliver a written prescription to him. Failure of the pharmacist to do so shall void the authority conferred by this paragraph to dispense without a written prescription of a prescribing practitioner.

18 VAC 110-20-310. Partial dispensing of Schedule II prescriptions.

A. The partial filling of a prescription for a drug listed in Schedule II is permissible if the pharmacist is unable to supply the full quantity called for in a written or emergency oral prescription, and he makes a notation of the quantity supplied on the face of the written prescription. The remaining portion of the prescription may be dispensed within 72 hours of the first partial dispensing; however, if the remaining portion is not or cannot be dispensed within the 72-hour period, the pharmacist shall so notify the prescribing practitioner. No further quantity may be supplied beyond 72 hours without a new prescription.

B. Prescriptions for Schedule II drugs written for patients in long-term care facilities may be dispensed in partial quantities, to include individual dosage units. For each partial dispensing, the dispensing pharmacist shall record on the back of the prescription (or on another appropriate record, uniformly maintained and readily retrievable) the date of the partial dispensing, quantity dispensed, remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist. The total quantity of Schedule II drugs in all partial dispensing shall not exceed the total quantity prescribed. Schedule II prescriptions shall be valid for a period not to exceed 60 days from the issue date unless sooner terminated by the discontinuance of the drug.

C. Information pertaining to current Schedule II prescriptions for patients in a nursing home long-term care facility may be maintained in a computerized system if this system has the capability to permit:

Final Regulations

1. Output (display or printout) of the original prescription number, date of issue, identification of prescribing practitioner, identification of patient, identification of the ~~nursing-home long-term care facility~~, identification of drug authorized (to include dosage form, strength, and quantity), listing of partial dispensing under each prescription and the information required in subsection B of this section.

2. Immediate (real time) updating of the prescription record each time a partial dispensing of the prescription is conducted.

D. A prescription for a Schedule II drug may be filled in partial quantities to include individual dosage units for a patient with a medical diagnosis documenting a terminal illness under the following conditions:

1. The practitioner shall classify the patient as terminally ill, and the pharmacist shall verify and record such notation on the prescription.

2. On each partial filling, the pharmacist shall record the date, quantity dispensed, remaining quantity authorized to be dispensed, and the identity of the dispensing pharmacist.

3. Prior to the subsequent partial filling, the pharmacist shall determine that it is necessary. The total quantity of Schedule II drugs dispensed in all partial fillings shall not exceed the total quantity prescribed.

4. Schedule II prescriptions for terminally ill patients may be partially filled for a period not to exceed 60 days from the issue date unless terminated sooner.

5. Information pertaining to partial filling may be maintained in a computerized system under the conditions set forth in ~~18 VAC 110-20-340~~ *subsection C of this section*.

18 VAC 110-20-320. Refilling of Schedule III through VI prescriptions.

A. A prescription for a drug listed in Schedule III, IV, or V shall not be dispensed or refilled more than six months after the date on which such prescription was issued, and no such prescription authorized to be filled may be refilled more than five times.

1. Each refilling of a prescription shall be entered on the back of the prescription, initialed and dated by the pharmacist as of the date of dispensing. If the pharmacist merely initials and dates the prescription, it shall be presumed that the entire quantity ordered was dispensed.

2. The partial dispensing of a prescription for a drug listed in Schedule III, IV, or V is permissible, provided that:

a. Each partial dispensing is recorded in the same manner as a refilling;

b. The total quantity of drug dispensed in all partial dispensing does not exceed the total quantity prescribed; and

c. No dispensing occurs after six months after the date on which the prescription order was issued.

B. A prescription for a drug listed in Schedule VI shall be refilled only as expressly authorized by the practitioner. If no such authorization is given, the prescription shall not be refilled, *except as provided in § 54.1-3410 C or subdivision 4 of § 54.1-3411 of the Code of Virginia*.

A prescription for a Schedule VI drug or device shall not be dispensed or refilled more than two years after the date on which it was issued.

C. As an alternative to all manual record-keeping requirements provided for in subsections A and B of this section, an automated data processing system as provided in 18 VAC 110-20-250 may be used for the storage and retrieval of dispensing information for prescription for drugs dispensed.

D. Authorized refills of all prescription drugs may only be dispensed in reasonable conformity with the directions for use as indicated by the practitioner; if directions have not been provided, then any authorized refills may only be dispensed in reasonable conformity with the recommended dosage and with the exercise of sound professional judgment.

18 VAC 110-20-360. Issuing a copy of a prescription that can be refilled.

A. A copy of a prescription for a drug which pursuant to § 54.1-3411 of the Code of Virginia, can be refilled at the time the copy is issued shall be given upon request to another pharmacist.

B. The transfer of original prescription information for a drug listed in Schedules III through VI for the purpose of refill dispensing is permissible between pharmacies if the transfer is communicated directly between two pharmacists *either orally, by facsimile machine or by electronic transmission*, and the transferring pharmacist records the following information:

1. Records the word "VOID" on the face of the invalidated prescription;

2. Records on the reverse of the invalidated prescription the name, address, and the Drug Enforcement Administration (DEA), registry number of the pharmacy to which it was transferred, except for a prescription for a Schedule VI drug, and the name of the pharmacist receiving the prescription information; and

3. Records the date of the transfer and the name of the pharmacist transferring the information, *or in the case of an electronic transmission, the name of the pharmacist releasing the information*.

C. The pharmacist receiving the transferred prescription information shall reduce to writing the following:

1. Write the word "TRANSFER" on the face of the transferred prescription.

2. Provide all information required to be on a prescription and include:

- a. Date of issuance of original prescription;
- b. Original number of refills authorized on the original prescription;
- c. Date of original dispensing;
- d. Number of valid refills remaining and date of last refill;
- e. Pharmacy name, address, DEA registry number except for Schedule VI prescriptions, and original prescription number from which the prescription information was transferred; and
- f. Name of transferring pharmacist.

3. Both the original and transferred prescription shall be maintained for a period of two years from the date of last refill.

D. Nothing in this chapter shall prevent the giving of a prescription marked "For Information Only" to a patient.

E. Pharmacists may use computer systems in lieu of recording on the hard copy prescription provided that the system used clearly meets all requirements of ~~18 VAC 110-20-360~~ subsections B and C of this section while retaining all previous dispensing information.

F. For prescriptions transferred between pharmacies using a common database, the pharmacy receiving the prescription shall not be required to maintain a hard copy pursuant to 18 VAC 110-20-240 B provided that the system used is capable of generating a hard copy of the transferred prescription upon request or except as required by federal law.

18 VAC 110-20-370. Issuing a copy of a prescription that cannot be refilled.

A. A copy of a prescription for a drug which, pursuant to § 54.1-3411 of the Drug Control Act, cannot be refilled at the time the copy is ~~issued~~ requested, shall be given on request of a patient but such copy shall be marked with the statement "FOR INFORMATION ONLY," the patient's name and address, the date of the original prescription, and the date the copy was given.

B. A copy marked in this manner is not a prescription, as defined in § 54.1-3400 of the Drug Control Act, and shall not be refilled.

C. The original prescription shall indicate that a copy has been issued, to whom it was issued, and the issuing date.

D. Copies of prescriptions which cannot be refilled and which are transmitted electronically to another pharmacy shall meet all requirements of this section.

18 VAC 110-20-410. Permitted physician licensed by the board.

Permitted physicians licensed by the board to dispense drugs shall be subject to the following sections of this chapter: 18 VAC 110-20-180 and 18 VAC 110-20-240 through 18 VAC 110-20-410.

~~18 VAC 110-20-180. Security system.~~

All of Part V. DRUG INVENTORY AND RECORDS.

All of Part VI. ~~PRESCRIPTION ORDER AND DISPENSING STANDARDS.~~

All of Part VII. ~~LABELING AND PACKAGING STANDARDS FOR PRESCRIPTIONS.~~

All of Part VIII. ~~STANDARDS FOR PRESCRIPTION TRANSACTIONS.~~

PART IX. COMPOUNDING STERILE PHARMACEUTICAL PRODUCTS.

18 VAC 110-20-411. General requirements.

Products intended for parenteral administration or ophthalmic instillation shall be compounded using aseptic processing.

18 VAC 110-20-412. Policy and procedure manual.

A policy and procedure manual shall be prepared and maintained for the compounding, dispensing and delivery of sterile products and shall include at least the following elements:

1. Personnel qualifications including initial and follow-up training and method of periodic reevaluation of qualifications and performance;
2. Scope of compounding performed at the pharmacy and proper procedures for compounding to include maintaining suitable environmental conditions in the compounding area, wearing appropriate garb to reduce particulate matter and contamination of work area, performing aseptic procedures.
3. Procedures for maintaining and monitoring proper operating conditions for all equipment used in sterile compounding;
4. Guidelines for patient or caretaker education if products are dispensed for home use to include instructions concerning proper storage, aseptic manipulation of the product, proper administration and use of devices if applicable, recognizing signs of instability or incompatibility, and procedures in case of an emergency with the product;
5. Guidelines for assignment of beyond-use dates for all compounded sterile products and justification for any date chosen which exceeds the standard set forth in this chapter;
6. Separate procedures for handling cytotoxic drugs, if applicable, to include protective apparel; disposal procedures consistent with applicable local, state, and federal requirements; procedures for handling spills; special packaging and labeling requirements, and delivery procedures to minimize risks of accidental spills;
7. If applicable, separate procedures for compounding sterile products using nonsterile components or open system transfer techniques and for end-product sterilization of these products.

Final Regulations

18 VAC 110-20-413. Physical and equipment requirements for pharmacies preparing sterile products.

A. The sterile compounding area shall be of sufficient size to accommodate a laminar airflow hood and to provide for the proper storage of drugs and supplies used in aseptic processing.

B. The sterile compounding area where parenteral products are routinely prepared shall be isolated from other areas and other pharmacy functions.

C. Sterile compounding shall be performed within a laminar flow hood or other appropriate environmental control device capable of maintaining, during normal activity, at least Class 100 conditions in the work area where sterile compounding is performed. Compounding of cytotoxic preparations shall be performed in a vertical flow Class II biological safety cabinet.

D. A pharmacy preparing sterile products shall maintain supplies adequate for the aseptic preparation of sterile products including, but not limited to, the following:

1. Antimicrobial soap;
2. Hot and cold water supply easily accessible to the sterile compounding area for hand washing prior to aseptic compounding;
3. Appropriate apparel for personnel performing sterile compounding;
4. Suitable disposal containers for used needles, syringes, etc. and, if applicable, containers for cytotoxic waste and infectious wastes.

E. A pharmacy preparing sterile products shall have sufficient current reference materials related to sterile products consistent with the policy and procedure manual and with the types of products prepared.

F. The pharmacy preparing sterile products shall have equipment necessary for maintaining and monitoring required temperature storage conditions both in the pharmacy and during delivery to the patient, if applicable.

18 VAC 110-20-414. Labeling requirements.

A. In addition to other applicable labeling requirements for prescriptions as set forth in § 54.1-3410 of the Code of Virginia and 18 VAC 110-20-260 B and 18 VAC 110-20-330, the label of a compounded sterile product shall include all active ingredient names, strengths, amounts, and concentrations, when applicable, and for IV infusion shall include the name of all solutions.

B. The label of a compounded parenteral sterile product shall include an appropriate beyond-use date and time, if applicable, and the required storage conditions to assure product integrity for that time period. Unless otherwise specified and justification provided in the policy and procedure manual, the expiration date for unpreserved sterile products prepared aseptically in a closed system for a single patient shall bear a maximum beyond-use date, including administration, as follows:

1. Twenty-eight hours if stored at controlled room temperature;
2. Seven days if stored under refrigeration; and
3. Thirty days if stored under freezing conditions.

C. The label of other compounded sterile products shall bear an appropriate beyond-use date, not to exceed 30 days from the date of preparation.

D. If the product is for home or other outpatient use, the label shall bear the prescribed administration regimen including rate and route of administration and any device specific instructions.

E. The label shall bear any appropriate auxiliary labeling, including precautions for cytotoxic drugs.

18 VAC 110-20-415. Quality assurance.

A. The pharmacist-in-charge in a pharmacy compounding sterile products shall be responsible for maintaining and updating the policy and procedure manual as set forth in 18 VAC 110-20-411 in accordance with current acceptable standards, and for ensuring compliance with the policy and procedure manual.

B. All laminar flow hoods or other environmental control devices shall be certified according to accepted standards for operational efficiency by a qualified independent contractor at least every six months.

18 VAC 110-20-416. Records for sterile compounding.

In addition to other required records, the following additional records shall be maintained for sterile compounding:

1. Compounding records maintained on or with the original prescription, or in a log format which can be cross-referenced with the prescription, or in an automated data processing system which contains the same information required in a manual system and is capable of producing a hard copy printout of a two-year history of prescription compounding and dispensing upon request within 72 hours. In addition to prescription information, the record must include the following information:

a. Date of sterile compounding;

~~[b. Lot numbers and expiration dates of the components used in compounding;]~~

[e. b.] Beyond-use date assigned to the sterile product; [and]

[d. c.] Signature, initials, or electronic identification of pharmacist compounding, or of both the nonpharmacist compounding and pharmacist checking the compounding of the sterile product [; and .]

~~[e. Internal lot number if sterile product is prepared in a batch.]~~

2. Record documenting certification of clean room or laminar flow hoods.

3. If sterile products are provided to a patient's residence, a record documenting training of the patient or caregiver, or both, in the proper storage and use of the product and any devices used to administer the devices.

18 VAC 110-20-417 through 18 VAC 110-20-419. Reserved.

PART IX X.
UNIT DOSE DISPENSING SYSTEMS.

18 VAC 110-20-420. Unit dose dispensing system.

A. A unit dose drug dispensing system may be utilized for the dispensing of drugs to patients in a hospital or long-term care facility. The following requirements shall apply regardless of whether licensed or unlicensed persons administer medications:

1. Any equipment outside the pharmacy used to house drugs to be administered in a unit dose system shall be fitted with a locking mechanism and be locked at all times when unattended.
2. A signed order by the prescribing practitioner shall accompany the requests for a Schedule II drug, except that a verbal order for a hospital patient for a Schedule II controlled substance may be transmitted to a licensed nurse or pharmacist employed by the hospital who will promptly reduce the order to writing in the patient's chart. Such an order shall be signed by the prescriber within 72 hours.
3. Properly trained personnel may transcribe the physician's drug orders to a patient profile card, fill the medication carts, and perform other such duties related to a unit dose distribution system provided these are done under the personal supervision of a pharmacist.
4. All dosages and drugs shall be labeled with the drug name, strength, lot number and expiration date when indicated.
5. The patient's individual drug drawer or tray shall be labeled with the patient's name and location.
6. All unit dose drugs intended for internal use shall be maintained in the patient's individual drawer or tray unless special storage conditions are necessary.
7. A back-up dose of a drug of not more than one dose unit may be maintained in the patient's drawer, tray, or special storage area provided that the dose is maintained in the patient's drawer, tray, or special storage area with the other drugs for that patient.
8. A record shall be made and maintained within the pharmacy for a period of one year showing:
 - a. The date of filling of the drug cart;
 - b. The location of the drug cart;
 - c. The initials of person who filled the drug cart; and
 - d. The initials of the pharmacist checking and certifying the contents of the drug cart in accordance with the provisions in 18 VAC 110-20-270 B.

9. A patient profile record or medication card will be accepted as the dispensing record of the pharmacy for unit dose dispensing systems only, subject to the following conditions:

- a. The record of dispensing must be entered on the patient profile record or medication card at the time the drug drawer or tray is filled.
- b. In the case of Schedule II through V drugs, after the patient profile record or medication card has been completed, the card must be maintained for two years.
- c. In the case of the computer-based distribution system, a uniformly maintained "fill list" or other document containing substantially the same information may be accepted as the dispensing record for Schedule II through VI drugs. Records of disposition/administration for floor stock drugs as provided in 18 VAC 110-20-460 B will be accepted for drugs distributed as floor stock.

B. In providing unit dose systems to hospitals or long-term care facilities where only those persons licensed to administer are administering drugs, the pharmacy shall dispense not more than a seven-day supply of a drug in a solid, oral dosage form at any one given time.

C. In addition to the requirements listed in ~~18 VAC 110-20-420 subsection A of this section~~, the following requirements apply to those long-term care facilities in which unlicensed persons administer drugs:

1. The pharmacy providing medications to such facility shall dispense no more than a 72-hour supply of drugs in a solid, oral dosage form at any one given time.
2. The pharmacy shall provide to persons administering medications training specific to the particular unit dose system being used.
3. The pharmacy shall provide a medication administration record to the facility listing each drug to be administered with full dosage directions to include no abbreviations.
4. The drugs in a unit dose system shall be placed in slots within a drawer labeled or coded to indicate time of administration.

PART X XI.
PHARMACY SERVICES TO HOSPITALS.

18 VAC 110-20-440. Responsibilities of the pharmacist-in-charge.

A. The pharmacist-in-charge in a pharmacy located within a hospital or the pharmacist-in-charge of any outside pharmacy providing pharmacy services to a hospital shall be responsible for *establishing procedures for and assuring maintenance of the proper storage and, security, and dispensing of all drugs used throughout the hospital.*

B. The pharmacist-in-charge of a pharmacy serving a hospital shall be responsible for a monthly review of drug therapy for each patient within the hospital for a length of stay of one month or greater. A record of such review shall be signed and dated by the pharmacist and shall include but not

Final Regulations

limited to any irregularities in drug therapy, drug interactions, drug administration, or transcription errors. All significant irregularities shall be brought to the attention of the attending practitioner or other person having authority to correct the potential problem.

C. Prior to the opening of a satellite pharmacy within the hospital, the pharmacist-in-charge shall notify the board as required by 18 VAC 110-20-140 and shall ensure compliance with subsections B through G of 18 VAC 110-20-150, 18 VAC 110-20-160, subdivisions 5 and 6 of 18 VAC 110-20-170, 18 VAC 110-20-180 and 18 VAC 110-20-190. No drugs shall be stocked in a satellite pharmacy until an inspection has been completed and approval given for opening.

18 VAC 110-20-480. Pharmacy services.

A. In addition to service to inpatients, a hospital pharmacy may dispense drugs to the following:

1. Patients who receive treatments or consultations on the premises;
2. Outpatients or emergency patients upon discharge for their personal use away from the hospital; and
3. The hospital employees, medical staff members, or students for personal use or for the use of their dependents.

Nothing in this chapter shall prohibit a hospital pharmacy not operated under a separate outpatient pharmacy permit from providing such services or drugs, or both, as are not readily available in the community to patients who may not otherwise be served by the hospital pharmacy.

B. If a pharmacy located within a hospital dispenses drugs to patients other than those listed in ~~18 VAC 110-20-480 subsection A of this section~~, the pharmacy shall obtain a separate pharmacy permit and shall operate in a space separated from the hospital pharmacy.

PART XI XII.

PHARMACY SERVICES TO LONG-TERM CARE FACILITIES.

18 VAC 110-20-530. Pharmacy's responsibilities to long-term care facilities.

The pharmacy serving a long-term care facility shall:

1. Receive a valid order prior to the dispensing of any drug.
2. Ensure that personnel administering the drugs are trained in using the dispensing system provided by the pharmacy.
3. Ensure that the drugs for each patient are kept and stored in the originally received containers and that the medication of one patient shall not be transferred to another patient.
4. Ensure that each cabinet, cart or other area utilized for the storage of drugs is locked and accessible only to authorized personnel.

5. Ensure that the storage area for patients drugs is well lighted, of sufficient size to permit storage without crowding, and is maintained at appropriate temperature.

6. Ensure that poison and drugs for "external use only" are kept in a cabinet and separate from other medications.

7. Provide for the disposition of discontinued drugs under the following conditions:

a. Discontinued drugs may be returned to the pharmacy for resale if authorized by 18 VAC 110-20-400 or destroyed by appropriate means in compliance with any applicable local, state, and federal laws and regulations.

b. Drug destruction at the pharmacy shall be witnessed by the pharmacist-in-charge and by another pharmacy employee. Drug destruction at the facility shall be witnessed by the director of nursing or, if there is no director, then by the facility administrator and by a pharmacist providing pharmacy services to the facility or by another employee authorized to administer medication.

c. A complete and accurate record of the drugs returned or destroyed or both shall be made. The original of the record of destruction shall be signed and dated by the persons witnessing the destruction and maintained at the long-term care facility for a period of two years. A copy of the destruction record shall be maintained at the provider pharmacy for a period of two years.

d. All destruction of the drugs shall be done without 30 days of the time the drug was discontinued.

8. Ensure that appropriate drug reference materials are available in the facility units.

9. Ensure that a monthly review of [a] drug therapy by a pharmacist is conducted for each patient in long-term care facilities except those licensed under Title 63.1 of the Code of Virginia. Such review shall be used to determine any irregularities, which may include but not be limited to drug therapy, drug interactions, drug administration or transcription errors. The pharmacist shall sign and date the notation of the review. All significant irregularities shall be brought to the attention of the attending practitioner or other party having authority to correct the potential problem.

PART XII XIII.

OTHER INSTITUTIONS AND FACILITIES.

18 VAC 110-20-570. Drugs in infirmaries/first aid rooms.

A. Controlled drugs purchased by an institution, agency, or business within the Commonwealth, having been purchased in the name of a practitioner licensed by the Commonwealth of Virginia and who is employed by an institution, agency, or business which does not hold a pharmacy permit, shall be used only for administering to those persons at that institution, agency, or business.

B. All controlled drugs shall be maintained and secured in a suitable locked storage area, the key to which will be in the

possession of the practitioner or nurse who is under the direction and supervision of the practitioner.

C. Such institution, agency, or business shall adopt a specific protocol for the administration of prescription drugs, listing the inventory of such drugs maintained, and authorizing the administering of such drugs in the absence of a ~~physician~~ *practitioner* in an emergency situation when the timely prior verbal or written order of a physician is not possible. Administering of such drugs shall be followed by written orders.

1. For the purpose of this chapter, emergency shall be defined as a circumstance requiring administration of controlled drugs necessary to preserve life or to prevent significant or permanent injury or disability.

2. The protocol shall be maintained for inspection and documentation purposes.

D. A nurse may, in the absence of a practitioner, administer *and provide* nonprescription drugs ~~and provide same~~ in unit dose containers in quantities which in the professional judgment of the nurse ~~and the existing circumstances~~ will maintain the person at an optimal comfort level until the ~~employee's~~ *person's* personal practitioner can be consulted. The administering and providing of such medication must be in accordance with explicit instructions of a specific protocol promulgated by the practitioner in charge of the institution, agency, or business.

PART XIII XIV.

EXEMPTED STIMULANT OR DEPRESSANT DRUGS AND CHEMICAL PREPARATIONS.

PART XIV XV.

MANUFACTURERS, WHOLESALE DISTRIBUTORS, WAREHOUSERS, AND MEDICAL EQUIPMENT SUPPLIERS.

EDITOR'S NOTICE: The forms used in administering the Regulations of the Board of Pharmacy (18 VAC 110-20-10 et seq.) are listed below. Any added, amended, or deleted forms are reflected on the listing. Newly created and amended forms are published following the listing.

Application for Registration as an Externe/Interne (eff. 5/93)

Application for Licensure as a Pharmacist by Examination (~~eff. 5/93~~) (Revised 1/96)

Application for Re-examination (eff. 5/93)

Application for Pharmacist License to be Reactivated

Application for Approval of a Continuing Education Program

~~Verification of Licensure/Registration (eff. 8/94)~~

Application for License to Dispense Drugs (eff. 5/93)

Application for a Pharmacy Permit

Application for a Nonresident Pharmacy Registration

Application for a Permit as a Medical Equipment Supplier

Application for a Restricted Manufacturer's Permit

Application for a Nonrestricted Manufacturer's Permit

Application for a Permit as a Warehouse (eff. 5/93)

Application for a License as a Wholesale Distributor

Application for a Nonresident Wholesale Distributor Registration (Revised 1996)

Application for a Controlled Substances Registration

Application for Reinstatement of Controlled Substance Registration

~~Renewal Notice and Application~~

~~Application for Controlled Substances Registration Certificate for Nonpractitioners (1996)~~

Application for Reinstatement of License

Application for Continuing Education Provider (Revised 1996)

Application for Approval of Continuing Education Program (1996)

Application for Permit as a Humane Society (Revised 1996)

~~Application for Registration as an Interne for Graduates of a Foreign College of Pharmacy~~

~~Instructions for Graduates of Foreign Schools of Pharmacy~~

~~Destruction of Controlled Substances~~

~~Registrants Inventory of Drugs Surrendered, DEA Form 41 (June 1986)~~

~~Closing of Pharmacy~~



COMMONWEALTH OF VIRGINIA
Board of Pharmacy

Department of Health Professions
6006 West Broad Street, 4th Floor
Richmond, Virginia 23230-1717 (804) 662-9911

Rev.
1/96

**Application For Licensure As
A Pharmacist By Examination**

The required fee(s) must accompany the application.
[Make check payable to "Treasurer of Virginia"]

Entire Exam - \$300
NABPLEX - \$200
FDLE - \$ 75
SDLE - \$ 75

Paste a
passport-type
photograph not less
than 2" x 2" in
this space

Check appropriate item(s):

- I plan to sit for the entire examination in Virginia.
 I plan to sit for the examination in another state and will make the necessary arrangements with the National Association of Boards of Pharmacy to transfer the following scores: NABPLEX FDLE to Virginia. I plan to sit for the following examinations: NABPLEX FDLE SDLE in Virginia.

(Print or type)

Name: Last		First	Middle/Maiden
Street Address		City	State Zip Code
Date of Birth Mo Day Yr	Social Security Number*		Telephone Number ()
Graduation Date Mo Day Yr	Prof. School Degree	School, City, State	
Permanent Address (if different from above) Street		Telephone Number ()	
City	State	Zip Code	

STUDENT REGISTRATION

I am registered by the Virginia Board of Pharmacy as an extern/intern
Yes No If yes, registration number 0203-

FOR OFFICE USE ONLY

Class	Application Number	Suffix	School	License number	Date issued
0202		T			
Scores NABPLEX <u> </u> FDLE <u> </u> SDLE <u> </u> COMBINED DRUG LAW <u> </u>					

*Social Security Number is requested to assure accurate identification during licensure procedure

This application must be completed in all sections and submitted with the fee and required documents on or before the specified deadline date.

EDUCATIONAL BACKGROUND

Name and location of colleges attended	Period of Attendance (From M/D/Y to M/D/Y)
1st Year _____	_____
2nd Year _____	_____
3rd Year _____	_____
4th Year _____	_____
5th Year _____	_____
6th Year _____	_____

ADDITIONAL LICENSURE AS A PHARMACIST

Are you currently or have you ever been licensed as a pharmacist in any other jurisdiction?
Yes No

If Yes complete this section: State (or other jurisdiction) License Number Expiration Date

_____	_____	_____
_____	_____	_____

Has disciplinary action been taken or any sanctions imposed against your pharmacist's license by any other jurisdiction? Yes No If yes, explain: _____

PRIOR EXPERIENCE WITH NABPLEX AND FDLE EXAMINATIONS

Have you ever taken and failed the NABPLEX examination? Yes No If yes, please complete:

Date(s) taken _____ Score(s) _____

Have you ever taken and failed the FDLE examination? Yes No If yes, please complete:

Date(s) taken _____ Score(s) _____

MISCELLANEOUS INFORMATION

Have you ever been convicted of a violation of any drug law or do you have charges pending for violation of any drug law? Yes ___ No ___
If yes, please attach an explanation, date and jurisdiction where charged/convicted, and copies of any court orders, warrants, or other official documents showing the nature and disposition of such charges/convictions.

Have you been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a professional for any substance abuse within the last two years? Yes ___ No ___
If yes, please provide a letter from the treating professional.

Do you have a physical disease, mental disorder, or any condition which could affect your performance of professional duties? Yes ___ No ___
If yes, provide a letter from your treating professional to include diagnosis, treatment, prognosis and fitness to practice.

AFFIDAVITS AS TO EXPERIENCE

In addition to the college clerkship experience listed below, I hereby certify that I have completed practical experience requirements for the following additional experience:

Total No. Months: _____ (Total No. Hours: _____)

Affidavits are: (check one)

- attached
on file at board office
being sent under separate cover by another state board

COLLEGE AFFIDAVIT

This is to certify that _____ attended the _____ College of Pharmacy and on _____ was ()/will be () graduated with the first professional degree B.S.()/Pharm D.() and gained the following practical experience in the pharmacy clerkship program.

Total No. Months: _____ (Total No. Hours: _____)

(S E A L) _____ Signature of Dean or Registrar

AFFIDAVIT OF APPLICANT

(To be completed before a Notary Public)

State of _____ County/City of _____

I, _____, do solemnly swear and affirm that I have personally filled in this application, and that the information provided on this application is true and correct to the best of my knowledge and belief.

Signature of Applicant (legal name)

Subscribed to and sworn before me this _____ day of _____ 19 _____

My commission expires _____

(S E A L)

Signature of Notary Public

CODE OF VIRGINIA

Article 3.

Wholesale Distributors and Medical Equipment Suppliers.

§ 54.1-3435.01. Registration of nonresident wholesale distributors; fee.--

A. Any person located outside this Commonwealth who engages in the wholesale distribution of prescription drugs into this Commonwealth shall be registered with the Board. The application for registration as a nonresident wholesale distributor shall apply to the Board using such forms as the Board may furnish; renew such registration, if granted, using such forms as the Board may furnish, annually on or before January 1 of each year; notify the Board within thirty days of any substantive change in the information previously submitted to the Board; and remit a fee, which shall be the fee specified for wholesale distributors located within the Commonwealth.

B. The nonresident wholesale distributor shall at all times maintain a valid, unexpired license, permit, or registration in the state in which it is located and shall furnish proof of such upon application and at each renewal.

C. Records of prescription drugs distributed into this Commonwealth shall be maintained in such a manner that they are readily retrievable from records of distribution into other jurisdictions and shall be provided to the Board, its authorized agent, or any agent designated by the Superintendent of the Department of State Police upon request within seven days of receipt of such request.

D. This section shall not apply to persons who distribute prescription drugs directly to a licensed wholesale distributor located within this Commonwealth.

VIRGINIA BOARD OF PHARMACY
6606 West Broad Street, 4th Floor
Richmond, Virginia 23230

804/662-9911

INSTRUCTIONS FOR REGISTERING AS A NONRESIDENT
WHOLESALE DISTRIBUTOR

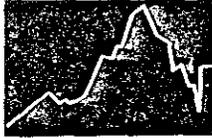
A nonresident wholesale distributor registration is required for any wholesale distributor that is located outside of the State of Virginia and distributes prescription drugs into Virginia. (See attached Sections of the Code of Virginia)

THE FOLLOWING MUST BE SUBMITTED WHEN FILING AN APPLICATION:

1. A completed application for a Nonresident Wholesale Distributor.
2. An application fee of \$200 (make checks payable to the TREASURER OF VIRGINIA).
3. A legible copy of the current registration issued by the state in which the business is located.

PERMITS EXPIRE ON DECEMBER 31 AND MUST BE RENEWED ANNUALLY.

If you have any questions or need assistance in completing and filing the attached application, please contact the Board of Pharmacy.



COMMONWEALTH OF VIRGINIA
Board of Pharmacy

Department of Health Professions
6606 West Broad Street, 4th Floor
Richmond, Virginia 23230-1717
(804) 662-9911

**APPLICATION FOR A NON-RESIDENT
WHOLESALE DISTRIBUTOR REGISTRATION**

Check Appropriate Boxes:

- New \$200 Change of Tradename No Fee
 Change of Location No Fee

The required fee of \$200.00 must accompany the application.
Make check payable to "TREASURER OF VIRGINIA".

APPLICANT - Please provide the information requested below. (Print or Type) Use full name, not initials.			
Name of Firm _____			
Street Address _____		Area Code & Telephone Number _____	
City _____	State _____	Zip Code _____	
Resident State Wholesale Distributor Registration Number _____			
Name of Applicant _____	Signature of Applicant _____	Telephone Number _____	
Drugs distributed in Virginia are maintained so that the records are readily retrievable from other distribution records? Yes ___ No ___ A legible, unexpired, unrestricted copy of the wholesale distributor registration issued by the state in which the firm is located is attached? Yes ___ No ___ If no, explain _____			
OWNERSHIP: Corporation _____ Partnership _____ Individual _____			
Name of Corporation (If Different From The Above Firm) _____			
Street Address _____		Telephone Number _____	
City _____	State _____	Zip Code _____	
IMPORTANT: The information requested on the back of this application must be <u>completed</u> .			
FOR OFFICE USE ONLY			
Class	Registration Number	Date Issued	Approved:
0219			Date _____

LIST NAMES, TITLES, ADDRESSES AND TELEPHONE NUMBERS OF OWNERS/OFFICERS

Name: _____	Title: _____
Resident Address: _____	Telephone Number: _____
Name: _____	Title: _____
Resident Address: _____	Telephone Number: _____
Name: _____	Title: _____
Resident Address: _____	Telephone Number: _____
Name: _____	Title: _____
Resident Address: _____	Telephone Number: _____

Indicate all trade or business names used by this corporation or business.

_____ Business Name _____ Business Name

To the best of your knowledge have any of the applicants, owners, or persons listed on this application:

1. Been convicted of a felony or any law relating to drug distribution under any federal, state or local law? Yes ___ No ___
2. Had a license, permit, or registration for the distribution of drugs denied, restricted, suspended, or revoked by any federal, state or local government? Yes ___ No ___

If yes to either, explain in detail on an attached statement. Also, please provide a certified copy of any document(s) showing court disposition or administrative licensing body disposition.

I do solemnly swear or affirm that the information provided and the statements made on this application are true and correct to the best of my knowledge:

Signature _____

Print Name _____

Date _____

VIRGINIA BOARD OF PHARMACY REGULATIONS

sections relative to Board approval of continuing education programs and providers:

§1.3 Fees

F. Board approval of continuing education programs and providers.

1. The application fee for approval of an individual CE program is \$100.
2. The application fee for approval of provider status is \$300.
3. Renewal of approved provider status is \$300 paid biennially.

§2.7. Approval of continuing education programs and providers.

A. The Board will approve without application or further review any program offered by an ACPE-approved provider and will accept for credit certificates bearing the official ACPE logo and program number.

B. The Board may approve an individual CE program or may grant approved provider status under the following provisions:

1. Approval of an individual CE program.
 - a. An approved individual program is a course, activity, or lecture which includes subject matter related to the competency of the practice of pharmacy and which has been approved for CE credit by the Board.
 - b. In order to receive approval for an individual program, the sponsor or provider must make application at least 60 days prior to the program offering on a form provided by the Board. The information which must be provided shall include but not be limited to: name of provider, location, date and time of program, charges to participants, description of program content and objectives, credentials of speaker or author, method of delivery, evaluation procedure, evidence of a pre and post test, credits requested, mechanism for record-keeping, and any such information as the Board deems necessary to assure quality and compliance.
 - c. The sponsor making application for Board approval of an individual program must pay a fee as required in § 1.3.I.
 - d. The Board shall notify the provider or sponsor within 60 days following the receipt of a completed application of approval or disapproval of a program and the number of credits which may be awarded.
2. Approval of CE provider status.
 - a. An approved provider is any person, corporation, school, association, or other entity who has demonstrated an ability to provide qualified CE programs and has met the requirements of the Board for approved provider status.
 - b. An applicant for approved provider status must have sponsored at least three (3) individually approved programs for a minimum period of two (2) year period immediately preceding the submission of application for approved status.
 - c. The application for approved provider status shall include but not be limited to:

LIST OF OWNERS AND OFFICERS AND RESIDENCE ADDRESSES

Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	

information on the entity making application, a listing of approved CE programs offered during the last two years, accreditation, methods of promotion and delivery of programs, assessment process, maintenance of records, policy on grievances and tuition, standards for selection of speakers, program goals and objectives, and a description of facilities adequate to meet these objectives.

- d. The application for approved provider status shall be accompanied by a fee as required in § 1.3.i.
 - e. An applicant who has been granted approved provider status is permitted to offer CE programs by submitting to the Board information on that offering at least ten days prior to the program. The approved provider is not required to submit application for approval of each individual program nor to pay the fee for such approval.
 - f. An approved provider must have that status renewed every two years, must pay the renewal fee, and must provide information on program offerings to the Board for review.
 - g. The Board may revoke or suspend an approval of a provider or refuse to renew such approval if the provider fails to maintain the necessary standards and requirements.
3. Certificate of completion.
- The provider of an approved program must provide to each participant who completes the required hours and passes the post test a certification with the name of the provider, name of the participant, description of course and method of delivery, number of hours credited, date of completion, and program identification number.
4. Maintenance of Records.
- The provider of an approved program must maintain all records on that program, its participants, and hours awarded for a period of three years and must make those records available to the Board upon request.
5. Monitoring of programs.
- The Board shall periodically review and monitor programs. The provider of a CE program shall waive registration fees for a representative of the Board for that purpose.
6. Changes in programs or providers.
- Any changes in the information previously provided about an approved program or provider must be submitted or the Board may withdraw its approval.

COMMONWEALTH OF VIRGINIA
 BOARD OF PHARMACY
 6606 West Broad Street, Suite 400
 Richmond, Virginia 23230-1717
 804/662-9911
 804/662-9313 (FAX)

INSTRUCTIONS FOR FILING AN APPLICATION FOR APPROVAL OF
 CONTINUING PHARMACY EDUCATION PROGRAM

THE FOLLOWING MUST BE SUBMITTED WHEN FILING AN APPLICATION:

1. Non-refundable application fee of \$100.
 (Make check payable to "Treasurer of Virginia")
2. All questions on the application must be answered.
 (Although additional documentation may be attached when applicable, this material does not negate the need to fill out the form completely.)

Pursuant to § 2.7(B)(1)(d) of the Virginia Board of Pharmacy Regulation, the Board will notify the provider or sponsor within sixty (60) days following the receipt of the completed application of approval or disapproval of a program and the number of credits which may be awarded. No refund will be granted for any application, once reviewed.

If you have any questions regarding the filing of this application, please contact the Board office.

CEAPPCOV

COMMONWEALTH OF VIRGINIA
BOARD OF PHARMACY
6606 West Broad Street, Suite 400
Richmond, Virginia 23230-1717
804/662-9911
804/662-9313 (FAX)

APPLICATION FOR APPROVAL OF
CONTINUING EDUCATION PROGRAM

The non-refundable fee of \$100 must accompany the application.
(Make check payable to "Treasurer of Virginia")

Name of Program Provider _____

Street Address _____

City _____ State _____ Zip Code _____

Telephone Number (____) _____

Address of Program _____

Anticipated Date and Time of Program _____

Length of Program (exclude meals, breaks, social activities, meeting
or administrative time) _____

Room Arrangement for this Program (classroom, auditorium, conference
style, etc.) _____

Credits Requested for this Program _____

Please answer the following questions and provide any other infor-
mation or documentation which you feel might be helpful to the Board
in the approval process.

1. Have you provided other CE programs in Virginia within the last two years? Yes No (If yes, attach documentation listing program description, faculty, number of attendees, date of program, profession of attendees, length of program, and any certification granted.)
2. Are you accredited by any other group or agency? Yes No (If yes, attach documentation)
3. Has this program been submitted to any other state board of pharmacy requiring mandatory continuing education or to the American Council on Pharmaceutical Education? Yes No
If yes, where? _____ How many credits were granted? _____ (Attach documentation)

4. Has this program been approved for continuing education by any profession other than pharmacy? Yes No. If yes, by whom? _____ How many credits were granted? _____ (Attach documentation)

5. Describe program content, method of delivery, and supportive materials to be provided. (Attach additional sheet, if necessary) _____

6. What are the educational objectives of this program based on the program content and its relationship to the practice of pharmacy? (Attach additional sheet, if necessary) _____

7. What method will be used to promote the program? (Attach literature, if available) _____

8. What are the anticipated costs to the participants? _____

9. Who will present the program, and what are their credentials? (Attach resumes of program speakers or faculty) _____

10. Is this program part of any other event, such as a convention, dinner meeting, etc.? Yes No. If yes, please describe the setting and context for the program _____

11. What mechanism for assessment of program effectiveness and satisfactory completion will be used? Attach a sample pre- and post-test to be employed _____

12. What documentation of credits awarded will be provided to the participants? (Attach sample certificate) _____

13. Who is eligible to attend the program (i.e. all pharmacists, physicians, members of the sponsoring organization, etc.)? _____

14. How and where will you maintain all required records of the program, its participants, and hours or credits awarded for a period of three years following its completion? _____

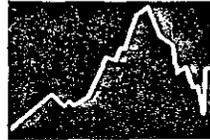
I agree that an authorized agent of the Board will be allowed to conduct on site monitoring of this program without payment of registration fees.

I agree to provide the Board upon request with documentation of program content, hours, participants, and credits awarded anytime within three years of its completion.

Signature of Applicant _____
 Title _____
 Date _____

The Board will notify the applicant/sponsor of the program within sixty (60) days following the receipt of a completed application of approval or disapproval and the number of credits which may be awarded. There will be no refund of application fee for programs which have been reviewed for approval, regardless of whether approval is granted or denied or whether program is held.

 FOR BOARD OFFICE USE ONLY
 APPROVED _____ DISAPPROVED _____
 DATE _____ CREDITS AWARDED _____
 SIGNATURE OF EXECUTIVE DIRECTOR _____
 CFAPP



COMMONWEALTH OF VIRGINIA
 Board of Pharmacy

Department of Health Professions
 6606 West Broad Street, 4th Floor
 Richmond, Virginia 23230-1717
 (804) 662-9911

APPLICATION FOR PERMIT AS A HUMANE SOCIETY

Check Appropriate Boxes:

- New \$10.00 Change of Responsible Party No Fee
 Change of Ownership/Tradename No Fee Change of Location* No Fee

The required fee(s) must accompany the application.
 Make check payable to "TREASURER OF VIRGINIA".

Applicant - Please provide the information requested below. (Print or Type) Use full name, not initials.				
Name of Society _____				
Street Address _____		Area Code and Telephone Number _____		
City _____	State _____	Zip Code _____		
Name of Person Responsible for Drugs _____		Area Code and Telephone Number _____		
Expected Opening Date _____		* Requested Inspection Date _____		
Name of Supervising Veterinarian _____				
Signature of Applicant _____		Date _____		
IMPORTANT: Please print the names, titles and residence addresses of owners, partners and or corporate officers in spaces provided on back of application.				
FOR OFFICE USE ONLY				
ACKNOWLEDGEMENT OF INSPECTION REQUEST				
Date Processed _____	Inspection Date Assigned _____	Application Number _____		
Class _____	License Number _____	Expiration Date _____	Inspection Date _____	Date Issued _____
* A 14-day notice is required for scheduling an opening or change of location inspection.				

VIRGINIA BOARD OF PHARMACY
 6606 West Broad Street, Suite 400
 Richmond, Virginia 23230-1717
 804/662-9911

CLOSING OF PHARMACY

Date: _____

Date Closed/Closing: _____ Permit Returned: _____

Closed by: Owner _____ Bankruptcy _____ Purchased/Moved _____

Pharmacy Name: _____

Address: _____

City, State, Zip Code: _____

Pharmacist or Other Contact Person: _____ Telephone No.: _____

Contact Address: _____

DEA Registration Forms Returned: _____ Yes _____ No _____

Drug Disposal: _____

Schedule II _____

Schedule III-V _____

Other Drugs _____

Prescriptions Maintained By: _____

Invoices Maintained By: _____

Drug Signs Removed? _____ Yes _____ No _____

Any Prescription Drugs on the Premises? _____ Yes _____ No _____

If Yes, explain: _____

Remarks: _____

Inspector _____

LIST OF OWNERS AND OFFICERS AND RESIDENCE ADDRESSES

Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	
Name: _____	Title: _____
Resident Address: _____	

DOCUMENTS INCORPORATED BY REFERENCE

The United States Pharmacopoeia - National Formulary,
 United States Pharmacopoeia Convention.

V.A.R. Doc. No. R96-432; Filed June 18, 1996, 4:55 p.m.

Final Regulations

DEPARTMENT OF STATE POLICE

Title of Regulation: 19 VAC 30-70-10 et seq. **Current Official Inspection Manual Motor Vehicle Safety Inspection Rules and Regulations** (adding 19 VAC 30-70-1 through 19 VAC 30-70-9; amending 19 VAC 30-70-10, 19 VAC 30-70-30, 19 VAC 30-70-50, 19 VAC 30-70-60, 19 VAC 30-70-70, 19 VAC 30-70-80, 19 VAC 30-70-90, 19 VAC 30-70-100, 19 VAC 30-70-110, 19 VAC 30-70-120, 19 VAC 30-70-140, 19 VAC 30-70-160, 19 VAC 30-70-250, 19 VAC 30-70-490, 19 VAC 30-70-500, and 19 VAC 30-70-530).

Statutory Authority: § 46.2-1165 of the Code of Virginia.

Effective Date: August 7, 1996.

Summary:

The amendments to Part I, Guidelines for the Administration of Virginia's Annual Motor Vehicle Inspection Program, reclassify violations of 19 VAC 30-70-520 as Class II offenses. This makes the corrective action for such violations consistent with similar violations in 19 VAC 30-70-150 relating to vehicles less than 10,000 pounds.

Amendments also provide for revocation of inspection privileges for the illegal use of inspection supplies.

The specific perimeters for the periods of revocation are defined. The process for reinstatement of safety inspector's license and station appointment following a period of suspension or revocation is outlined. Definitions of suspension and revocation are provided.

19 VAC 30-70-10 is amended to:

1. Clarify that one safety inspector is to be available to perform inspections during the normal business day.
2. Cite paragraph 12 of the Governor's Proclamation rather than paragraph 11.
3. Eliminate the requirement for the "Official Inspection Procedure" sheet to be posted at or near the point of inspection. This change was made to allow placement of the poster in customer waiting areas. The Official Inspection Manual will be available at or near the point of inspection.
4. Require the poster designating a business as an Official Inspection Station to be visible to alert passersby that inspection services are available.
5. Assure inspection regulations are available at or near the place inspections are made.

19 VAC 30-70-30 is revised and amended to identify the specific individual or office to be contacted by inspectors in the event their driver's license is suspended or revoked.

19 VAC 30-70-50 is amended (i) to specify the method for identifying the type vehicle inspected on a trailer/motorcycle decal; (ii) by deleting the reference to green envelopes since these items are no longer used; and (iii) to set forth the procedure for replacement of stolen inspection stickers.

19 VAC 30-70-60 is amended to clarify the specific information to be provided to the operator of any vehicle rejected.

The amendments to 19 VAC 30-70-70 describe the procedure to be followed for processing quarterly inventory reports.

A General Assembly committee studying the inspection of street rods (HJR 38) unanimously agreed there were several inspection regulations adversely affecting street rod owners that should be relaxed for this class of vehicle. A note is added to 19 VAC 30-70-80 and 19 VAC 30-70-90 to exempt street rods from the requirement for a brake failure warning light. Many street rods are not equipped with this light. Due to the special care normally observed by street rod enthusiasts and the limited number of vehicles in this class, this exception will not adversely affect highway safety.

19 VAC 30-70-100 is revised to reflect the proper paragraph citation for the inspection of trailer brakes in accordance with the stopping distance tables.

A note is added to 19 VAC 30-70-110 to allow parts to be substituted for original suspension components for street rods, provided the components are installed in accordance with the component manufacturers specifications. This will allow street rod builders to tune suspension and steering components consistent with the individual steering ratio. The amendments to this section also specify minimum steering wheel size. The rule applying to vehicles weighing 10,001 pounds or more has been deleted since it is included in 19 VAC 30-70-480.

19 VAC 30-70-120 is amended as follows:

1. Subdivision 3 is changed to correct a spelling error.
2. A paragraph is added to subdivision 3 to require rejection of vehicles equipped with a pintle eye or trailer drawbar with cracks or if the pintle eye has any welding repairs. This change makes the regulation consistent with the North American Uniform Out-of-Service criteria.
3. Subdivision 10 is amended to permit trailers to be equipped with one safety chain. This language is consistent with § 46.2-1118 of the Code of Virginia.

Subdivision 9 b is added to 19 VAC 30-70-140 to allow street rods to be equipped with clear, rigid plastic or glass headlamp lens covers to replace original factory equipment.

19 VAC 30-70-160 and 19 VAC 30-70-530 are amended to exclude privately owned vehicles of any member of a fire company, volunteer fire company, volunteer rescue squad or ambulance driver employed by privately owned ambulance services from the class of emergency vehicles permitted to be equipped with a means to flash their headlamps, when emergency warning lamps are activated. This change is necessary due to the change in a related statute made by the 1994 Session of the General Assembly. In addition, these sections are

revised to clarify the number and circumstance for the use of driving lights.

19 VAC 30-70-250 is revised to allow the use of any vehicle manufacturer's design for a door opening device or door latching system. This change will permit the use of electronic systems on any vehicle. This is consistent with SAE and FMVSS standards which prescribe tests to assure the system operates and holds the door in a fully closed position.

A note is added to 19 VAC 30-70-360 to assure that headlamp aiming for motorcycles is conducted while the lamps are on high beam. A new paragraph is added to require the high beam indicator on motorcycles to function properly.

19 VAC 30-70-490 is amended by adding a paragraph to require rejection of vehicles equipped with a pintle eye or trailer drawbar with cracks or if the pintle eye has any welding repairs. This change makes the regulation consistent with the North American Uniform Out-of-Service Criteria. This section is also amended to permit trailers to be equipped with one safety chain. This language is consistent with § 46.2-1118 of the Code of Virginia.

19 VAC 30-70-500 is amended to require rejection of vehicles weighing 10,001 pounds or more equipped with wheels or rims with lug nut holes that are elongated. This regulation is consistent with Federal Motor Carrier Safety Standards (49 CFR 571).

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Captain W. Steven Flaherty, Safety Officer, Department of State Police, 491 Southlake Blvd., Richmond, VA 23236, telephone (804) 378-3472.

CHAPTER 70.
CURRENT VIRGINIA OFFICIAL INSPECTION MANUAL
MOTOR VEHICLE SAFETY INSPECTION RULES AND
REGULATIONS.

PART I.
GUIDELINES FOR THE ADMINISTRATION OF VIRGINIA'S
ANNUAL MOTOR VEHICLE INSPECTION PROGRAM.

19 VAC 30-70-1. Purpose and authority.

The Virginia Annual Motor Vehicle Inspection Program was developed and adopted to promote highway safety. Its aim is to assure that all Virginia registered vehicles be mechanically safe to operate over the highways of the Commonwealth.

The rules and regulations governing the Annual Motor Vehicle Inspection Program are contained in the Official Annual Motor Vehicle Inspection Manual. These rules and regulations are promulgated under the authority of Chapter 10 (§ 46.2-1000 et seq.) of Title 46.2 of the Code of Virginia. All official inspection stations shall comply with these rules and regulations, issuing approval certificates only to those vehicles which the inspections shall determine to be in compliance with those rules and regulations.

These guidelines are intended to ensure a uniform system of corrective action for those who violate the rules and regulations of the Annual Motor Vehicle Inspection Program.

The Official Annual Motor Vehicle Inspection Manual covers administrative procedure as well as numerous vehicular safety items of varying importance. It is, therefore, necessary that the various sections of the manual be divided into categories of seriousness. This will provide a uniform system of corrective action for the certified inspector mechanics and the inspection stations.

19 VAC 30-70-2. Corrective action procedures.

These procedures are intended to establish an equitable and effective process for treating and correcting unacceptable work performances. When multiple offenses arise out of the same act or inspection, disciplinary action will be taken on the most serious offense. All classes of offenses will apply uniformly to the inspectors involved in the offenses and management alike, where it is revealed that management was involved in the matter or had knowledge of its occurrence.

Unacceptable work performance shall be divided into four groups of offenses based on the seriousness as they pertain to vehicle safety.

Specified disciplinary action for each class offense shall not be exceeded. However, if strong mitigating circumstances exist, the appropriate corrective action will be taken.

19 VAC 30-70-3. Class I offenses.

Class I offenses are unacceptable work performances less serious in nature, but which require correction in order to maintain an efficient and effective annual motor vehicle inspection program. A violation of any paragraph of the following sections of the Official Annual Motor Vehicle Inspection Manual and rules and agreements not covered in the Annual Motor Vehicle Inspection Manual or those disseminated by other means shall constitute a Class I offense, unless designated otherwise:

19 VAC 30-70-10 A through D

19 VAC 30-70-10 F through I

19 VAC 30-70-10 K through O

19 VAC 30-70-20 in its entirety

19 VAC 30-70-30 in its entirety

19 VAC 30-70-40 in its entirety

19 VAC 30-70-50 in its entirety

19 VAC 30-70-60 in its entirety

19 VAC 30-70-70 in its entirety

19 VAC 30-70-80 B 3

19 VAC 30-70-160 in its entirety (except subdivisions 10 and 11 g (2))

19 VAC 30-70-170 in its entirety

19 VAC 30-70-200 in its entirety

Final Regulations

19 VAC 30-70-290 in its entirety
19 VAC 30-70-310 in its entirety
19 VAC 30-70-330 in its entirety
19 VAC 30-70-360 D 4 e and f
19 VAC 30-70-410 in its entirety
19 VAC 30-70-440 B
19 VAC 30-70-530 in its entirety (except subdivisions H 10 i and 11 g (2))
19 VAC 30-70-540 in its entirety
19 VAC 30-70-570 in its entirety
19 VAC 30-70-660 in its entirety

Disciplinary action for Class I offenses shall be:

1st offense - Oral reprimand - Recorded on S.P. 164.

2nd offense - Oral reprimand by a supervisor - Recorded on S.P. 164.

3rd offense - Written reprimand from the Safety Officer or his designee.

4th offense - Suspension of not less than 15 nor more than 30 days.

Offenses shall be cumulative in nature and shall remain active for 24 months from date of offense.

19 VAC 30-70-4. Class II offenses.

Class II offenses shall be violations of any section of the Annual Motor Vehicle Inspection Manual considered very serious but the consequence of such violation or omission is not likely to be an imminent cause or contributing factor to a traffic crash or other vehicle related injury. A violation of the following sections of the Annual Motor Vehicle Inspection Manual shall constitute a Class II offense unless designated otherwise:

19 VAC 30-70-150 in its entirety
19 VAC 30-70-180 in its entirety
19 VAC 30-70-210 in its entirety
19 VAC 30-70-230 in its entirety
19 VAC 30-70-240 in its entirety
19 VAC 30-70-250 in its entirety
19 VAC 30-70-260 in its entirety
19 VAC 30-70-270 in its entirety
19 VAC 30-70-280 in its entirety
19 VAC 30-70-300 in its entirety
19 VAC 30-70-320 in its entirety
19 VAC 30-70-360 A 7 and C 1 through C 13
19 VAC 30-70-380 in its entirety
19 VAC 30-70-390 in its entirety

19 VAC 30-70-420 in its entirety
19 VAC 30-70-520 in its entirety
19 VAC 30-70-550 in its entirety
19 VAC 30-70-580 in its entirety
19 VAC 30-70-600 in its entirety
19 VAC 30-70-610 in its entirety
19 VAC 30-70-620 in its entirety
19 VAC 30-70-630 in its entirety
19 VAC 30-70-640 in its entirety
19 VAC 30-70-650 in its entirety
19 VAC 30-70-670 in its entirety
19 VAC 30-70-680 in its entirety

Disciplinary action for a Class II offense shall be:

1st Offense - Oral reprimand - Recorded on S.P. 164 and confirmed by a supervisor.

2nd Offense - Written reprimand from the Safety Officer or his designee.

3rd Offense - Suspension of not less than 30 nor more than 60 days.

Offenses are cumulative in nature and shall remain active for a period of 24 months from date of offense.

A Class II offense in combination with three Class I offenses shall be grounds for no less than a 30-day nor more than a 60-day suspension.

19 VAC 30-70-5. Class III offenses.

Class III offenses shall be violations of those sections of the Annual Motor Vehicle Inspection Manual considered most critical from a safety viewpoint. They would consist of the omission of checking or improper approval of an item so critical to the safe operation of a motor vehicle as to have the potential of being the imminent cause or factor of a motor vehicle crash. A violation of the following sections of the Annual Motor Vehicle Inspection Manual shall constitute a Class III offense unless designated otherwise:

19 VAC 30-70-10 J
19 VAC 30-70-10 P, P1, P2
19 VAC 30-70-80 in its entirety (except subdivision B 3)
19 VAC 30-70-90 in its entirety
19 VAC 30-70-100 in its entirety
19 VAC 30-70-110 in its entirety
19 VAC 30-70-120 in its entirety
19 VAC 30-70-130 in its entirety
19 VAC 30-70-140 in its entirety
19 VAC 30-70-160 I 10 h and 11 f

- 19 VAC 30-70-160 l 10 g and 11 g (2)
- 19 VAC 30-70-190 in its entirety
- 19 VAC 30-70-220 in its entirety
- 19 VAC 30-70-340 in its entirety
- 19 VAC 30-70-350 in its entirety
- 19 VAC 30-70-360 A and B
- 19 VAC 30-70-360 D 15 through D 22
- 19 VAC 30-70-370 in its entirety
- 19 VAC 30-70-400 in its entirety
- 19 VAC 30-70-440 in its entirety (except subsection B)
- 19 VAC 30-70-450 in its entirety
- 19 VAC 30-70-460 in its entirety
- 19 VAC 30-70-470 in its entirety
- 19 VAC 30-70-480 in its entirety
- 19 VAC 30-70-490 in its entirety
- 19 VAC 30-70-500 in its entirety
- 19 VAC 30-70-510 in its entirety
- 19 VAC 30-70-530 H 10 i and 11 g (2)
- 19 VAC 30-70-560 in its entirety
- 19 VAC 30-70-590 in its entirety

Disciplinary action for a Class III offense shall be:

- 1st offense - Written reprimand from the Safety Officer or his designee.
- 2nd offense - Suspension for not less than 45 nor more than 90 days.

Offenses are cumulative in nature and will remain active for a period of 24 months from date of offense.

A Class III offense in combination with two Class II offenses or three Class I offenses shall be grounds for no less than a 60-day nor more than 90-day suspension.

19 VAC 30-70-6. Class IV offenses.

Class IV offenses are those violations considered so critically important to the integrity and credibility of the Official Annual Motor Vehicle Inspection Program as to require immediate and severe disciplinary action. The following violations and actions shall be considered a Class IV offense:

1. Loss of driver's license.
2. Obvious usage of either alcohol and/or drugs by an employee associated with the Annual Motor Vehicle Inspection Program.
3. Loss of inspection stickers through neglect.
4. Improper use of inspection supplies such as placing on a vehicle which has not been inspected.
5. Falsifying inspection receipts or inspection records.

6. Giving false information during an inspection complaint investigation.
7. Performing either an inspection or inspections at a station without authority from the safety officer.
8. The arrest of any person associated with the inspection program for a criminal offense of a nature which would tend to immediately reflect upon the integrity and reputation of the Department of State Police shall be grounds for an immediate suspension and the conviction for such an offense may result in a revocation of the station appointment.
9. The use of profanity or verbal abuse directed at customers presenting their vehicles for inspection by inspectors, managers or business owners.
10. Illegal use of inspection supplies such as stealing, selling, mailing or giving away, shall be grounds for revocation.

Disciplinary action for a Class IV offense shall be immediate suspension or revocation. A suspension shall not be less than 90 days nor more than six months. A revocation shall not be less than one year nor more than three years. Offenses are cumulative in nature and will remain active for a period of 24 months from the date of the offense. For a subsequent violation within 24 months, the suspension shall not be less than six months nor more than one year. In the case of the loss of the driver's license, the suspension shall remain in effect until the driver's license is reinstated and consideration for reinstatement of inspection privileges will be made at that time. A Class IV offense in combination with three Class I offenses, two Class II offenses, or one Class III offense shall be grounds for no less than a 90-day nor more than a six-month suspension.

19 VAC 30-70-7. General information.

Any violation under any class of offenses requiring a third suspension within a 24-month period shall be grounds for a revocation. The suspension or revocation period for a subsequent violation requiring suspension or revocation under any class of offenses within a 24-month period shall be twice that of a previous suspension or revocation.

For suspension periods of less than six months, inspection stations and safety inspectors will not be required to file application for reinstatement.

For suspension periods of six months or more, inspection stations and safety inspectors must complete the process as set forth for original appointment. Reapplications may be made 60 days prior to the suspension expiration.

Inspection stations and safety inspectors who have their privilege to perform inspections revoked, must complete the application process as set forth for original appointments after the expiration of the period of revocation.

19 VAC 30-70-8. Definitions.

"Official Annual Motor Vehicle Inspection Manual" means Chapter 70 (19 VAC 30-70-1 et seq.) of 19 VAC 30.

Final Regulations

"Suspension" means that the privilege or appointment suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Revocation" means that the privilege or appointment revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

19 VAC 30-70-9. Reserved.

ARTICLE 4. PART II. INSPECTION REQUIREMENTS.

19 VAC 30-70-10. Official inspection station requirements.

A. Official inspection stations, except private appointments, shall be open at least eight hours of each normal business day, and shall be able to perform inspections 12 months throughout the year, except during illness of limited duration or normal vacation.

1. Normal business hours are defined as an eight-hour period of time between 8 a.m. and 6 p.m.
2. Stations are not prohibited from performing inspections at times other than during normal business hours.
3. A station which advertises inspections beyond normal business hours shall be able to perform such inspections.
4. If a station desires to maintain business hours which are different from those defined in this section, written permission must be obtained from the safety officer and a sign setting forth the inspection hours must be posted conspicuously at the station where it can be observed by a person desiring to have a vehicle inspected.

B. At least *one safety inspector to perform inspections and one inspection lane*, meeting the minimum requirements, shall be available for inspection at all times during the normal business day. All inspections must be made only at the locations and in the inspection lane approved by the Department of State Police.

The designated inspection areas, including any location where customers are permitted to enter when submitting vehicles for inspection, must be kept clean, free from excessive dirt, grease, and loose materials.

C. Inspection station facilities must be properly maintained and must present a businesslike appearance to the general public. Property adjacent to the inspection station which is owned or controlled by the station must be free of debris, litter, used parts and junk vehicles. Vehicles properly contained within fenced storage areas shall be deemed to comply with this requirement.

D. Inspections shall be performed on a first come, first serve basis. Motorists shall not be required to make an appointment to obtain an inspection, except that appointments required by paragraph 12 of the Governor's Proclamation, which appears at the end of this chapter, shall be made. Businesses that take in motorists' vehicles for

inspection at the beginning of the work day shall not be required to stop the work already taken in to provide an inspection for a drive-in motorist, provided inspections are actually being performed at the time and will continue through the day.

E. Safety inspectors, managers who supervise inspection activities and business owners through participation in the inspection program are representatives of the Department of State Police and should conduct themselves in a manner to avoid controversy in dealing with customers presenting vehicles for inspection. The use of profanity or verbal abuse directed at customers presenting their vehicles for inspection will be grounds for suspension from participation in the inspection program and will be considered a Class IV offense as set forth in 19 VAC 30-70-6 of the Guidelines for Administration of Virginia's Annual Motor Vehicle Inspection Program.

Controversy that cannot be calmly resolved by the safety inspector, managers, and owners should be referred to the supervising trooper for handling.

F. The "Certificate of Appointment" must be framed under glass and posted at or near the point of inspection where it can be observed and read by a person submitting a vehicle for inspection.

G. The required "Official Inspection Procedure" sheet furnished each station must be framed under glass and posted conspicuously at or near the point of inspection where it can be observed and read by a person submitting a vehicle for inspection.

H. The poster designating the station as an official inspection station shall be posted in a prominent location, outside or visible outside the station to alert passersby that inspection services are available. Private inspection stations need not comply with this section.

I. Each official inspection station shall display a list with the name(s) and license expiration date of all employees licensed to inspect at that station adjacent to the appointment certificate, where it can be observed by a person submitting a vehicle for inspection.

The official inspection manual will be kept at or near the point of inspection for ready reference.

J. Important — Any change in name, ownership or location of any official inspection station cancels the appointment of that station and the Department of State Police must be notified immediately. The department shall be notified when an official inspection station discontinues operation.

K. All inspection supplies, inspection binders and manual, unused stickers, duplicates of certificates issued, bulletins, and other forms are the property of the Department of State Police and must be safeguarded against loss.

L. Inspection supplies issued to an inspection station can be used only by that station and are not to be loaned or reissued to any other station with the exception of inserts.

1. Stations must maintain a sufficient supply of approval stickers, T/M decals and rejection stickers.

2. Inspection stations that exhaust their supply of approval stickers, rejection stickers or T/M decals, shall immediately stop performing new inspections and contact their supervising trooper or the nearest Safety Division office.

M. All losses of stickers must be reported orally at once to the nearest State Police area safety office or supervising inspection trooper.

N. Every precaution against the loss of stickers must be taken. If the loss occurs through carelessness or neglect, a suspension of the station may result.

O. Manuals, bulletins, other regulations and lists of approved equipment must be available at all times for reference. Revisions to the inspection manual must be inserted in the manual at the proper location promptly after being received by the inspection station. Bulletins of temporary interest and pages of bulletins containing the synopsis of manual revisions will be retained in the front of each station's inspection manual for two years. Each safety inspector shall review the material contained in each inspection bulletin and manual revision within 15 days of its receipt. The safety inspector shall certify that the revisions have been reviewed by signing his/her name and placing the date reviewed by the signature on the bottom or reverse side of the bulletin or manual revision cover sheet. Station management shall be responsible to see that each safety inspector is familiar with all bulletins and manual revisions and shall be required to furnish evidence to the department that all bulletins and manual revisions have been reviewed by each licensed inspector.

A copy of the diagram drawn by the investigating trooper, showing the approved inspection lane or lanes will be inserted in a plastic page protector and inserted as the last page of the official inspection manual at each official inspection station. The name of the station and the date will be inserted in the top right corner.

P. Private appointment may be made of company stations or government stations who own and operate a minimum of 20 vehicles and they may inspect only company-owned or government-owned vehicles respectively. When authorized by the department, they may inspect vehicles of a wholly owned subsidiary or leased vehicles.

1. A private station may perform inspections during each month of the year or may elect to inspect only during certain designated months.

2. A private station not electing to inspect vehicles every month of the year which finds it necessary to inspect a vehicle during a month other than those selected for inspection may issue a sticker to the vehicle from the nearest past inspection month.

Q. All official inspection station owners, operators and certified safety inspectors shall comply with the Virginia inspection laws and the inspection rules and regulations. Reports of violations will be investigated and if found to be valid may result in the suspension of the station, suspension of the mechanic, possible court action or other appropriate action. Repeated violations or serious violations may result in

a revocation of the station appointment by the Superintendent.

R. The arrest of any person associated with the inspection program for a criminal offense of a nature which would tend to immediately reflect upon the integrity and reputation of the Department of State Police shall be grounds for an immediate suspension and the conviction for such an offense may result in a revocation of the station appointment.

S. When a station has been suspended or revoked, it must release to a member of the Department of State Police all inspection supplies, posters, and papers including the certificate of appointment. Failure to do so is a violation of § 46.2-1172 of the Code of Virginia.

T. The authority of the Superintendent to suspend the designation or appointment of an official inspection station as provided in § 46.2-1163 of the Code of Virginia, or to suspend the certification of a mechanic designated to perform inspections at an official inspection station in keeping with the provisions of § 46.2-1166 of the Code of Virginia, is hereby delegated to any of the following supervisory ranks of the Department of State Police: "Lieutenant Colonel, Major, Captain, Lieutenant and First Sergeant."

19 VAC 30-70-30. Inspector requirements.

A. The inspection of motor vehicles required by these rules and regulations shall be made only by those individuals who are certified and licensed as inspectors by the Department of State Police.

B. All certified inspectors shall:

1. Be at least 18 years of age; *and*

2. Have a minimum of one year's practical experience as an automotive mechanic; or ~~3.~~ have satisfactorily completed a training program in the field of automotive mechanics approved by the Superintendent of State Police.

C. A person who has a minimum of one year's practical experience in repairing motorcycles may be certified to inspect motorcycles only and a person who has one year's practical experience in repairing trailers may be certified to inspect trailers only.

~~D.~~ C. All mechanics entering the inspection program will be required to satisfactorily pass a written and practical examination exhibiting his knowledge of the inspection procedures.

~~E.~~ D. Each certified inspector shall possess a valid Virginia driver's license:

1. Except an inspector who is a resident of an adjoining state holding a valid driver's license in that state and who commutes regularly to work in Virginia; or

2. Except a member of the armed forces of the United States on active duty who holds a driver's license from his home state.

~~F.~~ E. An inspector whose driver's license is suspended or revoked must immediately notify the ~~Department of State~~

Final Regulations

~~Police in writing~~ station's supervising trooper or local Safety Division office of the suspension or revocation.

The suspension or revocation of an inspector's driver's license shall automatically act as a suspension of his privilege to inspect motor vehicles until such suspension or revocation is terminated and the reinstatement has been made by the Superintendent of State Police.

G. F. Each licensed safety inspector must have a valid safety inspector's license in his possession at all times while conducting inspections.

H. G. Each safety inspector with a valid safety inspector's license need only present such valid license to his new employer to commence participation in the program at his new place of employment. Management of the inspection station is required to notify the Safety Division when a safety inspector begins or ends employment. This may be handled by letter or telephone to the Safety Division in Richmond.

I. H. An inspector must promptly notify the Safety Division in writing of any change in his home address as shown on the safety inspector's license. In the event the license becomes mutilated, lost or stolen, the inspector must notify the Department of State Police immediately in writing, requesting a duplicate.

19 VAC 30-70-50. Approval stickers and decals.

A. If the vehicle meets all inspection requirements, the inspection sticker receipt shall be legibly filled out with a ball point pen in its entirety and signed by the authorized mechanic making the inspection. The inspection fee, the cost of the repairs relating to the inspection and the identification number must be included.

B. Approval stickers and decals shall be issued according to the following schedule:

ANNUAL PROGRAM

Vehicles inspected in January	issued stickers bearing the Number "1"
Vehicles inspected in February	issued stickers bearing the Number "2"
Vehicles inspected in March	issued stickers bearing the Number "3"
Vehicles inspected in April	issued stickers bearing the Number "4"
Vehicles inspected in May	issued stickers bearing the Number "5"
Vehicles inspected in June	issued stickers bearing the Number "6"
Vehicles inspected in July	issued stickers bearing the Number "7"
Vehicles inspected in August	issued stickers bearing the Number "8"
Vehicles inspected in September	issued stickers bearing the Number "9"
Vehicles inspected in October	issued stickers bearing the Number "10"
Vehicles inspected in November	issued stickers bearing the Number "11"
Vehicles inspected in December	issued stickers bearing the Number "12"

All February annual inspection stickers and trailer/motorcycle decals (#2) due to expire at midnight, February 28 automatically will be valid through midnight February 29 each leap year.

C. The numeral decal indicating the month of expiration shall be inserted in the box identified as month and the numeral decal indicating the year of expiration shall be inserted in the box identified as year of the approval sticker and the trailer/cycle decal. Extreme care should be used by inspectors in applying these inserts. On all windshields, except school buses, the sticker is to be placed at the bottom of the windshield so that the inside or left edge of the sticker is one inch to the right of the vertical center of the windshield

when looking through the windshield from inside the vehicle. (If the vehicle is normally operated from the right side, the sticker must be placed one inch to the left of the vertical center of the windshield.) On passenger vehicles not equipped with a windshield, the sticker shall be placed on or under the dash and protected in some manner from the weather.

The approval sticker on official yellow school buses is to be placed at the bottom and in the right corner of the windshield when looking through the windshield from inside the vehicle.

EXCEPTION: The approval sticker shall be placed one inch to the right of the vertical center of the windshield when looking through the windshield from the inside on all new flat-face cowl yellow school buses.

Stickers or decals used by counties, cities and towns in lieu of license plates affixed adjacent to the old approval sticker and which are affixed in the location where the new approval sticker is required to be placed will not be removed. In these cases, the approval sticker will be placed as close to one inch to the right of the vertical center of the windshield as it can be placed without removing or overlapping the county, city or town decal.

D. The Virginia statutes require that the inspection sticker be displayed on the windshield or at other designated places at all times. The inspection sticker cannot be transferred from one vehicle to another.

EXCEPTION: If the windshield in a vehicle is replaced, a valid sticker may be removed from the old windshield and placed on the new windshield.

E. The decal issued to a motorcycle shall be affixed to the front left side of the cycle on a flat surface or left front shock where it will be visible after mounting.

F. Trailer decals will be issued to all trailers and semitrailers required to be inspected. (No boat, utility, or travel trailer which is not equipped with brakes shall be required to be inspected.)

G. All trailers must display a trailer decal on that particular vehicle. These decals are to be placed on the left side of the trailer near the front corner. The decal must be affixed to the trailer body or frame. In those instances where a metal back container with a removable transparent cover has been permanently affixed to the trailer body, the decal may be glued to it. The container must be permanently mounted in such a manner that the decal must be destroyed to remove it.

H. In all other cases involving unusually designed trailers such as pole trailers, the inspecting mechanic is to exercise his own good judgment in placing the decal at a point where it will be as prominent as possible and visible for examination.

I. Decals shall be punched to indicate whether issued to a motorcycle or trailer. (*The type vehicle being inspected shall be punched.*)

The receipts are completed in the same manner as other inspection receipts.

J. Appointed stations will keep sufficient inspection supplies on hand to meet their needs. Requests for additional

supplies are to be made to the Safety Division by telephone or in writing.

1. Do not make requests for stickers on inventory forms or slips of paper enclosed with returned supplies.

2. Packing slips mailed with inspection supplies will be kept on file at the station for at least 24 months.

K. All unused center inserts used to indicate the month that a sticker or decal expires, in possession of the inspection station at the end of each month shall be retained by the inspection station, properly safeguarded, and used in the inspection of vehicles for the particular month in the following year or be disposed of as directed by the Department of State Police.

All inspection supplies that are voided, damaged, disfigured or become unserviceable in any manner, will be returned to the Safety Division, Department of State Police and replacement supplies will be furnished the station. Expired stickers will be picked up by the station's supervising trooper.

L. The white receipts shall be left in completely used books of approval stickers and decals. Used white receipts shall be removed from all partly used books of approval stickers and decals at the end of each month. All receipts will be forwarded to the Safety Division by the fifth of the month following the month of inspection. All voided approval stickers and decals shall be marked void and returned with the white receipts.

NOTE: Do not mail receipts in green envelopes.

M. The pink receipt copies of the approval stickers and decals shall be given to the owner or operator of the vehicle.

N. All yellow receipt copies of approval stickers and decals shall be kept on file at the station for at least 24 months. They may be inspected by any law-enforcement officer during normal business hours.

O. Safety Division troopers may replace inspection stickers that have separated from the windshield of motor vehicles and become lost or damaged without conducting an inspection of the safety components of the vehicle. Such replacement of inspection stickers shall be made only in accordance with the following provisions:

1. A vehicle owner or operator complaining of the loss or damage to the inspection sticker on the windshield of their vehicle due to separation of the sticker from the windshield shall be directed to the nearest Safety Division office or Safety Division trooper.

2. Safety Division troopers, upon receipt of a complaint from a vehicle owner or operator that their inspection sticker has been *stolen*, lost or become damaged due to separation from the windshield will make arrangements to meet the person to effect the replacement of the sticker. *A vehicle owner or operator alleging theft of the inspection sticker will furnish proof to the Safety Division trooper that such theft has been reported to proper law-enforcement authority.*

3. The vehicle owner or operator must produce the original pink inspection receipt indicating a valid approval

inspection sticker was issued to the vehicle within the past 11 months. (The vehicle must be reinspected if the expiration of the original inspection sticker is in the month the request is being made.)

4. The Safety Division trooper will verify by the inspection receipt that the vehicle was issued an approval inspection sticker within the past 11 months and issue a replacement inspection sticker to the vehicle.

5. The Safety Division trooper will complete the inspection sticker receipt for the approval sticker from information contained on the original receipt. The date the replacement sticker is issued will be used in the date space. In the space for "Inspection Related Charges," the trooper will insert the word "REPLACEMENT" and the sticker number from the original pink inspection receipt.

6. The Safety Division trooper will sign the receipt vertically in the O.K. column in the "Equipment Inspected" blocks. These blocks will not otherwise be completed.

7. The Safety Division trooper shall place month and year inserts on the inspection sticker to reflect the expiration as shown on the original approval inspection sticker and place the inspection sticker on the windshield in accordance with the requirements of subsection C of *this section*.

8. The Safety Division trooper will staple the original pink inspection receipt to the new white receipt. At the end of each week, the Safety Division trooper will forward all inspection receipts for replacement stickers issued by him to the Safety Division. ~~A list of the inspection receipt numbers and the name and number of the inspection station issuing such replacement stickers will be attached to the receipts. The yellow receipts will be submitted to the area office and maintained on file for 24 months.~~

19 VAC 30-70-60. Rejection stickers.

A. Only one rejection sticker shall be issued to any one vehicle. A rejection sticker shall not be issued to any vehicle already bearing such a sticker or to one which bears evidence of previously being issued a rejection sticker.

When a vehicle is bearing a valid or expired rejection sticker, it is not to be removed unless the vehicle meets all of the inspection requirements.

B. A vehicle rejected by one station may be reinspected by another station if the owner desires to have this done; however, that station shall perform a complete inspection of the vehicle.

C. Reinspection of a rejected vehicle by the same station, during the 15-day validity of the rejection sticker need include only a check of the items previously found defective, unless there is an obvious defect that would warrant further rejection of the vehicle. Such reinspection will not constitute a complete inspection and a \$1.00 fee may be charged.

Final Regulations

1. If additional defects are detected during reinspection of a vehicle previously rejected, the vehicle will not be issued an approval sticker.

2. No vehicle bearing a valid rejection sticker shall be entitled to receive more than two reinspections by the rejecting station during the validity period of the rejection sticker.

3. The validity period of the rejection sticker shall be 15 days in addition to the day of inspection.

D. If repairs are to be made to a rejected vehicle that would necessitate removing the vehicle from the inspection lane, no rejection sticker need be issued; however, the vehicle must be returned to an approved lane for a recheck of the rejected items and the installation of the approval sticker.

E. If the vehicle does not meet all the requirements and the owner does not authorize immediate repairs, and if a rejection sticker has not already been issued, a rejection sticker will be made out with a ball point pen, the date of issue punched on it, and the sticker affixed to the same location as indicated in 19 VAC 30-70-50 C, E and G. (When affixed to a trailer, the face of the rejection sticker shall be glued to the trailer in order to allow the rejection data on the back side to be read.)

F. The operator of the *rejected* vehicle shall be instructed that the vehicle must be reinspected within 15 days in addition to the day of rejection and that any operation of the vehicle will be at the owner's risk and must be in accordance with law. *informed of the following:*

1. The rejection sticker is valid for 15 days in addition to the date of inspection.

2. The rejection sticker places no travel restriction on operation of the vehicle and is issued in lieu of an approval sticker.

3. The vehicle operator is legally responsible for any defect if operated on the highway and may be subject to a traffic summons for any existing equipment violation.

G. Duplicate copies (pink) of rejection stickers shall be forwarded, in numerical order, to the Safety Division by the fifth of the month following the month of inspection. The yellow copy shall be retained, in numerical order, by the station for at least 24 months.

19 VAC 30-70-70. Inventory.

A. Each inspection station at the end of each quarter, shall fill in the applicable portion of an inspection sticker inventory report (Form SP-221) in duplicate on stickers, trailer/motorcycle decals and rejection stickers used. This report shall be completed by the fifth of April, July, October and January for the preceding quarter and shall be kept on file at the station.

1. At the end of the calendar quarter the monthly totals will be combined into a quarterly total reflecting total number of stickers, trailer/motorcycle decals, rejection stickers and voided stickers used during the quarter. All approval stickers, trailer/motorcycle decals and rejection stickers unused and on hand at the end of the quarter

shall be listed in the space provided on the back of the inventory report (Form SP-221.)

2. The inventory report after its completion shall be kept *retained* at the inspection station until it is checked *reviewed and picked up* by the station's supervising trooper during his supervisory visit.

~~After the inventory is checked by the supervising trooper, he/she will pick up the inventory form along with a prestamped special color coded preaddressed envelope provided by the Department of State Police. Postage is to be provided by the inspection station.~~

The other copy of the inventory report shall be retained by the station for at least 24 months.

B. The calendar quarterly inventory reports shall be completed according to the following schedule:

Quarter of Year	Months of
1st	January, February, March
2nd	April, May, June
3rd	July, August, September
4th	October, November, December

PART 2. III.

INSPECTION REQUIREMENTS FOR [PASSENGER] VEHICLES [OVER AND VEHICLES UP TO] 10,000 POUNDS.

19 VAC 30-70-80. Service brakes.

A. The inspector, as a minimum, must drive all vehicles into the inspection lane and test both service and parking brakes.

A. B. A minimum of two wheels or two wheels and drums, one front and one rear, must be removed from each passenger and multi-purpose vehicle with a gross vehicle weight rating of 10,000 pounds or less at the time of inspection, except those listed in *subdivisions 1, 2 and 3*, below. Two front wheels or two front wheels and drums must be removed from vehicles listed in *subdivision 3*, below.

1. Motorcycles.

2. A new model vehicle, is defined as a vehicle that has not been titled or leased and is less than one year old, measured from October 1 as of each year; or if such motor vehicle does not have a model year, such measurement shall be made from the date of manufacture.

3. Trucks with floating axles that require seal replacement upon removal of rear wheels. The inspection receipt (approval and rejection) shall be marked to reflect which wheels were pulled.

Warning: Lug nuts must be torqued to the manufacturer's specifications to prevent damage to disc rotors. The use of an impact wrench may exceed the manufacturer's specifications and damage disc rotors.

B. C. If any braking problem is detected, the inspector may test drive or require a test drive of the vehicle and use the decelerometer as necessary.

If the decelerometer is used and the vehicle does not meet the minimum standards for stopping distances as shown in ~~subsection HH~~ *subdivision F11 of this section*, the vehicle shall be rejected.

D. Inspect for and reject if:

G. 1. Vehicle is not equipped with brakes, or any brake has been disconnected, rendered inoperative, or improperly installed.

Trailers having an actual gross weight of less than 3,000 pounds are not required to be equipped with brakes; however, if brakes are installed, these vehicles must be inspected.

Brake System Failure Indicator Lamp

D. 2. Passenger vehicles manufactured after January 1, 1968, are not equipped with a brake failure warning lamp or warning lamp does not light with parking brake applied when ignition key is turned to the start position, except for anti-lock system. With engine running and parking brake released, the lamp should go off, except for vehicles equipped with anti-lock system. Apply service brake for 10 seconds. If the brake warning lamp lights again, the warning light does not come on when there is a leak, or the light is not functioning properly, the system is defective. *NOTE: This paragraph does not apply to vehicles registered as street rods.*

Brake Linings and Disc Pads

E. 3. Riveted linings or disc pads are worn to less than 2/32 of an inch over the rivet head(s).

F. 4. Bonded or molded linings or disc pads are worn to less than 2/32 of an inch in thickness or are worn beyond manufacturer's specifications.

G. 5. Wire in wire-backed lining is visible in friction surface.

H. 6. Snap-on brake linings are loose.

I. 7. Any lining is broken or cracked so that lining or parts of lining are not firmly attached to the shoe or has cracks on the friction surface extending to the open edge.

J. 8. Grease or other contamination cannot be satisfactorily removed from the lining, drums, or rotors.

K. 9. Rivets in riveted linings are loose or missing.

L. 10. Any lining or pad is misaligned or does not make full contact with the drum or rotor.

Brake Drums and Discs

M. 11. Brake drums or brake discs (rotors) are worn or scored to the extent that their remachining would exceed manufacturer's specifications.

N. 12. Brake drums or discs with *have* any external crack or cracks more than one half the width of the friction surface of the drum or disc. *NOTE: Do not confuse short hairline heat cracks with flexural cracks.*

Mechanical Linkage

O. 13. Cables are frayed or frozen.

P. 14. Mechanical parts missing, broken, badly worn, or misaligned.

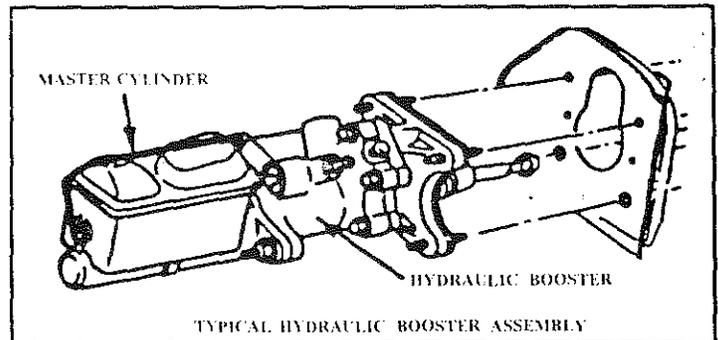
E. Hydraulic.

NOTE: Some motor vehicles, beginning with 1976 models, have a hydraulic power system that serves both the power assisted brakes and power assisted steering system. Some vehicles, beginning with 1985 models, have an integrated hydraulic actuation and anti-lock brake unit using only brake fluid.

1. Brake hydraulic system. Q. Inspector should check the brake hydraulic system in the following manner: test vehicle in a standing position; apply moderate pressure to the brake pedal for 10 seconds. Brake pedal height must be maintained. On vehicles equipped with power assisted systems, the engine should be running.

2. Hydraulic system operation. R. Stop engine, then depress brake pedal several times to eliminate all pressure. Depress pedal with a light foot-force (30 lbs. pounds). While maintaining this force on the pedal, start engine and observe if pedal moves slightly when engine starts.

Reject vehicle if pedal does not move slightly as engine is started while force is on brake pedal.



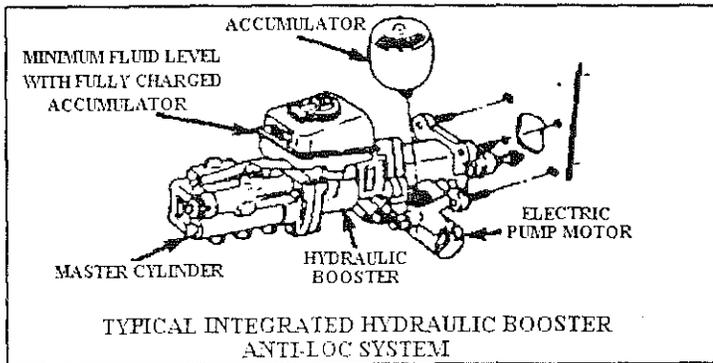
3. Condition of hydraulic booster power brake system. S. Inspect system for fluid level and leaks.

Reject vehicle if there is insufficient fluid in the reservoir; if there are broken, kinked or restricted fluid lines or hoses; if there is any leakage of fluid at the pump, steering gear or brake booster, or any of the lines or hoses in the system; or if belts are frayed, cracked or excessively worn.

4. Integrated hydraulic booster/anti-lock system operation. T. With the ignition key in the off position, depress brake pedal a minimum of 25 times to deplete all residual stored pressure in the accumulator. Depress pedal with a light foot-force (25 lbs. pounds). Place ignition key in the on position and allow 60 seconds for the brake warning light to go out and the electric pump to shut off.

Final Regulations

Reject vehicle if the brake pedal does not move down slightly as the pump builds pressure or if the brake and anti-lock warning lights remain on longer than 60 seconds.

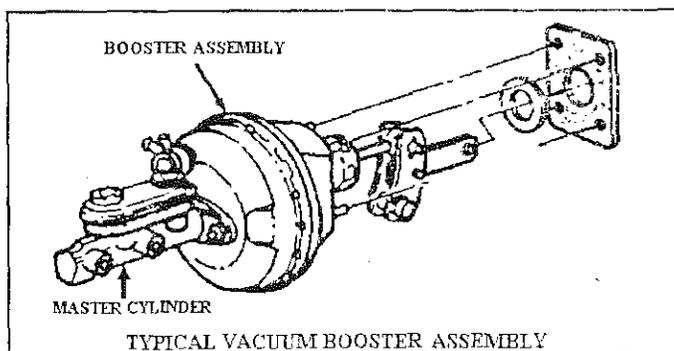


5. Condition of integrated hydraulic booster/anti-lock system with electronic pump. U. With the system fully charged, inspect system for fluid level and leaks.

Reject vehicle if there is insufficient fluid in the reservoir; if there are broken, kinked or restricted fluid lines or hoses; or if there is any leakage of fluid at the pump or brake booster, or any of the lines or hoses in the system.

6. Vacuum system operation. V. Stop engine then depress brake pedal several times to eliminate all vacuum in the system. Depress pedal with a light foot-force (25 lbs. pounds). While maintaining this force on the pedal, start engine and observe if pedal moves down slightly when engine starts.

Reject vehicle if pedal does not move down slightly as engine is started while force is on the brake pedal. In full vacuum-equipped vehicles, there is insufficient vacuum reserve for one full service brake application after engine is stopped.



7. Condition of vacuum booster power brake system. W. Reject vehicle if there are collapsed, cracked, broken, badly chafed or improperly supported hoses and tubes, loose or broken hose clamps.

F. Inspect for and reject if:

General Specifications - Hydraulic Brakes

X. 1. There is any leakage in the master cylinder, wheel cylinders, or brake calipers. (Do not disturb the dust boot when checking for leaking wheel cylinders.)

Y. 2. Fluid level in master cylinder is below the proper level for the particular vehicle.

Z. 3. There is any evidence of a caliper sticking or binding.

Electric Brake System

AA. 4. Trailers show an amperage value more than 20% above or 30% below the brake manufacturer's maximum current rating for each brake.

BB. 5. Ammeter shows no reading or indicator is not steady on application and release of brake controller.

CC. 6. Any terminal connections are loose or dirty; wires are broken, frayed, or unsupported; any single conductor or nonstranded wire or wires below size recommended by brake manufacturers are installed.

DD. 7. Electrical trailer brakes do not apply automatically when breakaway safety switch is operated.

General Specifications

EE. 8. There is any leakage in any hydraulic, air, or vacuum lines; hoses have any cracks, crimps, restrictions, or are abraded exposing fabric; tubing or connections leak, are crimped, restricted, cracked or broken; any valves leak or are inoperative.

Reject the vehicle if the brake hoses or lines are stretched or extended and do not allow for suspension movement.

FF. 9. Brakes are not equalized so as to stop the vehicle on a straight line.

GG. 10. There is less than 1/5 reserve in actuator travel of the service brake when fully applied on all hydraulic, mechanical, or power-assisted hydraulic braking systems.

HH. 11. When tested on dry, hard, approximately level road free from loose material, at a speed of 20 miles per hour without leaving a 12-foot wide lane, a brake machine or decelerometer reading in excess of the following distances is obtained: (When in doubt about a vehicle's stopping ability, the inspector shall conduct a road test.)

a. Any motor vehicle (except motorcycles, trucks, and tractor-trucks with semitrailers attached) four wheel brakes—25 ft. feet.

b. Any motor vehicle (except motorcycles, trucks, and tractor-trucks with semitrailers attached) two wheel brakes—45 ft. feet.

c. All combinations of vehicles—40 ft. feet.

19 VAC 30-70-90. Brakes: emergency, parking, or holding.

Some vehicles are equipped with an actual emergency brake, while others have only a parking or holding brake. Some types may be actuated by a foot or hand lever, while others may incorporate a switch or valve to actuate the brake. Air and vacuum brake systems may employ spring activating parking brakes.

Inspect for and reject if:

1. Vehicle or combination of vehicles is not equipped with a parking, holding, or emergency brake in good working order of the type installed as original standard factory equipment for the vehicle on which it is installed.
2. The parking brake actuating mechanism does not fully release when the control is operated to the off position.
3. Any mechanical parts are missing, broken, badly worn, or are inoperative.
4. Cables are stretched, worn, or frayed or not operating freely.
5. Parking brake will not hold the vehicle stationary with the engine running at slightly accelerated speed with shift lever in drive position for automatic transmission or shift lever in low gear with clutch engaged for standard shift transmission.
6. On vehicles equipped with automatic transmissions, the vehicle will start in any gear other than (P) park and (N) neutral.
7. Passenger vehicles manufactured after January 1, 1968, are not equipped with a brake failure warning lamp or warning lamp does not light with parking brake applied when ignition key is turned to the start position, except for anti-lock system. With engine running and parking brake released, the lamp should go off, except for vehicles equipped with anti-lock system. Apply service brake for 10 seconds. If the brake warning lamp lights again, the warning light does not come on when there is a leak, or the light is not functioning properly, the system is defective. *NOTE: This paragraph does not apply to vehicles registered as street rods.*

19 VAC 30-70-100. Brakes: trailer (GVWR less than 10,000 pounds).

Inspect for and reject if:

1. Trailer brakes do not comply with ~~provision of~~ 19 VAC 30-70-80 and 19 VAC 30-70-90.
2. Operator does not have full control over brakes.
3. Combination will not stop as required in 19 VAC 30-70-80, ~~paragraph 46 [repealed]~~ F 11 c.
4. All trailers, manufactured or assembled after January 1, 1964, registered for an actual gross weight of 3,000 pounds or more are not equipped with emergency breakaway brakes designed to:
 - a. Apply automatically upon breakaway from towing vehicle.
 - b. Remain fully applied for at least 15 minutes.
 - c. Apply and release by operation of the manual emergency control.

5. A minimum of one wheel must be removed from each axle equipped with brakes to inspect the brake components.

NOTE: Trailers registered for an actual gross weight of 3,000 pounds or more, but with a manufacturer's gross weight rating of less than 10,000 pounds need not be equipped with brakes on all wheels.

- a. Exception: Wheels on trailers equipped with open brake mechanisms are not required to be removed.
- b. The inspection receipt approval and rejection shall be marked to reflect on which side the wheel or wheels were pulled.

19 VAC 30-70-110. Steering and suspension.

The steering and suspension systems used on vehicles has evolved to where many different suspension systems are being used on vehicles. In order to properly inspect the steering and suspension on vehicles, it may be necessary for the inspection to be made in accordance with manufacturer's recommended procedures.

Inspect for and reject if:

1. Any modification has been made that affects normal functioning of the shock absorbers. The inspector should operate the vehicle when in doubt. (If there is no evidence of the convolutions (coils) of the spring hitting one another, one pair (2) of nonmetallic coil spring stabilizers may be present in each of a vehicle's front coil springs, provided the installation of the stabilizers does not cause the springs to be higher than their original height.)

Shock absorbers in fully extended or compressed position when vehicle is stationary will not function normally.

2. The front end suspension has been modified by the use of lift blocks (a lift block is defined as any solid piece of wood, metal, or other material placed between and separating the vehicle's front axle and the springs.) This does not prohibit the use of shims that may be necessary to correct front end alignment.

3. Any modification has been made to the front end suspension which reduces turning radius, bypasses safety components of original steering mechanism or if there is any lateral movement between the axle and frame.

4. Any modification has been made to the suspension to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision.

Reject the vehicle if it has been modified by any means so as to raise its body more than three inches above the manufacturer's attachment points or the frame rail

Final Regulations

(exclude original manufacturer's spacers, washers or bushings when measuring).

5. Any modification has been made to cause the wheels to come in contact with the body under normal operating conditions.

6. A motor vehicle has a repair kit or preventive maintenance kit installed on a tie rod end, idler arm, ball joint, or any other part of the vehicle's steering gear.

NOTE: The repair kit or preventive maintenance kit usually consists of a small coil spring and a plastic cap which is placed over the bolt stud of the component and held in place by a retaining nut. There is nothing in this paragraph which prohibits the replacement of parts or components of a motor vehicle's steering gear in order to correct deficiencies in the steering gear.

7. When checked visually, the wheels appear to be out of line or an axle is bent.

8. Any vehicle that shimmies or wanders up to the legal speed limit.

9. Rack and pinion steering bellows (boot) is defective or missing.

10. Power steering is defective and affects adequate steering of the vehicle or power steering fluid in reservoir is below operating level.

NOTE: If the vehicle is equipped with power steering, the engine must be operating during testing.

11. Power steering belts do not have sufficient tension or are worn, frayed or missing.

12. Any modification has been made to any part of the steering or suspension system that affects proper steering or suspension or any part of the original suspension system has been disconnected.

NOTE: "All thread rod material" shall not be used as U-bolts in the suspension system.

Vehicles registered as street rods may substitute any part of the original suspension system provided the

components are installed in accordance with the component manufacturers' specifications.

13. Any modification or replacement has been made to the steering wheel which affects proper steering. ~~The steering wheel shall be rejected if its outside diameter is of a smaller size less than the 13 inches unless original factory equipment.~~

14. Steering column has any absence or looseness of bolts or positioning parts, resulting in motion of the steering column from its normal position.

15. A spring is broken, sagging or misaligned, shackles are worn or loose, or if air springs are collapsed.

16. Vehicles designed for shock absorbers or cross stabilizer links if any are disconnected or broken, bent, loose or do not function properly.

17. Any axle positioning parts are cracked, broken, loose, worn or missing resulting in shifting of an axle from its normal position or any control arm bushing is missing.

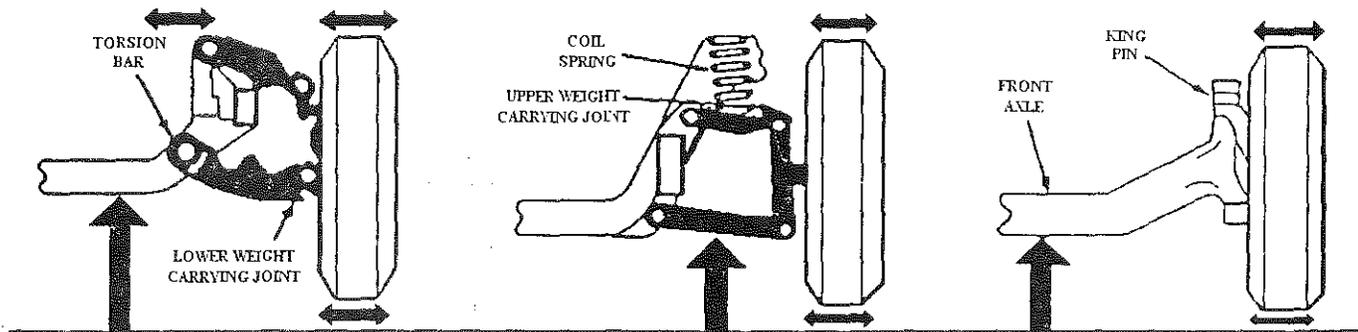
18. A MacPherson strut installed on a motor vehicle is broken, bent, loose or does not function properly.

Do not reject a shock absorber or MacPherson strut unless there is evidence of leakage which causes the device not to function properly.

19. King pin play. If vehicle is equipped with king pins, first eliminate all wheel bearing movement by applying service brake. With front end lifted as illustrated for inspecting wheel bearings, (Figure C) grasp the tire at the top and bottom and attempt to move in and out to detect looseness. Measure the movement at the top or bottom of the tire at the outer circumference.

Reject vehicle if measured movement at top or bottom of tire is greater than:

Wheel size: 16 inches or less - 1/4 inch
 17 to 18 inches - 3/8 inch
 over 18 inches - 1/2 inch



Proper lifting for wheel bearing, steering linkage looseness, and kingpin play action

FIGURE A

FIGURE B

FIGURE C

20. Wheel bearing/steering linkage.

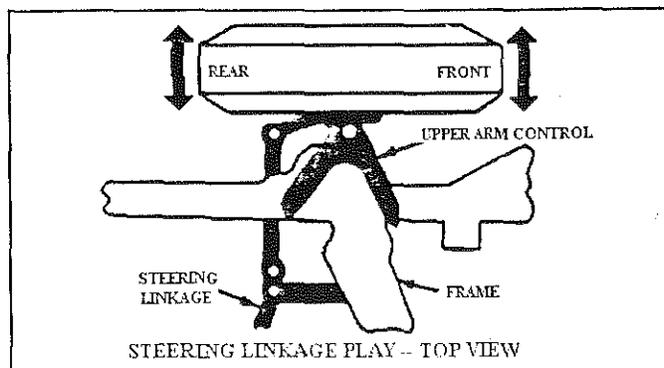
a. Lifting techniques vary for measuring wheel bearing movement. On vehicles with coil spring or torsion bar on lower support arm—hoist at frame (Figure A). On vehicles with coil spring on upper support arm—hoist at lower support arm (Figure B). On front wheel drive vehicles, the inspector must consult manufacturer's lifting information.

b. Front wheel bearings on rear wheel drive vehicles or rear wheel bearings on front wheel drive vehicles—With vehicle lifted properly, grasp tire at top and bottom, rock in and out and record movement. Wheel bearing looseness is detected by the relative movement between the brake drum or disc and the braking plate or splash shield. CAUTION: If air suspension vehicles are hoisted via body support area, air spring damage may occur if the air suspension switch is not turned off. Reject vehicle if relative movement between drum and backing plate (disc and splash shield) is more than 1/8 inch measured at the outer circumference of the tire.

c. Reject vehicle if any wheel bearing is excessively worn or not properly adjusted; any cotter key or other locking device is missing or inoperative.

21. Steering linkage play. First eliminate all wheel bearing movement by applying service brake. With vehicle lifted as shown above and wheels in straight ahead position, grasp front and rear of tire and attempt to move assembly right and left without moving the steering gear. Reject vehicle if measured movement at front or rear of tire is greater than:

Wheel Size: 16 inches or less - 1/4 inch (6.5mm)
 17 to 18 inches - 3/8 inch (9.5mm)
 Over 18 inches - 1/2 inch (13mm)



a. Reject vehicle if there is noticeable play at any point in the steering mechanism (Except General Motors products.) On General Motors products, reject vehicle if play exceeds factory specifications.

b. Reject vehicle if the steering mechanism is unusually tight or binding when turning the steering wheel completely to the left or right or the steering mechanism will not turn in both directions stop to stop.

c. Reject vehicle if the steering stops have been removed or adjusted in so that steering radius is reduced.

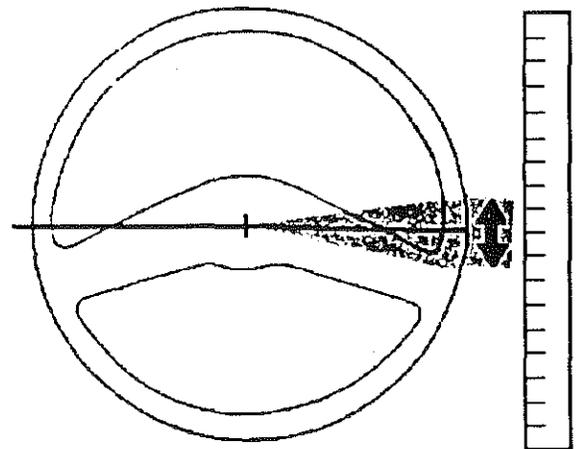
22. Steering lash/travel. For vehicles equipped with power steering, the engine must be running and the fluid level, belt tension and condition must be adequate before testing.

a. With road wheels in straight ahead position, turn steering wheel until motion can be detected at the front road wheels. Align a reference mark on the steering wheel with a mark on a ruler and slowly turn steering wheel in the opposite direction until motion can again be detected at the front road wheel (see diagram next page.). Measure lash at steering wheel. Special lash-checking instruments may be used to measure free play in inches or degrees. Such instruments should always be mounted and used according to the manufacturer's instructions. Reject vehicle if steering wheel movement exceeds:

Power	- 2 inches
Manual	- 3 inches
Rack & Pinion- (Power or Manual)	- 0.4 inch - see note

b. Reject vehicle if inspection reveals excessive wear and/or looseness in any ball stud, end assembly, pivot point, mechanical linkage and/or if steering gear box has any loose or missing bolts, or excessive wear, and/or looseness is found at any other location in the steering that adversely affects the steering of the vehicle.

NOTE: No play is permissible for Volkswagen and Audi vehicles - consult respective manufacturer's specifications.



STEERING LASH

23. Steering lash/travel; trucks.

a. Before inspection the vehicle must be placed on a smooth, dry, level surface. For vehicles equipped with power steering, the engine must be running and the fluid level, belt tension and condition must be adequate before testing.

Final Regulations

b. With road wheels in straight ahead position, turn steering wheel until motion can be detected at the front road wheels. Align a reference mark on steering wheel with a mark on a ruler and slowly turn steering wheel in the opposite direction until motion can be detected at the front road wheel. Measure lash at steering wheel. Special lash-checking instruments are also available, measuring free play in inches or degrees. Such instruments should always be mounted and used according to the manufacturer's instructions. With vehicle raised, visually inspect steering linkage, ball studs, tie rod end socket assemblies and all pivot points.

NOTE: On vehicles with power steering, engine must be running.

c. Reject vehicle if steering wheel movement exceeds:

Steering Wheel Size and Lash

Power Steering

16 inches or less - 4½ inches (11.5cm)

18 inches - 4¾ inches (12.0cm)

20 inches - 5¼ inches (13.5cm)

22 inches - 5¾ inches (14.5cm)

Manual Steering

16 inches or less - 2 inches (5.1cm)

18 inches - 2¼ inches (5.4cm)

20 inches - 2½ inches (6.4cm)

22 inches - 2¾ inches (7.0cm)

d. Reject vehicle if inspection reveals excessive wear and/or looseness in any ball stud, end assembly, pivot point, mechanical linkage and/or if steering gear box has any loose or missing bolts, or excessive wear, and/or looseness is found at any other location in the steering that adversely affects the steering of the vehicle.

24. Ball joint wear. There is a trend among U.S. automobile manufacturers toward the use of "wear-indicating" ball joints. Many vehicles on the road, however, do not have wear-indicating ball joints. The inspection of both types will be discussed. *Figures 1, 2, 3 and 4 illustrate the proper hoisting for checking ball joints.*

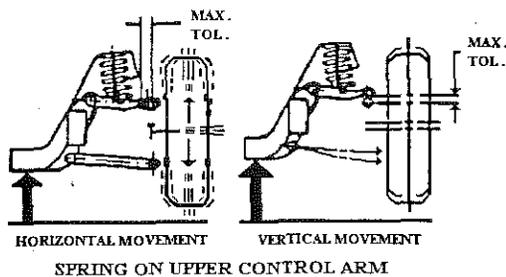


FIGURE 1

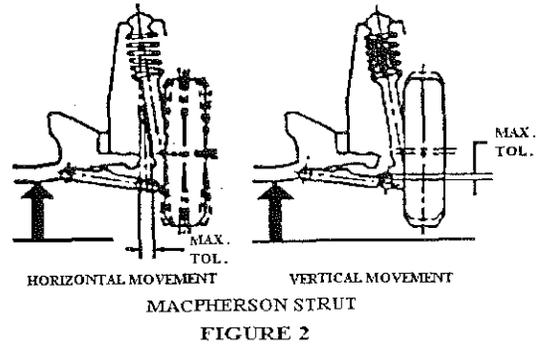


FIGURE 2

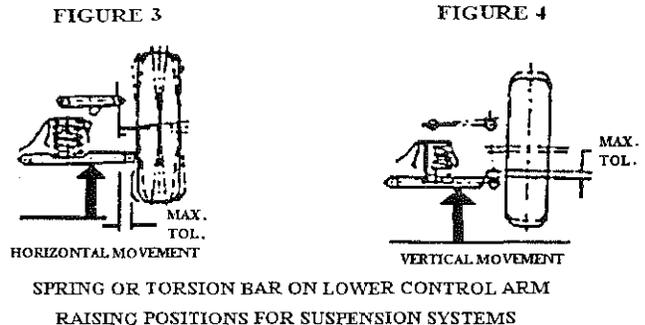


FIGURE 3
FIGURE 4
SPRING OR TORSION BAR ON LOWER CONTROL ARM
RAISING POSITIONS FOR SUSPENSION SYSTEMS

a. NOTE: To check ball joint wear on vehicles when the spring is supported on the upper control arm or when the spring is a part of a MacPherson strut or wear in any other type suspension not using ball joints when the front wheels are suspended on a solid axle, the vehicle must be hoisted as shown in Figure 1 or 2.

b. NOTE: Upper control arm must be stabilized in normal load carrying position by means of an upper control or other support tool to insure ball joint is in unloaded position.

c. NOTE: To check ball joint wear on vehicles not listed in above referred to section and diagram or tables when the spring is supported on the lower control arm; and to check the kingpin wear in any other type suspension not previously described when the wheels are independently suspended, the vehicle must be hoisted as shown in Figure 3 or 4.

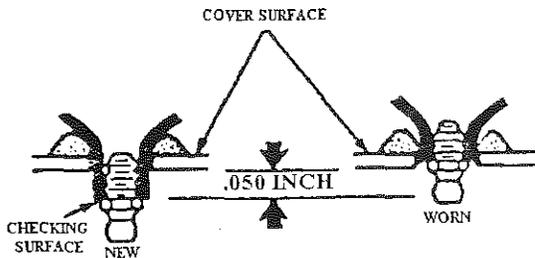
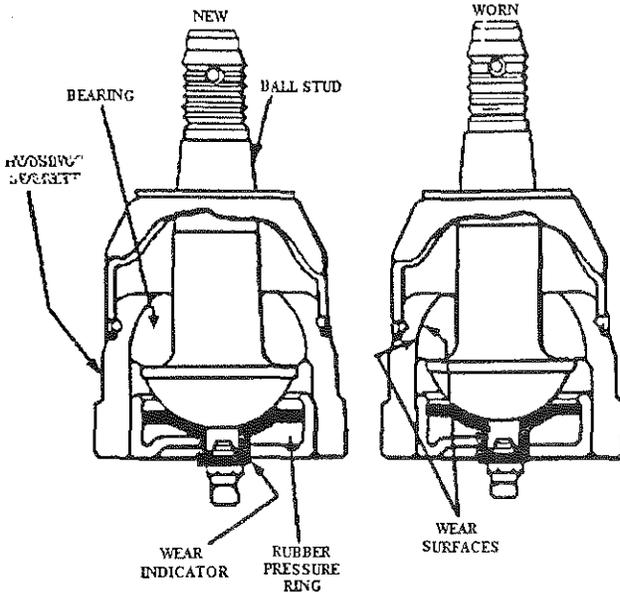
25. Ball joints without wear indicators.

a. Reject vehicle if there is noticeable play in the lower ball joint when hoisted as in Figures 1 or 2, or in the upper ball joint when hoisted as in Figures 3 or 4.

b. Reject vehicle if there is lateral movement in either front wheel in excess of 1/4 inch measured at the outside of the tire up to and including a 16-inch wheel; or in excess of 3/8 inch when the wheel is over 16 inches. This check must be made by grasping the tire at the extreme top and bottom and moving the wheel laterally across the surface. If play is noted, accurate measurement must be made by using the block test or with an accurate measuring device. No rejection should be made unless the specified tolerances are exceeded.

26. Ball joints with wear indicators. Support vehicle with ball joints loaded (in normal driving attitude). Wipe grease fitting and checking surface free of dirt and grease. Determine if checking surface extends beyond the surface of the ball joint cover.

Reject vehicle if checking surface is flush with or inside the cover surface.



BALL JOINT WEAR INDICATOR

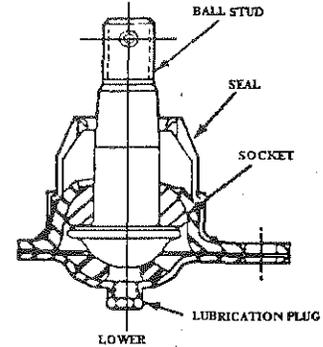
Wear is indicated by the protrusion of the 1/2" diameter boss, (exaggerated for illustration) into which the grease fitting is threaded for greasable ball joints. This same boss exists and should be used to indicate wear in non-greasable ball joints. This round base projects .050" beyond the surface of the ball joint cover on a new, unworn joint.

To inspect for wear, support vehicle by wheels so that the lower ball joints are in a loaded condition. Wipe the grease fitting or boss free of dirt and grease. Observe or scrape a scale, screwdriver or fingernail across the cover. If the grease fitting boss is flush or inside the cover surface, reject vehicle.

27. American Motors Pacer (only). Position vehicle on level surface. Remove lubrication plug from lower ball joint. Check lower ball joint clearance by inserting stiff wire or thin rod into lubrication plug hole until it contacts ball stud. Accurately mark rod with knife or scribe where it aligned with outer edge of plug hole. Distance from ball stud to outer edge of plug hole is ball joint clearance.

Measure distance from mark to end of rod. (Anything less than 7/16 inch is acceptable.)

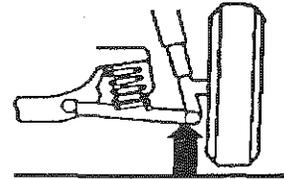
Reject vehicle if distance measured is 7/16 inch or more.



AMC PACER LOWER BALL JOINT

28. Ford Motor Company—Fairmont & Zephyr (1978 - 1983), Mustang & Capri (1979 - Present), Lincoln & Mark (1980 - Present), Continental (1982 - Present), Granada (1981 - 1982), LTD & Marquis (1983 - Present). These models have a new wear-indicating single-lower ball joint system. Support the vehicle in normal driving position, with both ball joints loaded. Inspect using same procedure as ball joints with wear indicators.

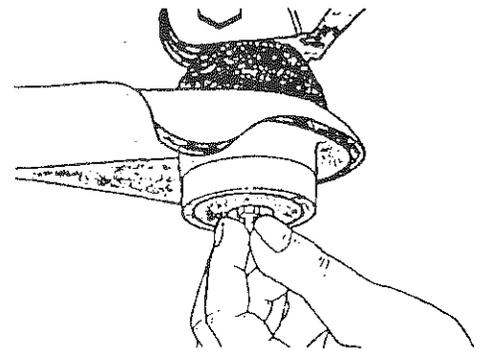
Reject vehicle if checking surface is inside the ball joint cover.



SELECTED FORD -- LOWER BALL JOINT

29. Chrysler frontally drive vehicles (lower only). With the weight of the vehicle resting on the road wheels, grasp the grease fitting as shown below and attempt to move fitting. No mechanical assistance or added force is necessary.

Reject vehicle if grease fitting shows any movement.

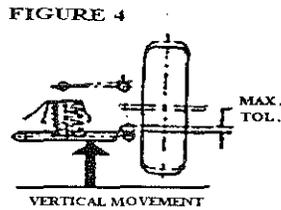
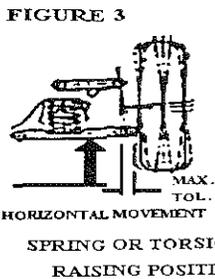
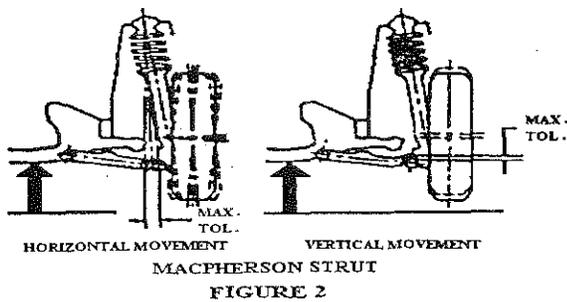
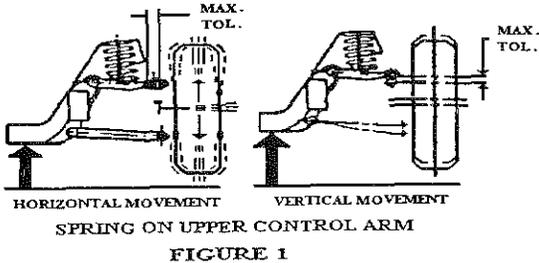


CHRYSLER FRONTWHEEL DRIVE - LOWER BALL JOINT

Final Regulations

30. Ball joints; light trucks. There is a trend among U.S. automobile manufacturers toward the use of "wear-indicating" ball joints on light trucks. Many vehicles on the road, however, do not have wear indicating ball joints. The inspection of both types will be discussed.

31. Ball joint wear; light trucks. Figures 1, 2, 3 and 4 illustrate the proper hoisting for checking ball joints.



a. NOTE: To check ball joint wear on vehicles when the spring is supported on the upper control arm or when the spring is a part of a MacPherson strut or wear in any other type suspension not using ball joints when the front wheels are suspended on a solid axle, the vehicle must be hoisted as shown in Figure 1 or 2.

b. NOTE: Upper control arm must be stabilized in normal load carrying position by means of an upper control or other support tool to insure ball joint is in unloaded position.

c. NOTE: To check ball joint wear on vehicles not listed in previously referred to sections, on and diagrams or tables when the spring is supported on the lower control arm; and to check the king pin wear in any other type suspension not previously described when the wheels are independently suspended, the vehicle must be hoisted as shown in Figure 3 or 4.

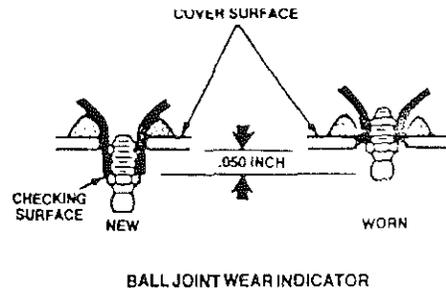
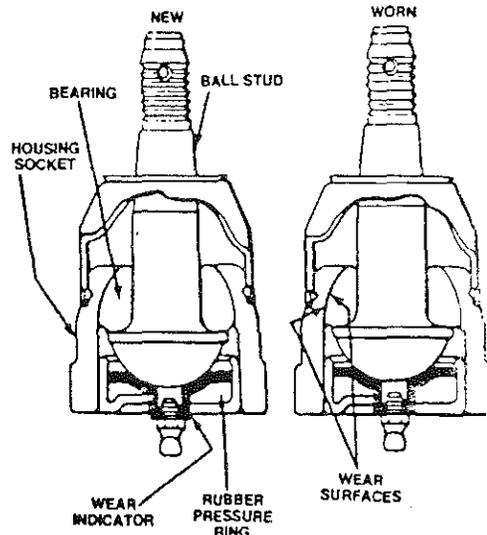
32. Vehicles without wear indicator ball joint; light trucks.

a. Reject vehicle if there is noticeable play in the lower ball joint when hoisted as in Figures 1 or 2, or in the upper ball joint when hoisted as in Figures 3 or 4 above.

b. Reject vehicle if there is lateral movement in either front wheel in excess of 1/4 inch measured at the outside of the tire up to and including a 16 inch wheel; or in excess of 3/8 inch when the wheel is over 16 inches. This check must be made by grasping the tire at the extreme top and bottom and moving the wheel laterally across the surface. If play is noted, accurate measurement must be made by using the block test or with an accurate measuring device. No rejection should be made unless the specified tolerances are exceeded.

33. Ball joints with wear indicators; light trucks. Support vehicle with ball joints loaded (in normal driving attitude). Wipe grease fitting and checking surface free of dirt and grease. Determine if checking surface extends beyond the surface of the ball joint cover.

Reject vehicle if checking surface is flush with or inside the cover surface.



Wear is indicated by the protrusion of the 1/8" diameter boss, (exaggerated for illustration) into which the grease fitting is threaded. This round boss projects .050" beyond the surface of the ball joint cover on a new, unworn joint.

To inspect for wear, support vehicle by wheels so that the lower ball joints are in a loaded condition. Wipe the grease fitting and boss free of dirt and grease. Observe or scrape a scale, screwdriver or fingernail across the cover. If the grease fitting boss is flush or inside the cover surface reject vehicle.

34. Any vehicle inspected in accordance with the recommendation of the manufacturer of such vehicle and found to be within the specification contained in the charts below following tables shall be deemed to meet inspection regulations.

~~35. Reject if sliding trailer tandem or multi-axle assemblies do not lock in place or have worn, broken or missing parts.~~

BALL JOINT WEAR TABLES

DOMESTIC AND CAPTIVE IMPORTS*

Table 1 - Manufacturer's Tolerance For Ball Joint Wear With Spring Or Torsion Bar On Lower Control Arm

Model	Year	Vertical Movement	Horizontal Movement
AMERICAN MOTORS			
Pacer	75-80	Wear Ind. (d)	(a)
BUICK			
All models except listed	57-60	.150"	(a)
	61-70	.100"	(a)
	71-72	.020"(b)	(a)
	73-82	Wear Ind. (a)	(a)
	82-92	.000	.000
Apollo	1974	.0625"	(a)
Century	1981	.020"(b)	(a)
Century, Regal	1984 1973	.020"(b)	(a)
LeSabre, Wildcat, Electra, Park Avenue, Centurion	73-88	Wear Ind. (a)	(a)
LeSabre, Electra Estate Wagon	88-92	(c)	.125"
Roadmaster Wagon	1991	Wear Ind. (a)	.125"
Opel	74-75	.080"	(a)
	76-79	.040"	(a)
Regal	74-91	Wear Ind. (a)	.000
Riviera	79-85	.125"(e)	(a)
Skylark	80-88	.000	(a)
Special	61-63	.080"	(a)
	64-68	.060"	(a)
Special, Skylark, GS, Sport Wagon	69-70	.070"	(a)
	71-72	.0625"	(a)
CADILLAC			
All models except listed	82-91	.000	.000
Calais, Deville (RWD)	57-73	.062"	(a)
Fleetwood (RWD)	74-92	Wear Ind. (a)	.125"
Brougham (RWD)	67-85	.125"(e)	(a)
Eldorado	86-92	(c)	.000
Seville	76-80	Wear Ind. (a)	(a)
	80-85	.125"(e)	(a)
	86-92	(c)	.000

CHECKER

Taxicab (A-11, (A-11E), Marathon (A-12W)	69-81	.065"	(a)
Marathon (A-12, (A-12E)	69-74	.065"	(a)

CHEVROLET

All models except listed	55-63	.093"	.250"
	64-70	.060"	.250"
	71-72	.020"(b)	(a)
	73-81	Wear Ind. (a)	(a)
	82-92	.000	.000
	87-88	.000	.000

Beretta	73-92	Wear Ind. (a)	(a)
Biscayne, Bel Air, Impala, Caprice	70-73	.020"(b)	(a)
Camaro	74-92	Wear Ind. (a)	(a)
Chevette	76-87	Wear Ind. (a)	(a)
Citation	80-85	.000	.000
Corsica	87-88	.000	.000
Corvair	60-63	.093"	(a)
	64-69	.060"	(a)
Corvette	55-63	Not Applic. ---	---
	71-82	.060"	(a)
	83-92	Wear Ind. (a)	(a)
Deluxe, Malibu, Monte Carlo, Laguna	71-72	.0625"	(a)
	1973	.020"(b)	(a)
	74-84	Wear Ind. (a)	(a)
	71-72	.0625"	(a)
Nova	71-74	.0625"	(a)
Vega	71-74	.0625"	(a)

CHRYSLER

All models except listed	57-64	.050"	(a & h)
	65-73	.070"	(a & h)
	74-76	.020"(b)	(a & h)
	77-88	.030"(b)	(a & h)
Imperial	57-66	.050"	(a & h)
	67-75	.020"(b)	(a & h)

DODGE

All models except listed	57-67	.050"	(a & h)
	68-73	.070"	(a & h)
	74-76	.020"(b)	(a & h)
	77-87	.030"(b)	(a & h)
Challenger	70-73	.070"	(a & h)
Dart	60-67	.050"	(a & h)
	68-76	.070"	(a & h)
Polara	1973	.070"	(a & h)

FORD

All models thru '79 except listed	54-79	(c)	.250"(6mm)
Escort, EXP	81-88	No Play	No Play

Final Regulations

Fairmont	78-83	Wear Ind.	(a)	PLYMOUTH			
Festiva	88-92	No Play	No Play	All models			
Granada	81-82	Wear Ind.	(a)	except listed	57-67	.050"	(a & h)
Ford Crown					68-73	.070"	(a & h)
Victoria	79-92	Wear Ind.	(a)		74-76	.020"(b)	(a & h)
LTD	83-86	Wear Ind.	(a)		77-86	.030"(b)	(a & h)
Mustang	79-92	Wear Ind.	(a)	Barracuda,			
Taurus	86-88	No Play	No Play	Duster, Valiant	60-67	.050"	(a & h)
Tempo	83-88	No Play	No Play		68-76	.070"	(a)
Thunderbird	80-88	Wear Ind.	(a)	Caravelle	85-87	.020"(b)	See Table 2
	89-92	(c)	No Play	Colt	71-72	.020"(b)	(a)
				Cricket	71-72	.070"	(a)
LINCOLN				Fury	1973	See Table 2	(a & h)
All models thru '79				PONTIAC			
except listed	52-79	(c)	.250"(6mm)	All models			
Continental	82-87	Wear Ind.	(a)	except listed	58-64	.060"	(a)
Continental (FWD)	1988	No Play	No Play		65-70	.050"	(a)
Lincoln	80-92	Wear Ind.	(a)		71-72	.020"(b)	(a)
Mark	80-92	Wear Ind.	(a)		73-81	Wear Ind.	(a)
MERCURY					82-85	.000	.000
All models				Bonneville,			
except listed	52-79	(c)	.250"(6mm)	Parisienne	74-91	Wear Ind.	(a)
Capri	79-86	Wear Ind.	(a)	Fiero	86-88		
Capri	1992	No Play	No Play		(front)	Wear Ind.	(a)
Cougar	83-88	Wear Ind.	(a)		(rear)	.000	.000
	89-92	(c)	No Play	Firebird	71-73	.020"(b)	(a)
LN7	81-86	No Play	No Play		74-91	Wear Ind.	(a)
Lynx	81-87	No Play	No Play	Grand Am, Grand			
Grand Marquis	79-92	Wear Ind.	(a)	Prix, LeMans			
Marquis	83-86	Wear Ind.	(a)	(Bonneville)	70-72	.0625"	(a)
Sable	86-88	No Play	No Play		1973	.202"(b)	(a)
Topaz	83-88	No Play	No Play		74-90	Wear Ind.	(a)
Tracer	89-92	No Play	No Play	LeMans (Tempest)	65-69	.050"	(a)
Zephyr	78-83	Wear Ind.	(a)	Phoenix	82-85	.000	.000
XY-7	80-82	Wear Ind.	(a)	Tempest	61-63	.093"	.250"
					1964	.060"	.250"
MERKUR				Ventura	71-74	.0625"	(a)
Scorpio	1988	---	---	Saturn	91-92	.000"	.000
XR4Ti	86-88	---	---				
OLDSMOBILE				Table 2: Manufacturer's Tolerances For Ball Joint Wear With Spring Or Torsion Bar On Upper Arm			
All models				Model	Year	Vertical Movement	Horizontal Movement
except listed	57-70	.125"	(a)	AMERICAN MOTORS			
	71-72	.020"(b)	(a)	All models			
	73-81	Wear Ind.	(a)	except Pacer	62-69	No Upper	Ball Joint(g)
	82-88	.000	.000		70-80	.080"	.160"(f)
Cutlass (FWD)	82-87	.000	.000		81-88	(c)(g)	.160"(f)
Cutlass (RWD),				CHEVROLET			
F85, Custom				Chevy II	62-63	.093"	(a)
Cruiser	61-63	.090"	(a)		64-67	.060"	.250"
	64-70	.125"	(a)	CHRYSLER			
	71-72	.0625"	(a)	E-Class, LeBaron,			
	1973	.020"(b)	(a)	Imperial, New			
	74-88	Wear Ind.	(a)	Yorker	82-92	.000	(a)
Eighty-Eight	74-85	Wear Ind.	(a)	Chrysler TC by			
Ninety-Eight							
(RWD)	74-84	Wear Ind.	(a)				
Omega	73-74	.0625"	(a)				
	80-84	.000	.000				
Toronado	66-78	.125"	(a)				
	79-85	.125"(e)	(a)				

Final Regulations

Maserati Laser	1991 84-86	.000 .000	(a) (a)
DODGE			
Aries	1980	.050"	(a)
Aries 400, 600	81-89	.000	(a)
Caravan	84-92	.000	(a)
Omni	78-80	.050"	(a)
Omni, Charger	81-90	.000	(a)
Daytona	84-92	.000	(a)
Lancer	85-89	.000	(a)
Shadow	87-92	.000	(a)
Dynasty	88-92	.000	(a)
Spirit	89-92	.000	(a)
Monaco	91-92	.000	.000
EAGLE			
Premier	88-92	.000	.000
Medallion	1989	.000	.000
FORD			
Escort, EXP	81-92	No Play	No Play
Fairlane	62-70	(c)	.250"(6mm)
Falcon	60-70	(c)	.250"(6mm)
Granada	75-80	(c)	No Play
Maverick	68-77	(c)	.250"(6mm)
Mustang	65-78	(c)	.250"(6mm)
Probe	89-92	No Play	No Play
Torino	68-79	(c)	.250"(6mm)
Taurus	86-92	No Play	No Play
Tempo	83-92	No Play	No Play
Thunderbird	61-66	(c)	.250"(6mm)
LINCOLN			
Versailles	77-79	(c)	No Play
Continental (FWD)	88-92	No Play	No Play
MERCURY			
Comet	60-74	(c)	.250"(6mm)
Cougar	67-79	(c)	.250"(6mm)
Meteor	62-66	(c)	.250"(6mm)
Monarch	75-80	(c)	No Play
Montego	68-71	(c)	.250"(6mm)
Sable	86-92	No Play	No Play
Topaz	83-92	No Play	No Play
PLYMOUTH			
Horizon	78-80	.050"	(a)
Horizon, Turismo	81-90	.000	(a)
Reliant	1980	.050"	(a)
	81-89	.000	(a)
Voyager	84-92	.000	(a)
Sundance	87-92	.000	(a)
Acclaim	89-92	.000	(a)

IMPORTS

Table 3: Manufacturer's Tolerances For Ball Joint Wear With Spring Or Torsion Bar On Lower Control Arm

Model	Year	Vertical Movement	Horizontal Movement
ACURA			
All models	86-89	Do Not Test	Do Not Test
ALFA ROMEO			
All models	57-86	.060"	Do Not Test
BMW			
All models except indicated	75-89	1.4mm	Do Not Test
318i	84-85	1.0mm	Do Not Test
325i	84-89	1.0mm	Do Not Test
735i, 750i	87-89	1.0mm	Do Not Test
HONDA			
Civic & CRX	84-89	Do Not Test	Do Not Test
Accord	86-89	Do Not Test	Do Not Test
Prelude	83-89	Do Not Test	Do Not Test
INFINITI			
All models except as listed	90-91	.000	None
M30	90-91	.050	None
ISUZU			
"I Mark" (RWD)	81-85	.040"	Do Not Test
"I Mark" (RWD)	81-85	.040"	Do Not Test
<i>Impulse</i>	83-86	.040"	<i>Do Not Test</i>
Impulse, Stylus	90-92	.040"	Do Not Test
JAGUAR			
All models	72-87	.060"	.040"
All models	1988	.006	.007
MITSUBISHI			
Montero	Thru 88	.020"	Do Not Test
Van/Wagon	1988	None	None
Truck	1988	.02"	Do Not Test
RENAULT			
R-5/LeCar	76-77	.200"	.200"
	78-83	.040"	.040"
ROLLS ROYCE			
All models	67-88	None	None
TOYOTA			
Tercel	Thru 87	None	None
Corolla (FWD)	Thru 87	None	None
MR 2	Thru 87	None	None
Supra	Thru 89	.012 (lower)	None
Truck & 4 Runner	Thru 89	.091 (w/o load)	None

Final Regulations

Celica	86-87	None	None	SAAB			
Camry	86-87	None	None	9000	86-88	None	None
Starlet	81-84	None	None				
VOLVO (J)				SUBARU			
All models except indicated	Thru 88	3mm	Do Not Test	All models	73-84	Do Not Test	Do Not Test
140, 164, (with spring joint)	Thru 88	5mm	Do Not Test	All models (except Justy)	85-89	.012"	Do Not Test
				Justy	87-89	.016"	Do Not Test

Table 4: Manufacturer's Tolerances For Ball Joint Wear With MacPherson Strut On Lower Control Arm

Model	Year	Vertical Movement	Horizontal Movement
DATSUN/NISSAN (J)			
All models except indicated	68-89	.040"	None
B210	74-78	.012"	None
F10,310, Sentra, Pulsar	76-86	.060"	None
Stanza (except Wagon)	82-86	.080"	None
Sentra	86-87	.050	None
Maxima, Stanza, Stanza Wagon, 200/240SX, 300ZX, Pulsar/NX	1988	.100	None
Sentra	1988	.000	None
300ZX	1989	.100	None
Sentra, Pulsar/NX, 200/240SX, Maxima	89-91	.000	None
Stanza, 300ZX	90-91	.000	None
Van	87-90	.060	None
Axxess	1990	.000	None
HONDA			
Civic	Thru 83	.020"	Do Not Test
Accord	Thru 85	.020"	Do Not Test
Prelude	Thru 82	.020"	Do Not Test
ISUZU			
I-Mark (FWD)	85-89	.040"	Do Not Test
MAZDA			
All models	81-88	(h)	(h)
MITSUBISHI			
Starion	Thru 88	None	None
Galant	Thru 88	None	None
Mirage	Thru 88	None	None
Cordia/Tredia	Thru 88	None	None
PEUGEOT			
All models	66-88	None	None
ROVER			
3500	1981	None	None

Model	Year	Vertical Movement	Horizontal Movement
TOYOTA (J)			
Celica	Thru 89	None	None
Corolla (RWD)	Thru 87	.098"	None
Corolla (FWD)	Thru 89	None	None
Cressida	Thru 89	.098"	None
Tercel	Thru 89	None	None
MR 2	Thru 89	None	None
Camry	Thru 89	None	None
Starlet	81-84	None	None
Supra	Thru 87	.100"	None

Model	Year	Vertical Movement	Horizontal Movement
TRIUMPH			
TR7, TR8	1981	1mm	None
VOLKSWAGEN (L)			
All models	74-92	Do Not Test	Do Not Test
VOLVO (L)			
240, 260, 760	Thru 88	3mm	Do Not Test

Table 5: Manufacturer's Tolerances For Ball Joint Wear With Spring Or Torsion Bar On Upper Arm

Model	Year	Vertical Movement	Horizontal Movement
CITROEN			
All models	Thru 85	None	None
MAZDA (J)			
B2000	Thru 85	(i)	(i)
RENAULT			
Gordini, R-12, 15, 17	Thru 77	.200	.200
Gordini	78-79	.040	.040
SAAB			
99, 900	Thru 88	None	None
TOYOTA			
Van	Thru 89	.091 (w/o load)	None

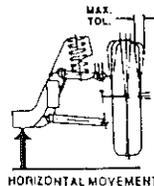
Table 6: Manufacturer's Tolerances For Ball Joint Wear With Spring Or Torsion Bar On Lower Arm

Model	Year	Vertical Movement	Horizontal Movement
CHEVROLET			
10, 20, 30	60-84	.094"	.250"
S-Series	82-84	Wear Ind.	(a)
GMC			
1500, 2500, 3500	60-84	.094"	.250"
S-Series	82-84	Wear Ind.	(a)
DODGE			
B1, B2, B3, D1, D2, D3, D15, D25, D35, W2, W3, W15, W25, W35, RD2, WM3, MB3, CB3, AD1, AW1, Ramcharger	71-84	.020"(b)	(a)
Rampage	82-84	.000	.000
PLYMOUTH			
PB1, PB2, PB3, PD1, PW1, Trail Duster	74-84	.020"(b)	(a)
INTERNATIONAL			
100, 150, 200	74-80	.095"	(a)

* Captive Imports are passenger cars imported by license agreements with U.S. Motor Vehicle Manufacturers and sold thru domestic dealership.

NOTE: Vehicles with wear indicating ball joints - inspect with ball joint loaded.

- (a) Do not test ball joints by horizontal movement.
- (b) Preloaded by rubber or springs.
- (c) Do not test joints vertically. Check horizontal movement only using dial indicator.
- (d) See inspection procedure for AMC Pacer (only).
- (e) Measured at drive axle nut.
- (f) Horizontal movement tests for American Motors cars from 1970 thru 1986 excluding Pacer. Play should be measured at outside wheel rim and not at the ball joint.
- (g) No play allowed on lower ball joint.
- (h) See inspection procedure Chrysler Upper Ball Joint.



* Information for foreign manufacturers was furnished by Automotive Importers of America, Inc. (AIA) and is limited to models represented by their membership.

(i)

Criteria of Mazda Model Ball Joints

Model	Year	Criteria Pounds	Test
GLC	81-85	63-109 lbs.	*1
GLC Wagon	81-86	0.88 lbs. or more	*2
RX-7	81-85	0.88 lbs. or more	*2
	86-88	4.4 - 7.7 lbs.	*3
323	86-88	1.8 - 3.1 N'm	*3
626	83-88	4.4 - 7.7 lbs.	*3
929	1988	1.1 - 2.6 lbs.	*3
B2000	86-87	40 lbs. or less	*3
B2200	87-88	4.4 - 7.7 lbs.	*3
B2600	87-88	4.4 - 7.7 lbs.	*3

*1: Measure the turning force at the end of the ball joint arm by using a pull scale.

*2: Measure the turning force at the end of knuckle arm by using a pull scale.

*3: Install the Mazda special tool to the ball stud, and then measure by using a pull scale.

(j) Check vertical ball joint movement will ball joints fully loaded. With vehicle resting on all wheels, use a pry bar or similar leverage to apply vertical force to lower control arm at ball joint and observe play on properly attached dial indicator.

(k) To be measured at ball joint. Use .090" maximum tolerance if measured at tire sidewall (includes wheel bearing clearance).

(l) Ball joints with damaged boots shall be replaced.

**LIGHT DUTY TRUCK
BALL JOINT WEAR TABLE**

GENERAL MOTORS DOMESTIC AND CAPTIVE IMPORTS

Table 1 - Maximum Tolerance for ball joint wear. All suspensions included.

Model	Year	Horizontal Movement	Ball Joint Vertical Movement	
			Lower	Upper
CHEVROLET				
Astro 2WD	85-93	.125"	Wear Indicator	No Play
Astro All WD	90-93	N/A	.080"	No Play
Beauville				
Van	1993	.125"	Wear Indicator	No Play
	71-92	.125"	.094"	No Play
Blazer 4x4	92-93	N/A	.080"	No Play
	71-91	N/A	.040"	No Play
Chevy Van	1993	.125"	Wear Indicator	No Play
	71-92	.125"	.094"	No Play
Crew Cab				
2WD	92-93	N/A	.080"	No Play
	71-91	.125"	.094"	No Play
Crew Cab				
4x4	92-93	N/A	.080"	No Play
	71-91	N/A	.040"	No Play
El Camino	71-85	.125"	.063"	No Play
Hi-Cube Van	71-93	.125"	.094"	No Play
Lumina APV	90-93	N/A	No Play	None
Luv	72-82		.060"	No Play
Motor Home	72-93	.125"	.094"	No Play

Final Regulations

Pickup 2WD	87-93	N/A	.080"	No Play
	71-86	.125"	.094"	No Play
Pickup 4x4	87-93	N/A	.080"	No Play
	71-86	N/A	.040"	No Play
Sport Van	1993	.125"	Wear Indicator	No Play
	71-92	.125"	.094"	No Play
Step Van	72-93	.125"	.094"	No Play
Suburban				
2WD	92-93	N/A	.080"	No play
	71-91	.125"	.094"	No Play
Suburban				
4x4	92-93	N/A	.080"	No Play
	71-91	N/A	.040"	No play
S-10 Blazer				
2WD	82-93	.125"	Wear Indicator	No Play
S-10 Pickup				
2WD	83-93	.125"	.125"	No Play
S-10 Blazer				
4x4	82-93	.125"	Wear Indicator	No Play
S-10 Pickup				
4x4	83-93	.125"	.125"	No Play
Tracker	89-93	N/A	No Play	None
GMC				
Bonus Cab				
2WD	92-93	N/A	.080"	No Play
	71-91	.125"	.094"	No Play
Bonus Cab				
4x4	92-93	N/A	.080"	No Play
	71-91	N/A	.040"	No Play
Caballero	78-85	.125"	.063"	No Play
Hi-Cube Van	71-93	.125"	.094"	No Play
Jimmy 4x4	71-91	N/A	.040"	No Play
Magna Van	71-92	.125"	.094"	No Play
	1993	.125"	Wear Indicator	No Play
Pickup 2WD	87-93	N/A	.080"	No Play
	71-86	.125"	.094"	No Play
Pickup 4x4	87-93	N/A	.080"	No Play
	71-86	N/A	.040"	No Play
Rally Van	71-92	.125"	.094"	No Play
	1993	.125"	Wear Indicator	No Play
Safari 2WD	85-93	.125"	Wear Indicator	No Play
Safari				
All WD	90-93	N/A	.080"	No Play
Sprint	71-77	.125"	.063"	No Play
Suburban				
2WD	92-93	N/A	.080"	No Play
	71-91	.125"	.094"	No Play
Suburban				
4x4	92-93	N/A	.080"	No Play
	71-91	N/A	.040"	No Play
S-15 Blazer				
2WD	82-93	.125"	Wear Indicator	No Play
S-15 Blazer				
4x4	82-93	.125"	Wear Indicator	No Play
S-15 Pickup				
2WD	83-93	.125"	.125"	No Play
S-15 Pickup	83-93	.125"	.125"	No Play
4x4	83-93	.125"	.125"	No Play
Value Van	72-93	.125"	.094"	No Play
Vandura	1993	.125"	.094"	No Play
Vandura	71-92	.125"	Wear Indicator	No Play

Yukon 4x4 92-93 N/A .080" No Play

OLDSMOBILE

Bravada 91-93 .125" .125" No Play
 Silhouette 90-93 N/A No Play None

PONTIAC

Trans Sport 90-93 N/A No Play None

19 VAC 30-70-120. Frame, engine mounts, coupling devices and emergency chains.

Inspect for and reject if:

1. Frame or unitized body of any motor vehicle, trailer or semitrailer is broken or cracked at any location, including any welded joint and/or is rusted or corroded to the point the frame is weakened.
2. Engine or transmission mounts are broken or missing.
3. Trailer hitch or ~~pinde~~ *pinde* hook is not securely attached.

Reject if the pintle eye or trailer drawbar has any cracks or if any welding repairs have been made to the pintle eye.

4. Chains, cables, etc., used to attach a towed vehicle are not securely attached or are broken, worn or abraded.
5. Fifth wheel does not lock in position or have a locking mechanism in proper working order.
6. Fifth wheel assembly system has any leak of fluid or air.
7. Fifth wheel has any broken, missing, or damaged parts; or is not securely attached to the frame.
8. Trailer kingpin is not secure, broken, or worn so as to prevent secure fit in fifth wheel.
9. Any movement is detected at any location where any device has been placed between the body and the chassis.
10. Trailer is not equipped with *an emergency chain or chains.*

NOTE: Fifth wheel assembly system does not require emergency chain. A fifth wheel is defined as a device which interfaces with and couples to the upper coupler assembly of a semitrailer. The upper coupler assembly is a structure consisting of an upper coupler plate, kingpin and supporting framework which interfaces with and couples to a fifth wheel. Ball and socket connections also referred to as hitch and coupling connections are not fifth wheel assemblies and do require safety chains.

19 VAC 30-70-140. Headlamps; except motorcycles.

A. Inspect for and reject if:

1. Any motor vehicle is not equipped with headlamps of an approved type.

2. Headlights are not of the same approved type except sealed beam headlamps. At least two headlamps are required.

3. In any headlamp the lens is cracked, broken, discolored, or rotated away from the proper position, or the reflector is not clean and bright.

4. Moisture or water buildup in headlamp is such that it affects the aimable pattern.

5. Lens is other than clear.

6. Bulbs are not of an approved type or are over 32 candlepower. (Sealed beam lamps including the ones which permit the use of a replacement halogen bulb are the only lamps approved with over 32 candlepower.) Ordinary lenses and reflectors were not designed for over 32 candlepower bulbs.

7. Any filament or bulb in headlamps fails to burn properly or headlamps are not at the same location or configuration as designed by manufacturer. (Location and type of headlamps can be found in ~~subdivision 33~~ *subsection E of this section.*)

8. Wiring is dangling or connections are loose, or if proper filaments do not burn at different switch positions, or if switches—including foot or hand dimmer—do not function properly, and are not convenient to the driver.

9. Foreign material is placed on or in front of the headlamp lens or interferes with the beam from the lamp. No glazing may be placed over or in front of the headlamps unless it is a part of an approved headlamp assembly.

a. Reject if vehicle has wire, unapproved plastic covers, any other materials which are not original equipment or any colored material placed on or in front of the headlamps.

b. *Vehicles registered as street rods may have clear, rigid plastic or glass headlamp lens covers in front of sealed beam units to replace original manufacturer's equipment.*

10. Lamps can be moved easily by hand due to a broken fender or loose support, or if a good ground is not made by the mounting.

11. A headlamp visor is over two inches long unless part of the original body design.

12. The high beam indicator in the driver's compartment does not burn when the high or "country" beam is on or does not go off when the low beam is on. (Vehicles not originally equipped with an indicator are not required to comply unless sealed beam headlamps have been installed.)

B. Aiming the headlamps.

13. 1. Headlamps shall be checked for proper aim by using either an optical or a mechanical headlamp aimer on every motor vehicle inspected, except vehicles with on-board aimers.

Headlamp aim on vehicles with on-board aimers shall be checked by visually examining the leveling device mounted either on or adjacent to the headlamp. Reject the vehicle if the leveling device shows the headlamp adjustment to exceed indicated specifications.

NOTE: Driving lamp and fog lamps must be aimed using the optical or mechanical aimer, according to instructions in 19 VAC 30-70-160 10 i and 11 g (2).

14. 2. Headlamps are not aimed within the following tolerances using the optical aimer.

a. The center of the hot spot of all single element high beam lamps is set more than four inches up or down from the horizontal centerline or more than four inches to the left or right from the vertical centerline.

b. The left edge of the lamp pattern of any low beam lamp or any combination or multi-element lamp is more than four inches to the left or right of the vertical centerline or the top edge of the lamp pattern is more than four inches above or below the horizontal centerline when checked on low beam.

C. Optical aimer.

15. 1. Approved optical headlamp machines may be used to properly aim any of the headlamps. Optical aimers must be properly calibrated and used in the manner recommended by the manufacturer.

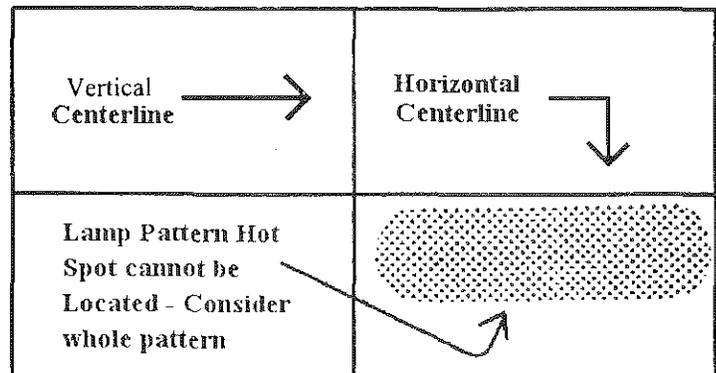
The optical headlamp machine must be aligned to the vehicle in accordance with the manufacturer's specifications.

16. 2. When aiming headlamps, first look for the type of lamp, which will be found embossed on the lens. The type determines which aiming requirements must be followed for the optical aimer.

17. 3. All low beam or combination/multi-element headlamps must be set by aiming the lamp pattern with the lamps set on low beam.

18. 4. Pattern should be aimed so that the left edge does not extend to the left or right of straight ahead, and the top of the pattern should be even with the horizontal.

Pattern "A" represents the light pattern as it should appear on the view screen of the approved aimer.



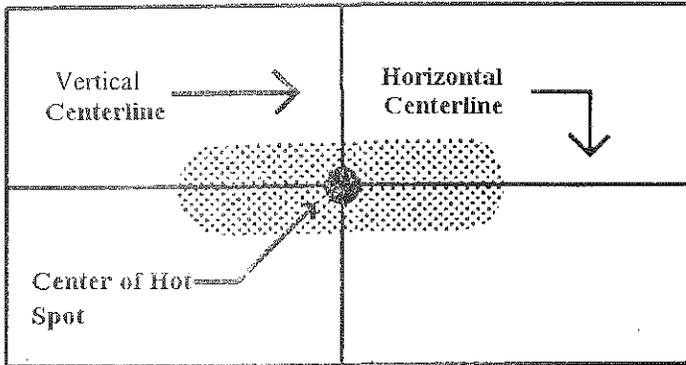
PATTERN A - COMBINATION MULTI-ELEMENT OR LOW BEAM LAMP

Final Regulations

19. 5. All single element high beam headlamps shall be set by aiming the center of the hot spot with the lamps set on high beam.

20. 6. Aim straight ahead—center of the hot spot should be centered with the vertical and horizontal centerlines.

Pattern "B" represents the light pattern as it should appear on the view screen of the approved aimers.



PATTERN B - SINGLE ELEMENT HIGH BEAM LAMP

21. 7. When lamp pairs are mounted horizontally, the low beam lamp must be on the outer side and when mounted vertically, the low beam lamp must be at the higher position in the pair.

22. 8. The four headlamp system must be wired so that only the lower beam lamp will burn when the light beams are depressed. When switched to high beams, both high beam and low beam may burn.

The "F" type halogen headlamp 1986 (LF-UF) of the four headlamp system will function in the following manner: system must be used so the low beam does not burn with the high beam.

D. Mechanical aimers.

23. 1. Mechanical aimers can be used to aim only those headlamps that have "aiming" pads molded into the lens.

24. 2. Mechanical aimers must be properly calibrated and used with the proper adapter recommended by the manufacturer. (The adapter setting will be embossed on the face of some lamps.)

25. 3. Turn on headlamps and check all filaments—both high and low beam. Turn off headlamps before checking for adjustments. Do not turn on headlamps while mechanical aimers are attached to the headlamp.

26. 4. All headlamps that are found not to be within the four-inch tolerance shall be adjusted to zero inches up or down and zero inches to the right or left.

E. Headlamps on vehicles used for snow removal 27. Approved auxiliary headlamps may be mounted above the conventional headlamps. (These lamps must be in compliance with this section, in its entirety, *subdivision 7 of 19 VAC 30-70-150, subdivision 7, and subdivision 1 of 19 VAC 30-70-170, subdivision 1.*)

Inspect for and reject if:

28. 1. Lamps are not approved type headlamps.

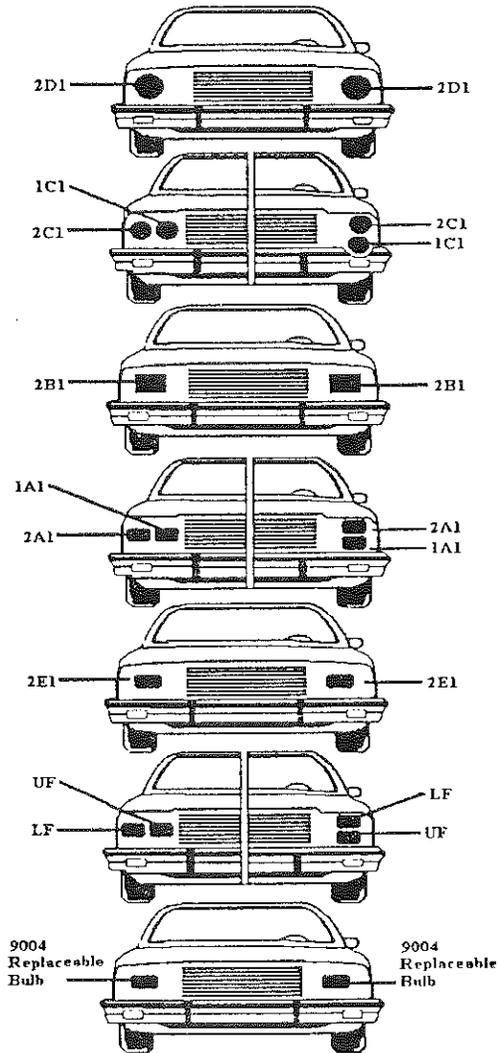
29. 2. Lamps are not mounted in a manner which will permit proper aiming.

30. 3. Lamps are mounted so as to obstruct the driver's vision.

31. 4. The auxiliary headlamp circuit does not contain a switch which will deactivate the primary headlamp system when the auxiliary headlamps are in use.

32. 5. Auxiliary headlamps are not aimed in accordance with the provisions of subdivision 14 B 2 of this section.

33. 6. Headlamps are not wired in accordance with the provisions of subdivision 22 C 8 of this section.



Locations of Type 1, Type 2, LF/UF, and Replaceable Bulb Headlamps

NOTE: Always inspect the following sealed beam and replaceable bulb, and integral beam headlamps on LOW BEAM only;

- 5 3/4 inch, marked 2, 2C, or 2C1

- 7 inch, marked 2, 2D, or 2D1
- 100 x 165mm rectangular, marked 2A, 2A1, or 2E1, 2G1 or 2H1
- 200 x 142mm rectangular, marked 2B or 2B1
- Replacement Replaceable bulb headlamp, marked LF with 9004 (HB1)
- 92 x 160mm rectangular, marked LF
- Replaceable bulb headlamps with 9006 (HB4) alone or in combination with 9005 (HB3)
- 55 x 135mm rectangular, marked L
- Integral beam headlamp when high and low beam reflectors move together.

19 VAC 30-70-160. Auxiliary lamps: backup; cornering; driving; fog; spot and warning.

A. Auxiliary lamps on a vehicle consist of seven general types: backup lamps, cornering lamps, driving lamps, fog lamps with an amber or clear lens, spot lamps and warning lamps, and daytime running lamps.

B. School buses may be equipped with an eight-lamp warning system of two red and two amber warning lamps of an approved type on the front and rear of such vehicle.

1. School buses may also be equipped with roof mounted flashing white or amber warning lamps of an approved type.
2. In addition to required warning lamps, school buses may be equipped with a stop signal arm consisting of an octagonal sign which meets FMVSS specifications (Federal Motor Vehicle Safety Standards, 49 CFR 571 et seq.) The stop signal arm shall be reflectorized or be equipped with two red warning lamps of an approved type.

C. There is no limit on the number of backup lamps that a vehicle may have so long as they are of an approved type.

D. No more than four lamps, including two headlamps, may be lighted at any time to provide general illumination ahead of the vehicle.

E. Approved type blue or blue and red lights are permitted on any law-enforcement vehicle. Approved type red warning lights or red and white lights showing to the front are permitted on fire department vehicles, including publicly owned state forest warden vehicles, ambulances, any rescue vehicle used for emergency calls, animal warden vehicles, school buses and vehicles used by security personnel at the Newport News Shipbuilding and Drydock Company, Bassett-Walker, Incorporated, or the Tultex Corporation. No more than two flashing or steady-burning red lights or red and white combination lights of an approved type may be installed on one vehicle owned by any member of a fire company, volunteer fire company or volunteer rescue squad.

F. Vehicles mentioned in subsection E above of this section permitted to be equipped with flashing, blinking or alternating red, red and white, blue, or blue and red emergency lights (except vehicles owned by any member of

a fire company, volunteer fire company, volunteer rescue squad or any ambulance driver employed by a privately owned ambulance service) may be equipped with the means to flash their headlamps when their emergency warning lamps are activated provided:

1. The headlamps are wired to allow either the upper beam or lower beam to flash but not both; and;
2. The headlamp system includes a switch or device which prevents flashing of headlamps when headlamps are required to be lighted pursuant to current statute.

G. Any fire vehicle used exclusively for fire fighting, any ambulance or rescue or lifesaving vehicle used for the principal purpose of emergency relief or any wrecker used for the principal purpose of towing disabled vehicles may be equipped with clear auxiliary lamps which shall be used exclusively for lighting emergency scenes. Such lamps shall be of a type permitted by the superintendent. Any government-owned government-owned police vehicle may be equipped with clear auxiliary lamps of a type approved by the superintendent.

H. Approved type amber flashing, blinking or alternating lights are permitted on vehicles used for the principal purpose of towing or servicing disabled vehicles or in constructing, maintaining and repairing highways or utilities on or along public highways and vehicles used for the principal purpose of removing hazardous or polluting substances from the state waters or drainage areas on or along public highways. Such lamps are permitted on vehicles used for servicing automatic teller machines, refuse collection vehicles, hi-rail vehicles and on vehicles used for towing or escorting over-dimensional materials, equipment, boats, or manufactured housing units by authority of highway hauling permit.

1. Approved type amber flashing, blinking or alternating lights are permitted on fire apparatus, ambulances, and rescue and life-saving vehicles, provided the amber lights are mounted or installed on the rear of the vehicles.

2. Approved type amber flashing, blinking or alternating lights are permitted on vehicles owned and used by businesses providing security services and vehicles used to collect and deliver the United States mail, vehicles used by law enforcement personnel in the enforcement of laws governing motor vehicle parking, government owned law enforcement vehicles provided the lights are used for giving directional warning and vehicles used to provide escort for funeral processions.

3. An approved type amber flashing, blinking or alternating light may be mounted on the rear of any vehicle used to transport petroleum products. The light must be wired through the reverse gear circuit and activate in conjunction with the back-up lights and audible alarm.

I. Inspect for and reject if:

1. Vehicle has an auxiliary lamp being used for a purpose other than for which it was approved;

EXCEPTION: Any lighting device mounted above the level of the regular headlamps which is both covered and

Final Regulations

not illuminated, other than lamps required, shall not be considered for inspection. Fog and driving lamps mounted below the level of the regular headlamps must be checked for aim as outlined in subdivisions ~~L 9 and M 7~~ *10 i and 11 g of this section.*

2. A vehicle has installed on it a warning lamp that is not of an approved type or has been altered.

Reject if the vehicle has wire, unapproved plastic covers, any other materials which are not original equipment or any colored material placed on or in front of any auxiliary lamps: backup, cornering, driving, fog, spot, or warning lamps.

3. Vehicle is equipped with a combination of auxiliary lamps which include more than two fog lamps, or more than two spot lamps, or more than two driving lamps. Reject a vehicle equipped with a headlamp mounted or used as an auxiliary lamp.

NOTE: Vehicles equipped, from the factory, with two driving lamps should not be rejected.

4. Vehicle is equipped with an auxiliary lamp that does not function properly. (If an auxiliary lamp has been modified by removing the wiring, bulb and socket, the unit will be considered an ornament and not a lamp and will not be considered in inspection.)

5. Vehicle is equipped with a lighted advertising sign. Except commercial motor vehicles, buses operated as public carriers, taxicabs, and privately-owned passenger cars used for home delivery of commercially prepared food. Commercial motor vehicles, buses operated as public carriers, and taxicabs may be equipped with vacant and destination signs and one steady burning white light for illumination of external advertising. Privately-owned passenger cars used for home delivery of commercially prepared food may be equipped with one steady burning white light for the nighttime illumination of a sign identifying the business delivering the food. Do not reject approved identification lights.

6. Any lamp is not of an approved type or if lamps to be burned together as a pair do not emit the same color light.

7. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

8. Backup lamps are not required. However, if installed they must operate and be inspected.

J. Inspect for and reject if:

- 1- a. Lamps are not of an approved type or a lamp has been altered;
- 2- b. Wiring or electrical connections are defective;
- 3- c. The lens has a piece broken from it. The lens may have one or more cracks provided in off-color light does not project through the crack or cracks;
- 4- d. Lens is other than clear;

5- e. Lamps are not wired into the reverse gear or an independent circuit;

~~6- 9. Cornering Lamps~~—Cornering lamps are not required. However, if installed they must operate and be inspected.

K. Inspect for and reject if:

- 1- a. Lamps are not of an approved type or a lamp has been altered;
- 2- b. Wiring or electrical connections are defective;
- 3- c. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks;
- 4- d. The color of the light is other than clear or amber;
- 5- e. The lamps do not burn in conjunction with the turn signals;

~~6- 10.~~ Driving lamps are not required. However, if installed they must operate and be inspected.

L. Inspect for and reject if:

- 1- a. Driving lamps are installed on vehicles equipped with the four headlamp system, except the "F" type headlamp system;
- 2- b. A vehicle is equipped with more than two driving lamps;
- 3- c. Driving lamps are not of an approved type or have been altered;
- 4- d. The color of the lamp is other than white;
- 5- e. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or crack;
- 6- f. Wiring or electrical connections are defective;
- 7- g. Any driving lamp is mounted above the level of the regular headlamps, or is not mounted firmly to prevent excessive vibration;
- 8- h. Driving lamps are not wired so that they will burn only when the high beams of the regular headlamps are activated;
- 9- i. Driving lamps are not aimed so that the center of the hot spot drops three inches in 25 feet so that the hot spot is directly ahead of the lamp;

NOTE: Driving lamps must be aimed using the optical headlight aimer.

10- j. A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment;

11. Fog lamps are not required. However, if installed they must operate and be inspected.

M. Inspect for and reject if:

- 1- a. A vehicle is equipped with more than two fog lamps;

2. *b.* Lamps are not of an approved type or a lamp has been altered;

3. *c.* The lens is other than clear or amber. Fog lamps may have black-end bulbs or small metal caps over the end of the bulb;

4. *d.* The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or crack;

5. *e.* Wiring or electrical connections are defective;

6. *f.* Any fog lamp is mounted above the level of the regular headlamps, or is not mounted firmly;

7. *g.* Lamps are not wired and aimed according to the following instructions:

a. (1) Fog lamps are general illumination lamps as covered in ~~19 VAC 30-70-160~~, subsection D of this section. They must burn through the tail light circuit even if on a separate switch. If installed on a vehicle with a four-headlamp system, or a vehicle equipped with driving lamps, they must be wired into the low beam circuit.

b. (2) Fog lamps must be aimed so that the top edge of the high intensity zone is set at the horizontal centerline and the left edge of the high intensity zone is set at the vertical centerline. (Same as low beam headlights.)

NOTE: Fog lamps must be aimed using the optical headlight aimer.

e. (3) A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment.

4. *12.* Spot lamps are not required. However, if installed they must operate and be inspected.

N. Inspect for and reject if:

1. *a.* Vehicle is equipped with more than two spot lamps;

2. *b.* Lamps are not of an approved type or a lamp has been altered;

3. *c.* The lens in any spot lamp is other than clear;

4. *d.* The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or crack;

5. *e.* Wiring or electrical connections are defective;

6. *13.* Daytime Running Lamps (DRLs) are not required. However, if installed they must operate and be inspected. DRLs must be installed in pairs.

NOTE: DRLs may or may not be wired into the tail light circuit.

O. Inspect for and reject if:

1. *a.* Any lamp, except headlamps, used as DRLs is not marked "DRL;"

2. *b.* Fog lamps or parking lamps are used as DRLs;

3. *c.* More than one pair of lamps are used and or designated as DRLs;

4. *d.* A DRL is mounted higher than 34 inches measured to the center of the lamp;

5. *e.* The color is other than white to amber;

6. *f.* DRLs do not deactivate when the headlamps are in any "on" position.

Any DRL optically combined with a turn signal or hazard lamp must deactivate when the turn signal or hazard lamp is activated and then reactivate when the turn signal or hazard lamp deactivates.

19 VAC 30-70-250. Doors.

Inspect for and reject if:

1. If each door located at the left and right side of the driver's seat is not equipped with a handle or an opening device similar to that installed by the vehicle manufacturer ~~manufacturers~~ which will permit the opening of the door from the outside and inside of the vehicle.

2. If each door located to the left and right side of the driver's seat is not equipped with a latching system similar to that installed by the vehicle manufacturer ~~manufacturers~~ which will hold the door in its proper closed position.

PART 3. IV.

INSPECTION REQUIREMENTS FOR MOTORCYCLES.

19 VAC 30-70-360. Motorcycle lights: headlamp, rear, signal, warning.

A. Inspect for and reject if:

1. Motorcycle is not equipped with at least one motorcycle headlamp.

2. Any motorcycle headlamp is not of an approved type. A motorcycle may have one or two headlamps, but not more than two. In addition to the headlamp or lamps, a motorcycle may be equipped with not more than two auxiliary headlamps of a type approved by the superintendent and identified as "auxiliary front lamps."

3. Lens and reflector do not match except in sealed units, or if the lens is cracked, broken or rotated, or if the lens and reflector are not clean or bright.

Any motorcycle lights—headlamp, rear lamp, signal or warning lamp have any wire, unapproved lens or plastic covers, any other materials which are not original equipment or any colored material placed on or in front of lamp or lens.

4. Motorcycles may be equipped with means of modulating the high beam of their headlights between high and low beam at a rate of 200 to 280 flashes per minute, provided they are equipped with a switch or device which prevents flashing of headlights when headlights are required to be lighted.

Final Regulations

5. Lamp is not focused. Look for sagged filament in prefocused bulb.

6. The center of the hot spot is set more than four inches up or down from the horizontal centerline or more than four inches to the left or right from the vertical centerline.

7. *Lamp is not mounted securely or if switch does not operate properly.*

NOTE: Inspection is to be performed with lamp on high beam.

B. Aiming the headlamp. 4. All headlamps that do not comply with subdivision A 6 of this section shall be aimed straight ahead. (Zero inches up or down and zero inches to the right or left.)

~~2. Lamp is not mounted securely or if switch does not operate properly.~~

C. Rear lamp.

Inspect for and reject if:

1. *The high beam indicator does not burn when the high or "country" beam is on or does not go off when the low beam is on.*

1. 2. Motorcycle is not equipped with a rear lamp of approved type.

2. 3. Lamp is not mounted near rear of vehicle, or is not mounted securely, or if lamp does not make a good electrical connection.

3. 4. Lenses are not red to the rear and clear or amber to the front or any lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

4. 5. Filaments in all lamps do not burn when headlamp switch is turned on to any position.

5. 6. The rear license plate is not illuminated by an approved license plate lamp.

D. Signal device (intention to stop or turn).

1. Signal devices are not required on motorcycles; however, if installed they must operate and be inspected.

2. Signal lamps installed on the front of the motorcycle must project an amber light and be located on each side of the vertical centerline of the motorcycle and as far apart as practicable and not closer than nine inches, measured from the optical centerline of the lamps, and to be located on the same level and not less than 20 inches above the ground plate. The optical centerline of the lamp shall not be less than four inches from the retaining ring of the headlamp unit.

3. Signal lamps installed on the rear of the motorcycle shall be red or amber and shall be located on each side of the vertical centerline of the motorcycle as far apart as practicable but not closer than nine inches, measured from the optical centerline of the lens, and to be located on the same level and not less than 20 inches above the ground level.

4. Inspect for and reject if:

4. a. Motorcycle, except an antique vehicle not originally equipped with a stop lamp, is not equipped with at least one stop lamp of an approved type which automatically exhibits a red or amber light to the rear when the brake control foot pedal or hand grip brake control device is activated. (On motorcycles manufactured prior to January 1, 1972, the activation of the front wheel brake control device is not required to activate the stop lamp.)

2. b. The signal lamp is not of an approved type or does not flash.

3. c. Lens in brake lamp or signal lamp has a piece broken from it. (Lens in brake lamp or signal lamp may have one or more cracks provided an off-color light does not project through the crack or cracks.)

4. d. Wiring or electrical connections are defective.

5. e. Switch is not convenient to the driver and not of an approved type.

6. f. Signal devices are not installed as provided in paragraphs 15 and 16 subdivisions D 1 and 2 of this section.

E. Warning lights.

Inspect for and reject if:

1. Warning lamps are not of an approved type or have been altered.

2. Any lighted advertising sign.

PART 4. V.

INSPECTION [REQUIREMENT FOR PASSENGER REQUIREMENTS FOR] VEHICLES [AND VEHICLES UP TO OVER] 10,000 POUNDS.

19 VAC 30-70-490. Frame, engine mounts, coupling devices and emergency chains.

Inspect for and reject if:

1. Frame or unitized body of any motor vehicle, trailer or semitrailer is broken or cracked at any location, including any welded joint and/or is rusted or corroded to the point the frame is weakened.

2. Engine or transmission mounts are broken or missing.

3. Trailer hitch or ~~pinde~~ *pin* hook is not securely attached.

Reject if the pintle eye or trailer drawbar has any cracks or if any welding repairs have been made to the pintle eye.

4. Chains, cables, etc., used to attach a towed vehicle are not securely attached, or are broken, worn or abraded.

5. Fifth wheel does not lock in position or have a locking mechanism that is in proper working order.

6. Fifth wheel assembly system has any leak of fluid or air.

7. Fifth wheel has any broken, missing, or damaged parts; or is not securely attached to the frame.
8. Trailer kingpin is not secure, or is broken, or worn so as to prevent secure fit in fifth wheel.
9. Any cracks, breaks or damaged parts in the stress or load bearing areas of a coupling device.
10. Trailer is not equipped with an emergency chain or chains.

NOTE: Fifth wheel assembly does not require emergency chains. A fifth wheel is defined as a device which interfaces with and couples to the upper coupler assembly of a semitrailer. The upper coupler assembly is a structure consisting of an upper coupler plate, kingpin and supporting framework which interfaces with and couples to a fifth wheel. Ball and socket connections also referred to as hitch and coupling connections are not fifth wheel assemblies and do require safety chains.

19 VAC 30-70-500. Tires, wheels, rims.

Inspect for and reject if:

1. Any tire is marked specifically for use other than on the highway, such as "For Farm Use Only," or "For Off-Highway Use Only," or any tire marked "Not for Steering Axle."
2. A radial tire is mismatched on the same axle with a bias ply tire or a bias belted tire.
3. Bias ply or bias belted tires are used on the rear axle when radial ply tires are used on the front axle. Except:
 - a. On a two-axle vehicle equipped with truck tires with 20-inch rim diameter and larger, bias or radial tires may be used on either axle if the vehicle has dual rear wheels, or is equipped with wide-base single tires.
 - b. Either bias or radial tires may be used on the steering axle of vehicles with three or more axles.
4. Bias tires and radial tires are mixed in a tandem-drive axle combination on a vehicle equipped with truck tires with 20-inch rim diameter and larger.
5. Any tire on the front wheel of a bus, truck or any tractor truck has a tread groove pattern of $4/32$ inch or less when measured at any point on a major tread groove.
6. Any bus has regrooved, recapped or retreaded tires on the front wheels.
7. Any motor vehicle, trailer or semitrailer, except the dual wheels installed on motor vehicles having seats for more than seven passengers: (i) operated wholly within a municipality, or (ii) operated by urban and suburban bus lines, which are defined as bus lines operating over regularly scheduled routes and the majority of whose passengers use the buses for traveling a distance of not exceeding 40 miles, measured one way, on the same day between their place of abode and their place of work, shopping areas, or schools, is equipped with a tire which has a tread depth measuring less than $2/32$ of an inch when measured as follows: NOTE: The exemptions

provided in *clauses* (i) and (ii) of this paragraph do not apply to buses owned or operated by any public school district, private school or contract operator of buses.

8. Measure in two adjacent tread grooves where tread is thinnest. If either of the grooves measure $2/32$ of an inch or more, no further measurements are necessary and tread depth is satisfactory. Do not measure on tread wear indicators.

If both adjacent grooves measure less than $2/32$ of an inch, the tire tread depth must be measured again at two additional equally spaced intervals around the circumference of the tire in a like manner as the first measurement. If the tread depth is less than $2/32$ of an inch in two adjacent tread grooves at each of the equally spaced intervals, the tire must be rejected.

NOTE: Refer to Figures 1, 2, 3, and 4 in this section for illustrations of how to measure tire tread.

MEASURE WHERE THE TREAD IS THINNEST IN TWO ADJACENT TREAD GROOVES

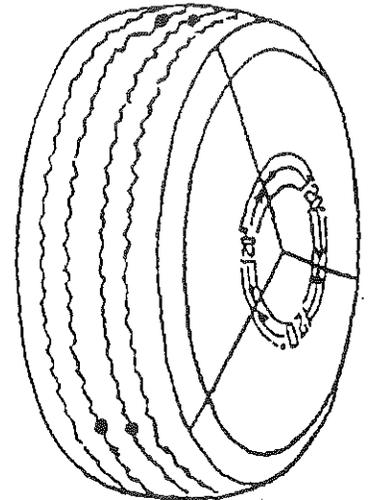


FIGURE 1

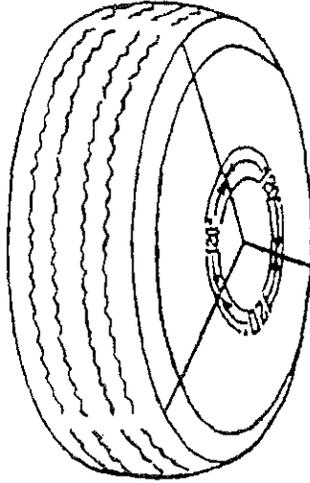
IF THE DEPTH IS LESS THAN $2/32$ -INCH IN BOTH GROOVES MEASURE AT TWO ADDITIONAL EQUALLY SPACED INTERVALS

9. A tire equipped with tread wear indicators if found to have such indicators in contact with the pavement in any two adjacent grooves at three equally spaced intervals around the circumference of the tire. Refer to Figure 2.

Final Regulations

REJECT IF THE TREAD WEAR INDICATORS ARE IN CONTACT WITH THE PAVEMENT IN ANY TWO ADJACENT GROOVES AT THREE EQUALLY SPACED LOCATIONS

FIGURE 2



10. Any tire has a cut into the fabric.
11. Any tire is worn so that the fabric or steel cord is visible.
12. Any tire has knots or bulges in its sidewalls or if there is evidence of a broken belt under the tread, or if the tread is separating from the fabric.
13. Any tire which has been recut or regrooved except commercial tires so designed and constructed to provide for acceptable and safe recutting and regrooving. (~~Regrooved tires must be identified on both sidewalls as a regroovable tire.~~) *Each tire that has been regrooved must be labeled with the word "Regroovable" molded on or into the tire on both sidewalls in raised or recessed letters.*
14. Any bolts, nuts or lugs are loose, missing or damaged.
15. Wheels are installed on the vehicle in a reversed position, except the wheels on vehicles which are reversed to perform a part of a dual wheel combination.
16. Rims, or lock rings or wheels are bent, cracked or damaged so as to affect safe operation of the vehicle. *Reject if lug nut holes are elongated (out of round).*
17. Any tire is flat or has an audible air leak.
18. Any tire so mounted or inflated that it comes into contact with its mate or any parts of the vehicle.
19. Any tire and rim size are not the same.
20. Commercial motor vehicles with a gross vehicle weight of 26,001 pounds or more have any welded repair on aluminum wheel(s) on a steering axle or any welded repair (other than disc to rim attachment) on steel drive wheel(s) mounted on the steering axle.

FIGURE 3

ATTACHED TO BWCS NOTICE DATED 8/21/69

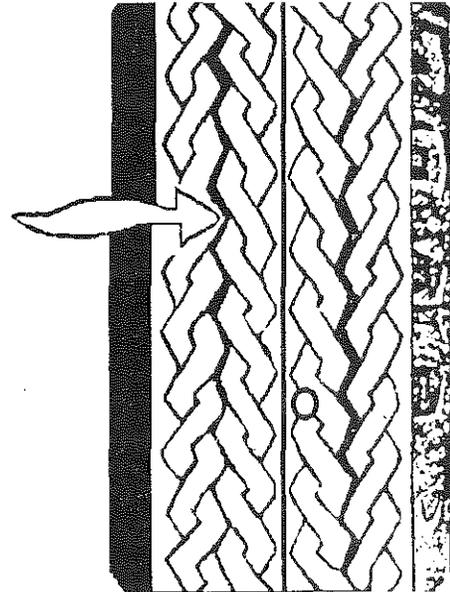
HOW TO MEASURE TIRE TREAD

When measuring tread depth, a gauge calibrated in 32nds of an inch should be used.

The gauge should be placed at the point in one of the treads indicated by an arrow. Depth reading should not be taken in treads marked with a circle, since these are classified as "minor" treads.

Persons taking measurements will have to use discretion in measuring tread depths not pictured here, however, measurements should not be made in treads which are obviously of a "minor" nature.

This guide merely depicts a number of the most common treads.



MAJOR TREAD GROOVE

Grooves in the tread design molded through the complete thickness of the tread rubber running around and/or across the tire surface



MINOR TREAD GROOVE

Remaining tire tread design other than major tread grooves.



TIE-BAR

Molded rubber located in major tread grooves for the purpose of connecting and supporting the tire treads.

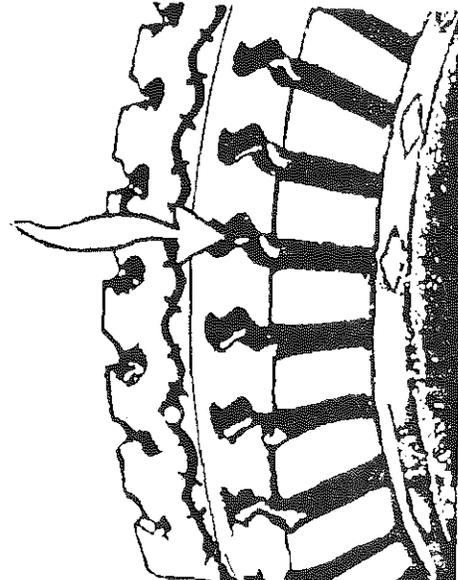
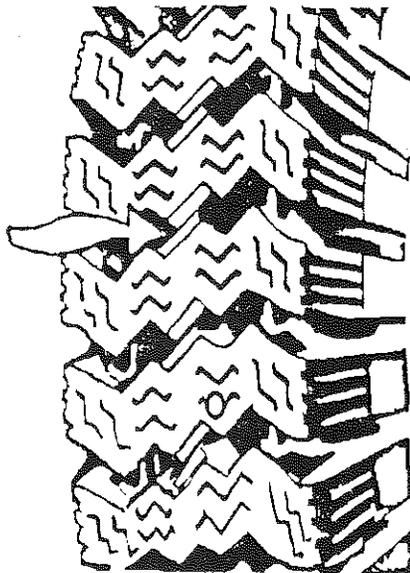
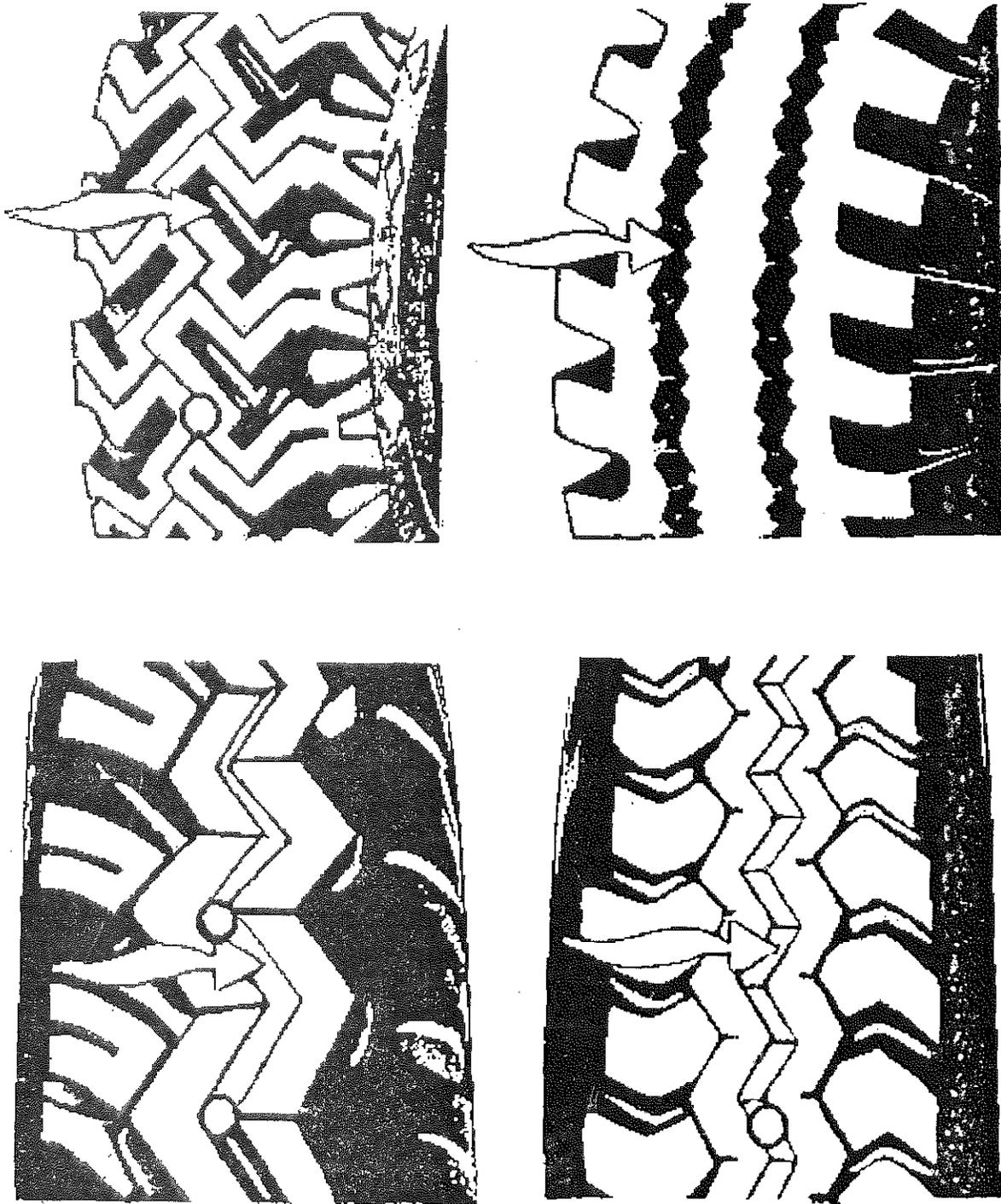


FIGURE 4



19 VAC 30-70-530. Auxiliary.

A. Auxiliary lamps on a vehicle consist of seven general types: 1. backup lamps, cornering lamps, driving lamps, fog lamps with an amber or clear lens, spot lamps, warning lamps and daytime running lamps (DRLs).

2. 1. School buses may be equipped with an eight lamp warning system of two red and two amber warning lamps of an approved type on the front and rear of such vehicle.

a. In addition to required warning lamps, school buses may be equipped with a stop signal arm consisting of an octagonal sign which meets FMVSS specifications (Federal Motor Vehicle Safety Standards). The stop signal arm shall be reflectorized or be equipped with two red warning lamps of an approved type.

b. School buses may also be equipped with roof mounted flashing white or amber warning lamps of an approved type.

3. 2. Reject if the vehicle has wire, unapproved plastic covers, any other materials which are not original equipment or any colored material placed on or in front of any auxiliary lamps—backup, cornering, driving, fog, spot or warning lamps.

EXCEPTION: Any lighting device which is both covered and not illuminated, other than lamps required or permitted by this manual, shall not be considered for inspection. Fog and driving lamps mounted below the level of the regular headlights must be checked for aim as outlined in paragraphs K 9 and 7 a of this section.

B. There is no limit on the number of backup lamps that a vehicle may have so long as they are of an approved type.

C. No more than four lamps, including two headlamps may be lighted at any time to provide general illumination ahead of the vehicle.

D. Approved type blue or blue and red lights are permitted on Department of Corrections vehicles designated by the Director of the Department of Corrections and any law-enforcement vehicle. Approved type red warning lights or red and white lights are permitted on fire department vehicles, including publicly owned state forest warden vehicles, ambulances, any rescue vehicle used for emergency calls, vehicles of the Department of Emergency Services, animal warden vehicles, and vehicles used by security personnel at the Newport News Shipbuilding and Drydock Company, Bassett-Walker, Incorporated, or the Tultex Corporation. No more than two flashing or steady-burning red or combination red and white lights of an approved type may be installed on one vehicle owned by any member of a fire company, volunteer fire company, volunteer rescue squad or any ambulance driver employed by a privately owned ambulance service

E. Vehicles mentioned in paragraph subsection D permitted to be equipped with flashing, blinking or alternating red, red and white, blue, or blue and red emergency lights (except vehicles owned by any member of a fire company, volunteer fire company, volunteer rescue squad or an ambulance driver employed by a privately owned ambulance

service) may be equipped with the means to flash their headlamps when their emergency warning lamps are activated provided:

1. The headlamps are wired to allow either the upper beam or lower beam to flash but not both; and;

2. The headlamp system includes a sensor which prevents flashing of headlamps when headlamps are required to be lighted pursuant to current statute.

F. Any fire vehicle used exclusively for fire fighting, any ambulance or rescue or lifesaving vehicle used for the principal purpose of emergency relief or any wrecker used for the principal purpose of towing disabled vehicles may be equipped with clear auxiliary lamps which shall be used exclusively for lighting emergency scenes. Such lamps shall be of a type permitted by the superintendent. Any government owned police vehicle may be equipped with clear auxiliary lamps of a type approved by the superintendent.

G. Approved type amber flashing, blinking or alternating lights are permitted on vehicles used for the principal purpose of towing or servicing disabled vehicles or in constructing, maintaining and repairing highways or utilities on or along public highways and vehicles used for the principal purpose of removing hazardous or polluting substances from the State waters or drainage areas on or along public highways. Such lamps are permitted on vehicles used for servicing automatic teller machines, refuse collection vehicles, hi-rail vehicles and on vehicles used for towing or escorting over-dimensional materials, equipment, boats, or manufactured housing units by authority of highway hauling permit.

1. Approved type amber flashing, blinking or alternating lights are permitted on fire apparatus, ambulances, and rescue and life-saving vehicles, providing the amber lights are mounted or installed on the rear of the vehicles.

2. Approved type amber flashing, blinking or alternating lights are permitted on vehicles owned and used by businesses providing security services and vehicles used to collect and deliver the United States mail.

3. An approved type amber flashing, blinking or alternating light may be mounted on the rear of any vehicle used to transport petroleum products. The light must be wired through the reverse gear circuit and activate in conjunction with the backup lights and audible alarm.

H. Inspect for and reject if:

1. Vehicle has an auxiliary lamp being used for a purpose other than for which it was approved.

Do not reject tractor trucks equipped with cargo lights of an approved type which are mounted on the rear of the tractor cab and wired through an independent switch used to illuminate brake connectors and fifth-wheels for nighttime hookups.

2. A vehicle has installed on it a warning lamp that is not of an approved type or has been altered.

3. Vehicle is equipped with a combination of auxiliary lamps which include more than two fog lamps, or more

Final Regulations

than two spot lamps, or more than two driving lamps. Reject a vehicle equipped with a headlamp mounted or used as an auxiliary lamp.

NOTE: Vehicles equipped, from the factory, with two driving lamps should not be rejected.

4. Vehicle is equipped with an auxiliary lamp that does not function properly. (If an auxiliary lamp has been modified by removing the wiring, bulb and socket, the unit will be considered an ornament and not a lamp and will not be considered in inspection.)

5. Vehicle is equipped with a lighted advertising sign. Except commercial motor vehicles, and buses operated as public carriers. These vehicles may be equipped with vacant and destination signs and one steady burning white light for illumination of external advertising. Do not reject approved identification lights.

6. Any lamp is not of an approved type or if lamps to be burned together as a pair do not emit the same color light.

7. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

~~I. Backup Lamps:~~ 8. Backup lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

1. a. Lamps are not of an approved type or a lamp has been altered.

2. b. Wiring or electrical connections are defective.

3. c. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

4. d. Lens is other than clear.

5. e. Lamps are not wired into the reverse gear or an independent circuit.

~~J. Cornering Lamps:~~ 9. Cornering lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

1. a. Lamps are not of an approved type or a lamp has been altered.

2. b. Wiring or electrical connections are defective.

3. c. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

4. d. The color of the light is other than clear or amber.

5. e. The lamps do not burn in conjunction with the turn signals.

~~K. Driving Lamps:~~ 10. Driving lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

1. a. Driving lamps are installed on vehicles equipped with the four headlamp system, except the "F" type headlamp system.

2. b. A vehicle is equipped with more than two driving lamps.

3. c. Driving lamps are not of an approved type or have been altered.

4. d. The color of the lamp is other than white.

5. e. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

6. f. Wiring or electrical connections are defective.

7. g. Any driving lamp is mounted above the level of the regular headlamps, or is not mounted firmly to prevent excessive vibration.

8. h. Driving lamps are not wired so that they will burn only when the high beams of the regular headlamps are activated.

9. i. Driving lamps are not aimed so that the center of the hot spot drops three inches in 25 feet so that the hot spot is directly ahead of the lamp.

NOTE: Driving lamps must be aimed using the optical headlight aimer.

10. j. A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment.

~~L. Fog Lamps:~~ 11. Fog lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

1. a. A vehicle is equipped with more than two fog lamps.

2. b. Lamps are not of an approved type or a lamp has been altered.

3. c. The lens is other than clear or amber. (Fog lamps may have black end bulbs or small metal caps over the end of the bulb.)

4. d. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

5. e. Wiring or electrical connections are defective.

6. f. Any fog lamp is mounted above the level of the regular headlamps, or is not mounted firmly.

7. g. Lamps are not wired and aimed according to the following instructions:

a. (1) Fog lamps are general illumination lamps as covered in 19 VAC 30-70-160 C. They must burn through the tail light circuit even if on a separate switch. If installed on a vehicle with a four-headlamp

system or a vehicle equipped with driving lamps, they must be wired into the low beam circuit.

b. (2) Fog lamps must be aimed so that the top edge of the high intensity zone is set at the horizontal centerline and the left edge of the high intensity zone is set at the vertical centerline. (Same as low beam headlights.)

NOTE: Fog lamps must be aimed using the optical headlight aimer.

e. (3) A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment.

~~M. Spot Lamp:~~ 12. Spot lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

1. a. Vehicle is equipped with more than two spot lamps.
2. b. Lamps are not of an approved type or a lamp has been altered.
3. c. The lens in any spot lamp is other than clear.
4. d. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.
5. e. Wiring or electrical connections are defective.

~~N. Daytime Running Lamp (DRL):~~ 13. Daytime running lamps (DRLs) are not required. However, if installed they must operate and be inspected. DRLs must be installed in pairs.

NOTE: DRLs may or may not be wired into the tail light circuit.

Inspect for and reject if:

1. a. Any lamp, except headlamps, used as DRLs is not marked "DRL."
2. b. Fog lamps or parking lamps are used as DRLs.
3. c. More than one pair of lamps are used and designated as DRLs.
4. d. A DRL is mounted higher than 34 inches measured to the center of the lamp.
5. e. The color is other than white to amber.
6. f. DRLs do not deactivate when the headlamps are in any "on" position.

Any DRL optically combined with a turn signal or hazard lamp must deactivate when the turn signal or hazard lamp is activated and then reactivate when the turn signal or hazard lamp deactivates.

SP-221, Revised 8/1/94

VIRGINIA STATE POLICE

INSPECTION STICKER INVENTORY SHEET

Quarter 1 2 3 4 19__

Inspection Station Name _____ Inspection Station Number: _____

	1	2	3	4	19__	TOTALS
APPROVALS Used	_____ thru _____	_____				
	_____ thru _____	_____				
	_____ thru _____	_____				
VOIDED	_____ thru _____	Total _____				
	_____ thru _____	_____				
	_____ thru _____	_____				
Lost/Stolen	_____ thru _____	Total _____				
	_____ thru _____	_____				
	_____ thru _____	_____				
TOTAL ISSUED						_____

T/M DECALS Used	_____ thru _____	Total _____				
	_____ thru _____	_____				
	_____ thru _____	_____				
VOIDED	_____ thru _____	Total _____				
	_____ thru _____	_____				
LOST/STOLEN	_____ thru _____	Total _____				
	_____ thru _____	_____				
	_____ thru _____	_____				
TOTAL ISSUED						_____

REJECTIONS Used	_____ thru _____	Total _____				
	_____ thru _____	_____				
	_____ thru _____	_____				
VOIDED	_____ thru _____	Total _____				
	_____ thru _____	_____				
LOST/STOLEN	_____ thru _____	Total _____				
	_____ thru _____	_____				
	_____ thru _____	_____				
TOTAL ISSUED						_____

UNUSED AND ON HAND AT THE END OF THE QUARTER: GRAND TOTAL

APPROVALS	_____ thru _____				
	_____ thru _____				
	_____ thru _____				
	_____ thru _____				
	_____ thru _____				
T/M DECALS	_____ thru _____				
	_____ thru _____				
	_____ thru _____				
REJECTIONS	_____ thru _____				
	_____ thru _____				

SIGNATURE OF PERSON PREPARING FORM _____ DATE: _____

DIRECTIONS FOR COMPLETING SP-221

1. Circle the appropriate quarter and complete the appropriate year in the space provided in the upper right-hand corner of the inventory sheet.
 2. Fill in complete inspection station name and station number.
 3. Record approval stickers used during the quarter. Add the number of stickers used and record the total in the right-hand column under "Totals."
 4. Record each voided sticker individually. Place the total amount voided in the right-hand column under "Totals."
 5. Record lost/stolen stickers from the total amount of approval stickers. Enter this amount in the right-hand column under "Totals."
 6. Subtract the total amount of voided, lost/stolen stickers from the total amount of approval stickers. Enter this amount in the right-hand column under "Total Issued."
 7. Follow the same steps listed above for the T/M Decal section of the form.
 8. Follow the same steps listed above for the Rejection section of the form.
 9. Add the total amount of used approvals, T/M and Rejection stickers (listed under "TOTAL ISSUED" in the right-hand column) and enter this amount in the space provided for "GRAND TOTAL."
 10. Record all unused and on-hand approvals. Be sure partial books are in numerical sequence with approvals used.
 11. Record all T/M decals unused and on-hand.
 12. Record all rejection stickers unused and on-hand.
- BE SURE TO INDICATE THE LETTER PREFIX AT THE BEGINNING OF EACH SERIES OF STICKERS**
13. Sign and date the inventory form.

VA.R. Doc. No. R96-420; Filed June 7, 1996; 3:22 p.m.

Virginia Register of Regulations

REGISTRAR'S NOTICE: The Department of State Police has claimed an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of State Police will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 19 VAC 30-170-10 et seq. Regulations Governing the Operation and Maintenance of the Sex Offender Registry (amending 19 VAC 30-170-20, 19 VAC 30-170-30, and 19 VAC 30-170-40).

Statutory Authority: § 19.2-390.1 of the Code of Virginia.

Effective Date: August 7, 1996.

Summary:

Chapter 880 of the 1996 Acts of Assembly (HB 262) amended § 19.2-390.1 of the Code of Virginia to require Sex Offender Registry information be provided to criminal justice agencies, including local law-enforcement agencies through the Virginia Criminal Information Network (VCIN), upon request. Chapter 542 of the 1996 Acts of Assembly (HB 518) amended § 19.2-390.1 requiring State Police to promptly notify the chief law-enforcement officer of the county, city, or town of the locality listed with the person's address on the registration or reregistration pursuant to § 19.2-298.1 of the Code of Virginia. The amendments conform these regulations to meet statutory requirements.

Agency Contact: Copies of the regulation may be obtained from Captain W. Steven Flaherty, Safety Officer, Department of State Police, 491 Southlake Blvd., Richmond, VA 23236, telephone (804) 378-3472.

19 VAC 30-170-20. Registration.

A. Any person required to register with the Department of State Police pursuant to § 19.2-298.1 of the Code of Virginia shall do so by completing the Sex Offender Registration Form, Form SP-236, and mailing it to Department of State Police, Central Criminal Records Exchange, Attn: Sex Offender Registry, P.O. Box 27472, Richmond, VA 23261-7472. Form SP-236 may be obtained at any office of the Department of State Police.

B. Within 30 days following any change of residence by any person required to register with the Sex Offender Registry, any such person shall reregister by mailing a new Sex Offender Registration Form with the new residence information.

C. Upon the receipt of a registration or reregistration pursuant to § 19.2-298.1 of the Code of Virginia, the Department of State Police will promptly notify the chief law-enforcement officer of the county, city, or town of the locality listed as the person's address on the registration or reregistration.

19 VAC 30-170-30. Expungement from registry.

A. Upon receipt of a certified copy of a death certificate recording the death of any person registered with the Sex Offender Registry, the Department of State Police will expunge any and all records concerning such person from the Sex Offender Registry.

B. Upon receipt of a duly attested copy of a pardon issued by the Governor of Virginia as to any conviction reported to the Sex Offender Registry, the Department of State Police will expunge any and all records concerning such conviction from the Sex Offender Registry. If the pardoned person has no other convictions requiring registration, the Department of State Police will expunge any and all records concerning such person from the Sex Offender Registry.

C. Upon receipt of a report from any clerk of a circuit court that any conviction previously reported to the Sex Offender Registry has been reversed, the Department of State Police will expunge any and all records concerning such conviction from the Sex Offender Registry. If the person whose conviction is reversed has no other convictions requiring registration, the Department of State Police will expunge any and all records concerning such person from the Sex Offender Registry.

D. Upon receipt of a certified copy of an order of expungement entered pursuant to § 19.2-298.3 or § 19.2-392.1 or § 19.2-392.2 of the Code of Virginia, the Department of State Police will expunge any and all records concerning such conviction from the Sex Offender Registry. If the person whose conviction has been expunged has no other convictions requiring registration, the Department of State Police will expunge any and all records concerning such person from the Sex Offender Registry.

19 VAC 30-170-40. Dissemination of Sex Offender Registry Information.

A. Any authorized officer or employee of an agency authorized to receive Sex Offender Registry information pursuant to § 19.2-390.1 of the Code of Virginia may request such information by completing a Sex Offender Registry Record Request form, Form SP-230, and mailing the completed form, along with the appropriate fee, to Department of State Police, Central Criminal Records Exchange, P. O. Box C-85076, Richmond, Virginia 23261-5076. Form SP-230 may be obtained from any office of the Department of State Police.

B. Sex Offender Registry information shall be made available, upon request, to criminal justice agencies including local law-enforcement agencies through the Virginia Criminal Information Network (VCIN).

C. Upon the receipt of a registration or reregistration pursuant to § 19.2-298.1 of the Code of Virginia, the Department of State Police shall promptly notify the chief law-enforcement officer of the county, city or town of the locality listed as the person's address on the registration or reregistration.

FORMS

Sex Offender Registration Form, SP-236 (eff. 7/1/94).

Final Regulations

Sex Offender Registry Record Request OR Criminal History Record Request, SSP-230 (eff. 9/94 7/1/94).

SP-230 7-1-94

SEX OFFENDER REGISTRY RECORD REQUEST CRIMINAL HISTORY RECORD REQUEST

(Please check box to identify the type of search requested.)

A CERTIFIED CHECK OR MONEY ORDER MADE PAYABLE TO "VIRGINIA STATE POLICE" FOR \$15.00 MUST ACCOMPANY THIS REQUEST BEFORE A FILE SEARCH WILL BE INITIATED. A REQUEST FOR BOTH RECORDS MUST INCLUDE A CERTIFIED CHECK OR MONEY ORDER IN THE AMOUNT OF \$20.00.

• Personal Checks Not Accepted •

MAIL REQUEST TO:	DEPARTMENT OF STATE POLICE CENTRAL CRIMINAL RECORDS EXCHANGE P. O. BOX C-85076 RICHMOND, VIRGINIA 23261-5076	<input type="checkbox"/> CHARGE ACCT# _____ <input type="checkbox"/> PAID <input type="checkbox"/> CJA
------------------	---	--

1. (Print Clearly)		NAME TO BE SEARCHED				
LAST NAME	FIRST	MIDDLE	MAIDEN	SEX	RACE	DATE OF BIRTH / /
PLACE OF BIRTH - County or City		PLACE OF BIRTH - State or Country			SOCIAL SECURITY NUMBER - -	

Please fold reply at marks indicated

2. AGENCY, INDIVIDUAL OR AUTHORIZED AGENT MAKING REQUEST						
MAIL REPLY TO: Agency, Individual or Authorized Agent Making Request	Search conducted for: (Check the appropriate box) <input type="checkbox"/> Registered small family day-care home <input type="checkbox"/> Unregistered small family day-care home <input type="checkbox"/> Foster care <input type="checkbox"/> Domestic adoption <input type="checkbox"/> International adoption <input type="checkbox"/> VISA application <input type="checkbox"/> Other _____ (Specify)					
<table border="1"> <tr><td>NAME</td></tr> <tr><td>STREET/RFD</td></tr> <tr><td>CITY</td></tr> <tr><td>STATE</td></tr> <tr><td>ZIP CODE</td></tr> </table>	NAME	STREET/RFD	CITY	STATE	ZIP CODE	
NAME						
STREET/RFD						
CITY						
STATE						
ZIP CODE						
As provided for in Sections 19.2-369 and 19.2-390.1, Code of Virginia, I hereby request the criminal history record and/or sex offender record of the individual named in Section 1 above.						
I certify that I am entitled by law to receive the requested record (s), and that the record (s) provided shall be used only for the administration of criminal justice or for the screening of current or prospective employees or volunteers. I understand that further dissemination of sex offender registry records or criminal history records or use for purposes not authorized by law is prohibited and constitutes a violation punishable as a Class 1 or Class 2 misdemeanor. Sex Offender Registry searches may only be conducted for: law enforcement agencies; public school divisions; private denominational or parochial schools; child welfare agencies; or registered/unregistered small family day-care homes as defined in Section 63.1-195, Code of Virginia.						
Date of Request	Signature of Person Making Request					
	Printed Name					

FOR AN ADDITIONAL COPY OF A SEX OFFENDER RECORD OR A CRIMINAL HISTORY RECORD, CHECK THE APPROPRIATE BLOCK AND ENCLOSE A SEPARATE CHECK OR MONEY ORDER IN THE AMOUNT OF \$5.00 FOR EACH ADDITIONAL RECORD.

NOTICE

Response based on comparison of information about person named in request against a master name index contained in the files of the Virginia State Police Central Criminal Records Exchange/Sex Offender Registry only.

NO CONVICTION DATA NO CRIMINAL RECORD - Name Search Only NO SEX OFFENDER RECORD

Date: _____ By: _____

VA.R. Doc. No. R96-419; Filed June 12, 1996, 11:09 a.m.

UNIVERSITY OF VIRGINIA

REGISTRAR'S NOTICE: The University of Virginia is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: 8 VAC 85-10-10 et seq. **Medical Center Procurement Guidelines.**

Statutory Authority: § 23-77.4 of the Code of Virginia (Chapters 933 and 995 of 1996 Virginia Acts of Assembly).

Effective Date: July 1, 1996.

Summary:

This final regulation (8 VAC 85-10-10 et seq.) sets out guidelines for procurements of goods; services, including professional services; and construction by the University of Virginia on behalf of the University of Virginia Medical Center. The guidelines require the university to seek competition to the maximum practical degree in Medical Center procurements (excepting only contracts entered into in connection with joint ventures covered by § 23-77.3 of the Code of Virginia); they also encourage joint procurement with other university departments and with outside organizations, and provide that procurement records are available to the public consistent with the Virginia Freedom of Information Act. The guidelines direct the university administration to adopt procurement procedures to implement the guidelines, and further direct that until the administration is able to do so, the provisions of the Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education be used as interim procedures for noncapital outlay-related procurements, and that relevant provisions of the Virginia Public Procurement Act be used as interim procedures for capital outlay-related procurements (i.e., construction and capital outlay-related professional services). The guidelines specify that the procedures shall include processes for vendor protests and appeals, provisions for prompt payment including interest on outstanding invoices, a system of competitive negotiation for professional services, and purchasing equipment procedures to maximize competition, consistent with the Medical Center's needs for sole source and other types of special procurements.

Agency Contact: Copies of the regulation may be obtained from Beth C. Hodsdon, Office of the General Counsel, University of Virginia, P.O. Box 9015, Charlottesville, VA 22906, telephone (804) 924-3586.

**CHAPTER 10.
MEDICAL CENTER PROCUREMENT GUIDELINES.**

8 VAC 85-10-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Board of Visitors" means the Rector and Board of Visitors of the University of Virginia.

"Enabling legislation" means Chapters 933 and 995 of the 1996 Virginia Acts of Assembly.

"Implementing procedures" or "procedures" means the comprehensive set of specific procurement procedures governed by 8 VAC 85-10-120 through 8 VAC 85-10-180.

"President" means the President of the University of Virginia.

"University" means the University of Virginia.

"University of Virginia Medical Center" or "Medical Center" means that part of the University of Virginia Health Sciences Center consisting of the University of Virginia Hospital, referenced in the 1996-98 Appropriation Act (Chapter 912 of the 1996 Acts of Assembly) as Agency 209, and related health care and health maintenance facilities.

8 VAC 85-10-20. General provisions.

A. Chapters 933 and 995 of the 1996 Virginia Acts of Assembly provide that contracts awarded by the University of Virginia on behalf of the University of Virginia Medical Center for the procurement of goods; services, including professional services; and construction shall be exempt from the procurement laws of the Commonwealth, provided that the Board of Visitors of the university adopts guidelines that are generally applicable to such procurements by the Medical Center or by the university on behalf of the Medical Center. The guidelines are to be based upon competitive principles, include certain specific principles and practices enumerated in the enabling legislation and, in each instance, seek competition to the maximum practical degree.

B. The enabling legislation exempts such procurements and contracts from the Virginia Public Procurement Act, § 11-35 et seq. of the Code of Virginia, except that the following provisions of that Act continue to apply: §§ 11-49, 11-51, 11-52 (which section shall not be construed to require compliance with the prequalification application procedures of subsection B of § 11-46), 11-54, 11-56 through 11-61, and 11-72 through 11-80. The enabling legislation also exempts such procurements and contracts from Article 3 (§ 2.1-435 et seq.) of Chapter 32 of Title 2.1 of the Code of Virginia, regarding the duties and responsibilities of the Division of Purchases and Supply of the Virginia Department of General Services and from Article 5 (§ 2.1-480 et seq.) of Chapter 32 of Title 2.1 of the Code of Virginia regarding the review and approval by the Division of Engineering and Buildings of the Virginia Department of General Services of contracts for the construction of Medical Center capital projects.

C. The provisions of this policy statement set forth in this chapter constitute the adopted Board of Visitors procurement guidelines required by the enabling legislation regarding contracts awarded by the university on behalf of the Medical Center.

8 VAC 85-10-30. Continued applicability of other Board of Visitors' policies affecting procurements and capital projects.

These guidelines and any procedures adopted by the president or his designee to implement these guidelines shall continue to be subject to (i) any other policies adopted by the Board of Visitors affecting procurements at the university,

Final Regulations

including policies regarding the nature and amounts of procurements which may be undertaken without the approval of the Board of Visitors, or of the president or his designee and (ii) with regard to the procurement of construction and construction-related professional services, any other policies adopted by the Board of Visitors affecting capital projects. Should the new procedures conflict with existing policies of the Board of Visitors, the existing policies shall control.

8 VAC 85-10-40. Scope and purpose of Medical Center procurement guidelines.

The guidelines contained in this policy statement apply to contracts awarded by the university on behalf of the Medical Center for the procurement of goods; services, including professional services; and construction. It shall be the policy of the university that Medical Center procurements conducted by the university result in the purchase of high quality goods, services and construction at reasonable prices, and that the Medical Center be free, to the maximum extent permitted by law and these guidelines, from constraining regulations which hinder the ability of the Medical Center to do business in a competitive environment. These guidelines shall apply to all procurements undertaken by the university on behalf of the Medical Center, regardless of the source of funds.

8 VAC 85-10-50. General competitive principles.

In connection with Medical Center procurements and the processes leading to award of contracts, the university is committed to:

1. Seeking competition to the maximum practical degree, taking into account the size of the anticipated procurement, the term of the resulting contract and the likely extent of competition;
2. Conducting all procurements in a fair and impartial manner and avoiding any impropriety or the appearance of any impropriety;
3. Making procurement rules clear in advance of any competition;
4. Giving access to the Medical Center's business to all qualified vendors, firms and contractors, with no potential bidder or offeror excluded arbitrarily or capriciously, while allowing the flexibility to engage in cooperative procurements and to meet special needs of the Medical Center;
5. Ensuring that specifications for purchases are fairly drawn so as not to favor unduly a particular vendor; and
6. Providing for the free exchange of information between the Medical Center, the remainder of the university, and vendors, firms or contractors concerning the goods, services or construction sought and offered, while preserving the confidentiality of proprietary information.

8 VAC 85-10-60. Access to records.

Purchasing and procurement records shall be available to citizens or to interested persons, firms or corporations in accordance with the provisions of the Virginia Freedom of Information Act, § 2.1-340 et seq., and § 11-52 of the Code of

Virginia, except those records exempt from disclosure pursuant to § 2.1-342 B 62 or other sections of the Virginia Freedom of Information Act.

8 VAC 85-10-70. Training; ethics in contracting.

The president or his designee shall take all necessary and reasonable steps to assure (i) that all Medical Center and other university officials responsible for and engaged in procurements authorized by the enabling legislation and these guidelines are knowledgeable regarding the requirements of the enabling legislation, these guidelines and §§ 11-72 through 11-80 of the Code of Virginia (Ethics in Public Contracting), (ii) that only officials authorized by these guidelines and any procedures adopted by the president or his designee to implement these guidelines are responsible for and engaged in such procurements, and (iii) that compliance with the enabling legislation and these guidelines is achieved.

8 VAC 85-10-80. Procurements may serve Medical Center and other university needs.

To the extent it is economically beneficial and lawful to do so, and in conformity with these guidelines, the Medical Center is encouraged to participate with other units of the university in the joint procurement of goods and services.

8 VAC 85-10-90. Cooperative procurements and alliances.

The university on behalf of the Medical Center may participate in cooperative procurements with other educational institutions, charitable organizations, health care provider alliances and purchasing organizations where the purposes of these guidelines will be furthered.

8 VAC 85-10-100. Exemption for contracts entered into pursuant to § 23-77.3 of the Code of Virginia.

Upon a finding in writing by the Vice President and Provost for Health Sciences or his designee that a proposed contract falls within the provisions of § 23-77.3 of the Code of Virginia, the Medical Center may enter into the contracts and ventures authorized by that section without competition. Such contracts and ventures, however, still shall be subject to approval of the president and the Board of Visitors.

8 VAC 85-10-110. Code of Virginia provisions still applicable to Medical Center procurements.

In implementing the authority conferred by these guidelines, the personnel administering any procurement shall adhere to the following provisions of the Virginia Public Procurement Act, including any amendments thereto: § 11-49 (use of brand names); § 11-51 (prohibiting employment discrimination by contractors); § 11-52 (public inspection of certain records; this section shall not be construed to require compliance with the prequalification application procedures of subsection B of § 11-46); § 11-54 (withdrawal of bids due to error); § 11-56 through § 11-61 (provisions dealing with construction contracts and payment and performance bonds on such contracts); and §§ 11-72 through 11-80 (ethics in public contracting). University personnel also are advised that other provisions of law, including the State and Local Government Conflict of Interests Act, § 2.1-639.1 et seq. of the Code of Virginia, and the Virginia Governmental Frauds

Act, § 18.2-498.1 et seq. of the Code of Virginia, continue to apply to all procurements.

8 VAC 85-10-120. Adoption and effective dates of implementing procedures and interim implementing procedures.

A. The president, acting through the executive vice president in consultation with the Vice President and Provost for Health Sciences, shall adopt a comprehensive set of specific procurement procedures (the "procedures"), which implement applicable provisions of law and these guidelines. The procedures (i) shall include the delegation of procurement authority to appropriate university officials who will oversee university purchases on behalf of the Medical Center of goods; services, including professional services; and construction, including a grant of authority to such officials to engage in further delegation of authority as the president deems appropriate, and (ii) shall be consistent with and implement the requirements of these guidelines and the provisions of § 23-77.4 of the Code of Virginia.

B. These guidelines shall be effective July 1, 1996, and, as of their effective date, shall be applicable to all procurements undertaken by the university on behalf of the Medical Center for goods; services, including professional services; and construction. Existing contracts may continue to be used after that date. Since, however, the procedures are not anticipated to be developed and adopted prior to July 1, 1996, interim procedures to implement these guidelines are needed. Therefore, by July 1, 1996, and until 30 days following the submission of the procedures to the Board of Visitors, the president or his designee shall implement these guidelines by adopting, on an interim basis, procurement procedures that (i) incorporate with any necessary modification the Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and Their Vendors (the "Purchasing Manual") for all procurements of goods and services other than construction and construction-related professional services and (ii) incorporate the provisions of the Virginia Public Procurement Act, § 11-35 et seq. of the Code of Virginia (but not the policies or procedures of any other state agency administering the Virginia Public Procurement Act) for all procurements of construction and construction-related professional services. Thus, on an interim basis, the university will continue to act on behalf of the Medical Center pursuant to the Purchasing Manual for purchases other than capital outlay. The provisions of the Virginia Public Procurement Act incorporated by reference into the interim implementing procedures will apply to procurements related to capital outlay (i.e., construction and capital outlay-related professional services).

C. The interim implementing procurement procedures shall remain in effect until the expiration of 30 days following submission of the procedures to the Board of Visitors. After that date (i) the Purchasing Manual and the Virginia Public Procurement Act provisions incorporated herein by reference shall no longer apply other than as set forth in these guidelines and (ii) these guidelines shall apply as implemented by the procedures to all procurements by the university on behalf of the Medical Center for goods; services, including professional services; and construction.

8 VAC 85-10-130. Protests, appeals and debarment.

The procedures for procurements other than capital outlay shall include a process or processes for an administrative appeal by vendors, firms or contractors, consisting of a protest to a person designated by the president, and thereafter an appeal to a procurement appeals board appointed by the president. Procurements for capital outlay projects shall include a dispute resolution process which may include an appearance before a person appointed by the president. Protests and appeals may challenge determinations of vendor, firm or contractor nonresponsibility or ineligibility, or award of contracts, provided that such protests and appeals are filed within the times specified by the procedures. Remedies available shall be limited to reversal of the action challenged. The procedures also may establish the basis and process for debarment of any vendor, firm or contractor.

8 VAC 85-10-140. Prompt payment of contractors and subcontractors.

The procedures shall include provisions related to prompt payment of outstanding invoices which shall include payment of interest on properly presented invoices outstanding more than 14 days beyond the payment date, at a rate no higher than the lowest prime rate charged by any commercial bank as published in the Wall Street Journal. The payment date shall be the later of 30 days from the date of the receipt of goods or invoice, or the date established by the contract. The procedures shall include compliance with the set off procedures of the Virginia Debt Collection Act, § 2.1-726 et seq. of the Code of Virginia, and shall require an annual report to the Board of Visitors of interest paid during each fiscal year. All contracts also shall require prompt payment of subcontractors by the general contractor upon receipt of payment by the university.

8 VAC 85-10-150. Types of procurements.

The procedures shall implement a system of competitive negotiation for professional services, as defined in the procedures, and shall implement purchasing procedures developed to maximize competition, given the size and duration of the contract, and the needs of the Medical Center. Such procedures may include special provisions for procurements such as emergency procurements, sole source procurements, brand name procurements, small purchases, procurements in which only one qualified vendor responds, and others.

8 VAC 85-10-160. Approval and public notice of procurements.

The procedures shall provide for approval of solicitation documents by an authorized individual and for reasonable public notice of procurements, given the size and nature of the need and the applicability of any Virginia Freedom of Information Act exemption.

8 VAC 85-10-170. Administration of contracts.

The procedures shall contain provisions related to the administration of contracts, including contract claims, modifications, extensions and assignments.

Final Regulations

8 VAC 85-10-180. Nondiscrimination.

The procedures shall prohibit employment discrimination by vendors, firms and contractors, shall provide for a nondiscriminatory procurement process and shall include appropriate provisions for involvement of minority and disadvantaged business enterprises.

8 VAC 85-10-190. Severability.

The provisions of this policy statement and guidelines promulgated under the enabling legislation or the interim implementing procedures or the implementing procedures promulgated pursuant to this policy statement and these guidelines, or the application thereof to any person or circumstances, which are held invalid shall not affect the validity of other regulations, guidelines, procedures, provisions or applications which can be given effect without the invalid regulations, guidelines, procedures, provisions or applications.

Documents Incorporated By Reference

Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and Their Vendors, UVA Purchasing Department, not dated.

VA.R. Doc. No. R96-439; Filed June 19, 1996, 9:32 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER SIXTY-THREE (96)

THE GOVERNOR'S COMMISSION ON COMPETITIVE AND EQUITABLE TAX POLICY

By virtue of the authority vested in me under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.1-41.1, 2.1-51.36, and 2.1-387 of the Code of Virginia, and subject always to my continuing and ultimate authority to act in such matters, I hereby create the Governor's Commission on Competitive and Equitable Tax Policy.

The Commission is classified as a gubernatorial advisory commission in accordance with Sections 2.1-51.35 and 9-6.25 of the Code of Virginia.

The Commission shall have the responsibility to advise the Governor on all matters related to the tax and fiscal policies of the Commonwealth. The Commission's work may include, without limitation, the following activities:

1. To evaluate the laws and policies of the Commonwealth regarding taxation and financial incentives for economic investment and the impact of such laws and policies on economic growth, job creation, and job retention in Virginia, and to make appropriate findings and recommendations for improvement.
2. To evaluate the laws and policies of the Commonwealth regarding taxation and the impact of such laws and policies on the personal financial security and opportunity of individuals and families in Virginia, and to make appropriate findings and recommendations for improvement.
3. To evaluate the current tax and fiscal policies of the Commonwealth and the complexity and understandability of such laws and policies for affected taxpayers, and to make appropriate findings and recommendations for improvement.
4. To monitor ongoing proposals for modification of the federal tax system, including reduction of federal taxes, to evaluate the implications of such modifications for Virginia taxpayers and for Virginia's laws and policies regarding taxation, and to make appropriate findings and recommendations.
5. To evaluate the laws and policies of the Commonwealth regarding taxation and the resulting allocation of burdens on Virginia's individual and corporate taxpayers, and to make appropriate findings and recommendations.
6. To evaluate the Virginia tax structure and the extent to which it reflects and responds to the economic activity occurring and projected to occur in the Commonwealth, and to make appropriate findings and recommendations.
7. To make such other and additional findings and recommendations as the Commission may deem appropriate to assist the Governor and the General Assembly in adopting, retaining, or enhancing competitive and equitable tax and fiscal policies in the Commonwealth of Virginia.

The Commission shall be comprised of not more than 50 members appointed by the Governor and serving at his pleasure. The Governor shall designate two Co-Chairs of the Commission.

Such staff support as is necessary for the Commission's work during the term of its existence shall be furnished by the Office of the Governor, the Offices of the Governor's Secretaries, the Department of Taxation, the Department of Planning and Budget, the Department of Treasury, the Department of Business Assistance, the Department of Housing and Community Development, the Virginia Economic Development Partnership, and such other executive agencies with closely and definitely related purposes as the Governor may designate. An estimated 5,000 hours of staff support will be required to support the Commission. Funding necessary to support the Commission's work shall be provided from sources, including both private contributions and state funds appropriated for purposes related to the work of the Commission, as authorized by Section 2.1-51.37 of the Code of Virginia. Direct expenditures for the Commission's work are estimated at \$75,000.

Members of the Commission shall serve without compensation but may receive reimbursement for expenses incurred in the discharge of their official duties upon approval by the Secretary of Finance.

The Commission shall complete its work and issue a final report to the Governor no later than December 1997, subject to issuance of an appropriate continuation order pursuant to Section 2.1-51.37 of the Code of Virginia. Not later than December 1996, the Commission shall issue an interim report to the Governor, which report shall include any findings and recommendations that the Commission deems appropriate for consideration by the 1997 Session of the General Assembly. The Commission shall issue other reports and recommendations at such times as it deems appropriate, or upon the request of the Governor.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until May 1, 1997, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 7th day of May, 1996.

/s/ George Allen
Governor

VA.R. Doc. No. R96-417; Filed June 12, 1996, 1:27 p.m.

EXECUTIVE ORDER NUMBER SIXTY-FOUR (96)

THE GOVERNOR'S COMMISSION ON ENVIRONMENTAL STEWARDSHIP

By virtue of the authority vested in me under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.1-41.1 and 2.1-51.36 of the Code of Virginia, and subject always to my continuing and ultimate authority to act in such matters, I hereby create the Governor's Commission on Environmental Stewardship.

Governor

The Commission is classified as a gubernatorial advisory commission in accordance with Sections 2.1-51.35 and 9-6.25 of the Code of Virginia.

The Commission shall have the responsibility to advise the Governor on all matters related to the stewardship of Virginia's natural resources pursuant to Article XI, Section 1 of the Constitution of Virginia, including the identification of goals and strategies for environmental education and improvements to the environment. The Commission's specific responsibilities shall include:

1. To examine the laws and policies of the Commonwealth related to pollution prevention, compliance and enforcement, and to make appropriate findings and recommendations regarding strategies for improvement.
2. To evaluate and provide recommendations for enhancing the awareness, understanding, commitment, and active involvement of Virginia citizens in ensuring wise stewardship of the Commonwealth's natural resources, now and in the future, through education, volunteerism, public/private partnerships, and incentive programs.
3. To evaluate the laws, programs, and policies of the Commonwealth relating to conservation, recreation, parks, natural areas, open spaces, private property protection, and wildlife management, and to make appropriate findings and recommendations for improvement.
4. To examine the development of advanced environmental technologies in Virginia, and to make recommendations for fostering growth of the environmental technologies industry in Virginia, including development of markets and promotion of the use of such advanced environmental technologies in Virginia and regionally, nationally, and internationally.
5. To evaluate the laws, programs, and policies of the Commonwealth regarding waste management, litter control and recycling, and to make appropriate findings and recommendations regarding strategies for improvement.
6. To examine the role of citizen boards in the development, implementation and oversight of policies affecting natural resource conservation, environmental quality, and economic development, and to make appropriate findings and recommendations for improvement.

The Commission shall be comprised of, not more than 50 members appointed by the Governor and serving at his pleasure. The Governor shall designate a Chair and Vice Chair of the Commission.

Such staff support as is necessary for the Commission's work during the term of its existence shall be furnished by the Office of the Governor, the Offices of the Governor's Secretaries, the Department of Conservation and Recreation, the Department of Agriculture and Consumer Services, the Department of Forestry, the Department of Environmental Quality, such other executive agencies with closely and

definitely related purposes as the Governor may designate, and the Office of the Attorney General as directed by the Attorney General. An estimated 5,000 hours of staff support will be required to support the Commission. Funding necessary to support the Commission's work shall be provided from sources, including both private contributions and state funds appropriated for purposes related to the work of the Commission, as authorized by Section 2.1-51.37 of the Code of Virginia. Direct expenditures for the Commission's work are estimated at \$65,000.

Members of the Commission shall serve without compensation but may receive expenses incurred in the discharge of their official duties upon approval by the Secretary of Natural Resources.

The Commission shall complete its work and issue a final report to the Governor no later than December 1996, unless otherwise directed by the Governor. The Commission shall issue other interim reports and recommendations at such times as it may deem appropriate, or upon the request of the Governor.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 1, 1997, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 4th day of June, 1996.

/s/ George Allen
Governor

VA.R. Doc. No. R96-418; Filed June 12, 1996, 1:27 p.m.

EXECUTIVE MEMORANDUM 1-96

SUSPENSION OF PAYMENTS TO THE EMPLOYEE HEALTH INSURANCE FUND

Purpose

To suspend, for the month of June 1996, the employer and employee share of premium payments to the employee health insurance fund authorized in § 2.1-20.1, Code of Virginia, in order to reduce excess fund balances.

Applicability

All agencies of the state government.

Effective Date

June 1, 1996.

Discussion

The State Comptroller has reported that balances in the employee health insurance fund have remained stable for four years and are in excess of the amounts necessary to pay claims. A premium holiday of \$10,905,008 each year of the biennium was provided in Item 624 of the 1994 Appropriation Act. More recent projections indicate an additional \$10 million in savings is feasible in 1995-96. Introduced HB/SB 29 included an amendment for this purpose. This Executive Memorandum effects the purpose of the amendment.

Implementation and Responsibility

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and the laws of the Commonwealth, including, but not limited to, § 4-1.02 a. of the 1994 Appropriation Act (Chapter 966 of the 1994 Acts of Assembly), and subject to my continuing and ultimate authority to act in such matters, I hereby direct that employer payments from state agency appropriations and employee payroll deductions for payment into the employee health insurance fund be suspended for the month of June 1996, so as to reduce excess balances in the fund. This action is in lieu of the provision in Item 624, Paragraph S, of enrolled House Bill No. 29 (1996) for an additional savings of \$10 million in 1995-96. The Director of the Department of Planning and Budget shall be responsible for implementing the suspension.

/s/ George Allen
Governor
Date: May 31, 1996

VA.R. Doc. No. R96-431; Filed June 18, 1996, 11:36 a.m.

This Executive Memorandum shall remain in full force and effect until July 1, 1996, unless superseded or rescinded by further executive action.

/s/ George Allen
Governor

VA.R. Doc. No. R96-416; Filed June 12, 1996, 1:27 p.m.

**GOVERNOR'S COMMENTS ON PROPOSED
REGULATIONS**

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-20-10 et seq. **General Provisions.**
9 VAC 5-80-10 et seq. **Permits for New and Modified Sources.**

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. The regulation is needed to implement a federal mandate. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: May 7, 1996

VA.R. Doc. No. R96-430; Filed June 18, 1996, 11:36 a.m.

BOARD OF VETERINARY MEDICINE

Title of Regulation: 18 VAC 150-20-10 et seq. **Regulations Governing the Practice of Veterinary Medicine.**

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

The Legislative Record

Volume 6 No. 1

June 1996

HJR 223

Joint Subcommittee Studying Financing Options for the Purpose of Constructing a Baseball Stadium in Virginia

HJR 223 specifically directs the joint subcommittee to consider the appropriate roles for state and local government and the private sector in the financing of a baseball stadium, possible revenue sources, and the costs to state and local government. The subcommittee is to submit its findings and recommendations to the Governor and the General Assembly by July 1, 1996.

Meetings

April 3, 1996, Richmond

At its organizational meeting, the joint subcommittee was briefed by the financial advisor to the Virginia Baseball Stadium Authority (VBSA) on recent trends and issues specific to baseball stadium financing. Of particular interest was an overview of revenue streams typically used to finance a sports facility based on a public-private partnership (Table 1).

Table 1: Revenue Streams Used to Finance Sports Facilities

Public	Private
General Appropriations	Tickets
Hotel Occupancy Tax	Concessions
Sales Tax	Novelties/Merchandise
Restaurant Tax	Advertising
Auto Rental Tax	Naming Rights
Amusement/Admissions Tax	Luxury Seating
Parking Tax	Parking
Lottery Proceeds	Personal Seat Licenses
Non Ad-Valorem	Development Rights
Tax Increment Revenues	Sponsorships
Gaming	

INSIDE:

3 HJR 193: Joint Subcommittee on Abandoned Solid or Hazardous Waste Sites

4 SJR 86/HJR 198: Joint Subcommittee Studying the Enforcement and Abuse of Laws Regulating Parking Spaces for Handicapped Persons

6 Joint Commission on Health Care

Various sports facility financing models were also presented. It was noted that many existing multipurpose stadiums were constructed with 60,000 or more seats in oval concrete bowls, cost between \$20-30 million, and were financed with municipal general obligation bonds. Examples would include Veterans Stadium (Philadelphia), Three Rivers Stadium (Pittsburgh), and Riverfront Stadium (Cincinnati). Stadiums of the 1990s cost between \$150-250 million, seat 45,000-50,000, include 75-100 luxury suites and wider public concourse space, and are financed through a range of credit and cash-flow devices involving both public and private funding sources. Baseball stadium financing profiles of The Ballpark at Arlington (Texas), Orioles Park at Camden Yards (Baltimore), the new Comiskey Park (Chicago), Coors Field (Denver) and Jacobs Field (Cleveland) were discussed. These newer facilities are viewed as major revenue-generators primarily because of the following:

- ▶ Growth in use of luxury suites and club seats;
- ▶ Evolution of charter seats or personal seat licenses;
- ▶ Naming rights;
- ▶ Long term concession deals; and
- ▶ Corporate entertainment.

In fact, stadium revenue far exceeds the average for major league baseball in the newer facilities, particularly for the Chicago White Sox (Comiskey Park) and the Baltimore Orioles (Camden Yards).

The VSBA financial advisor made a point of noting that engaging public funds in such a venture should be viewed as more than just an economic development tool. Equally important to consider in making such an investment is the civic factor. Major league franchises not only become a tremendous source of civic pride, but can also assist a region in national and international image-making as result of media exposure.

April 22, 1996, Richmond

The subcommittee heard remarks by the president and CEO of the Virginia Baseball Club, a group of private investors trying to purchase a franchise for the Commonwealth. Another more detailed presentation was made by the financial advisor to the VSBA on public financing options.

In 1994, Fairfax County and Loudoun County engaged HOK Sports to develop a conceptual stadium design plan and Barton Marlow to provide order-of-magnitude construction cost estimates. HOK's preliminary design program, on which cost figures were based, was non-site-specific and assumed a 42,000-seat stadium (expandable to 47,000). Total cost for stadium construction was estimated at approximately \$289 million. Based on that figure, \$16-\$19 million was used, representing a "low estimate," as the target amount of public funding that must be made available to support bonds issued by the VSBA.

The subcommittee then examined the options for raising the targeted amount of public funding (Table 2).

It became clear early on that certain options were untenable to the subcommittee, including raising the cigarette, gasoline, and meals taxes. Most palatable were the tax rebate options and use of the admissions and parking taxes. Although controversial, the sales tax was given strong consideration because a very small increase produced the greatest amount of revenue with the least fiscal impact on taxpayers. The major concern with regard to creating new lottery games to support financing of a baseball stadium is that such games might divert funds from education to the extent that annual revenue generated from them was not incremental (i.e., did not result in an increase in net lottery revenue).

May 7, 1996, Herndon

The joint subcommittee held a public hearing at the Center for Innovative Technology to publicly air the revenue proposals raised at the earlier meetings. Over 40 citizens, including representatives of civic and neighborhood associations and many diehard baseball fans, spoke to the legislative panel and overwhelmingly asked legislators to help bring baseball to Virginia. However, several opponents argued that building a stadium in the region would place further strain on already congested highways and that taxpayer dollars should not be invested in an expensive ballpark when more pressing state needs such as education and transportation remain.

The most popular financing option suggested by speakers was Virginia lottery money; specifically, creation of a sports lottery game with revenues dedicated to paying off bonds issued to construct the stadium. This would give Virginians an opportunity to support public funding if they were so inclined and avoid forcing the financing on taxpayers opposed to such a plan.

May 20, 1996, Richmond

The subcommittee heard a presentation by the director of the Virginia State Lottery Department on the implementation of a sports lottery in the Commonwealth. The presentation in-

Table 2: Potential Sources of Public Funding

Tax Source	Estimated Rate Increase	Potential Revenue on Regional Basis (In FY 1995 Dollars)
Sales/Use Tax	1/10 cent	\$17,914,900
Sales Tax Rebate	n/a	1,082,813
Personal Income Tax Rebate	n/a	1,381,995
Corporate Income Tax Rebate	n/a	not estimated
Sports Lottery	n/a	7,000,000
Liquor Tax	10%	5,584,756
Cigarette Tax	\$0.05 per pack	4,630,592
Car Rental Tax	1%	1,898,531
Gas Tax	0.5%	4,497,081
Transient Occupancy Tax	1%	5,071,065
Meals Tax	1%	30,999,081
Admissions Tax	10%	4,400,000
Parking Tax	\$1 per car	1,000,000

The subcommittee had requested a regional tax analysis which would include Planning District 8 plus Stafford County.

cluded a look at three other states that have earmarked lottery revenue for specific programs such as construction of sports facilities. Maryland, the closest example, adopted legislation which requires the Lottery Department to provide revenue generated from sports-themed scratch games to the Maryland Stadium Authority. It was noted that the income generated from these games did not appear to be incremental (did not increase net revenue). Maryland's lottery department discovered that labeling the games as funding the Stadium Authority was an unsuccessful tactic, as evidenced by the fact that many boycotted the sports-themed scratch games because they wanted their money to go to education.

In Washington, the law requires a certain revenue amount from specific lottery games to be turned over to a stadium fund each year. Here approximately 50 percent of the revenue generated has been incremental. Also, stadium revenue-generating games have enjoyed a very positive public reception. Public support for the games could be attributed to the fact that the Seattle Mariners won a division title and played in the post-season for the first time ever last year. In fact, the Washington Lottery felt it could have sold more stadium game tickets if limiting legislation had not been written so that income from the game could not exceed the legislated requirement.

In Arizona, the Lottery Department was required by law to devote profits from two scratch games per year to economic development. Officials reported that putting a "profits devoted to economic development" message on the tickets backfired.

Although disappointed that the Lottery Department could not guarantee that new scratch-games would bring in a substantial amount of new revenue, members of the subcommittee began to acknowledge that incremental lottery revenue was a viable option and could be a key factor in a successful stadium financing plan, provided it was packaged in such a way as to ensure that funds would not be diverted from other state programs. The director also made it clear, however, that the Lottery Department had a greater chance of raising additional or incremental lottery revenue if it was not limited to implementing new scratch games to generate it.

It had also become apparent that the public would not support a financing package that included any increases in state or local taxes. The subcommittee made it clear that the stadium would essentially have to support itself.

Future Meetings

The joint subcommittee is scheduled to meet at least twice in June to prepare and approve a stadium financing proposal before its July 1st reporting deadline.

The Honorable Vincent F. Callahan, Jr., *Chairman*
The Honorable Richard L. Saslaw, *Chairman*
Legislative Services contact: Pamela Catania



HJR 193

Joint Subcommittee on Abandoned Solid or Hazardous Waste Sites

April 16, 1996, Richmond

The joint subcommittee studying abandoned solid or hazardous waste sites has commenced its third year of work. The joint subcommittee was created pursuant to Item 495 C of the 1994 Appropriations Act, which directed the group to examine the appropriate financial role and responsibility of the Commonwealth, if any, to assist localities in remediation of abandoned solid or hazardous waste sites. The 1995 amendments to the budget bill continued the joint subcommittee for a second year and expanded its duties to include examining the ownership, access, and residual value issues associated with such sites, establishing financial responsibility for cleanup of the sites, and recommending appropriate funding mechanisms and a timetable for cleanup of sites deemed to pose the most immediate threat to public health and safety.

Environmental Risk Assessment Completed

The 1993 Appropriations Act directed the Department of Environmental Quality (DEQ) to conduct a survey of abandoned solid and hazardous waste sites in Virginia and to estimate the cost of remediating those sites posing the highest degree of threat to health and the environment. In November 1993, DEQ presented a report identifying more than 2,000 sites where there was disposal waste that had not been properly remediated or closed. However, the absence of information regarding the level of contamination at these sites and the inability to determine whether sites on the list had been abandoned made it impossible to determine the risks posed by the sites or to estimate their remediation costs.

In 1994, the General Assembly appropriated \$125,000 for a study assessing the risk related to abandoned waste sites in the Commonwealth requiring corrective action. Ogden Environmental and Energy Services, Inc., was awarded a contract to conduct the assessment. In its study, Ogden was directed to estimate the costs of containing or remediating identified risks and to prioritize remedial actions that may be required based on the estimated threat to public health and safety.

A DEQ spokesman presented the results of the Ogden study to the joint subcommittee. The study initially contemplated analyzing a representative sample of 250 of the 2,015 alleged abandoned sites identified by DEQ. Because a completely random sample was believed to be too small to achieve desired levels of accuracy, DEQ developed a sample selection methodology by which the universe of sites was stratified into smaller subsets based on the site type and geographical area. The sample

set was then selected from each type/area subset in proportion to that subset's relative number of sites.

Based on the definition of an abandoned waste site used in the Abandoned Waste Site Authority Act adopted by the General Assembly in the 1995 Session, 117 of the 250 sample sites were stricken from the list because they were not "abandoned." The remaining 133 sites were assessed for risks associated with carcinogens, toxic effects, and lead levels. Depending on the regulatory response threshold, between 46 and 51 of the sampled sites were found to be potentially at risk; 7 sites could not be assessed for risk; and the remaining 75 to 84 sites were found to be at low risk with no associated remedial costs.

The data obtained from an analysis of the 133 selected abandoned sites were then projected to the universe of 2,015 possible sites, using both best-case and worst-case scenarios. Subject to caveats stated in the report, Ogden estimates that 411 abandoned at-risk sites could be expected in the universe under the more stringent response threshold. Of the others in DEQ's list of 2,015 sites, 943 were expected not to meet the definition of an abandoned site; 605 were expected to be probable low-risk sites; and 56 sites had an unknown risk. The expected remedial costs for the abandoned at-risk sites ranged between \$277 million (under a best-case scenario using a less stringent response threshold) and \$670 million (under a worst-case scenario using a more stringent response threshold). The midrange of the total remedial costs expected was \$455 million, based on an average remediation cost of \$1.11 million per site and 411 abandoned at-risk sites.

Abandoned Landfill Issues

The Office of the Attorney General provided the joint subcommittee with a list of issues for consideration. Of paramount concern is the definition of an abandoned landfill. A proposed definition encompasses any property where waste has been treated, stored, spilled or disposed of, regardless of whether the Commonwealth has taken title to it, and the owner or other responsible entity no longer exists, cannot be found, or has failed or refused to close the site in conformance with waste management regulations. Other issues include:

- ▶ The identity of the agency to have authority to own and clean up abandoned landfills;
- ▶ The powers of the agency to declare a landfill "abandoned";
- ▶ The authority of the agency to close or abate damage by abandoned landfills;
- ▶ The ability of agency personnel to enter and inspect property;
- ▶ Tools to recoup cleanup and damage abatement costs; and
- ▶ Disclaiming state and local government liability.

Kim-Stan Advisory Committee Report

Four members of the Kim-Stan Advisory Committee briefed the joint subcommittee on progress in cleaning up the abandoned landfill site in Allegheny County. A \$157,000 feasibility study, paid for by the Corps of Engineers, DEQ, the county, and the local soil and water conservation district, is underway. Highland Engineering in Monterey is undertaking a \$168,000 constructed wetlands project to treat leachate generated by the landfill. This approach offers a far more economical solution than an alternative plan to collect and pipe the leachate to Clifton Forge for treatment.

Work Plan Adopted

The joint subcommittee identified several issues that will guide its third year of deliberations. In future meetings members will address the definition of an abandoned site, the parties to be responsible for supervising and funding a site's cleanup, incentives to induce voluntary site remediation, and the source of funds if the Commonwealth must bear cleanup costs.

The next meeting is expected to be a work session to discuss issues and provide staff with guidance for drafting legislation.

The Honorable R. Creigh Deeds, *Chairman*
Legislative Services contact: Franklin D. Munyan



SJR 86/HJR 198

Joint Subcommittee Studying the Enforcement and Abuse of Laws Regulating Parking Spaces for Handicapped Persons

In response to growing abuse and enforcement problems associated with the regulation of parking for persons who are disabled, the 1996 General Assembly adopted SJR 86 and HJR 198, which authorized the creation of a joint subcommittee to

study these issues. Although recent legislation and legislative studies have initiated important reforms and focused attention on the problem of handicapped parking abuse, an alarming number of drivers who are not disabled continue to park illegally in handicapped parking spaces and fraudulently obtain license plates and placards intended for the truly disabled. Given this abuse of the laws intended to provide adequate parking for disabled persons, enforcement of such laws has become increasingly costly and difficult.

Scope of the Study

In light of these serious problems, the General Assembly directed the joint subcommittee to consider various issues related to parking for the handicapped. Among the issues to be considered by the joint subcommittee:

- ▶ Considering proposals to allow persons with physical disabilities convenient access to dedicated handicapped parking spaces;
- ▶ Addressing the merits of eliminating free parking for persons with disabilities, possibly on a local-option basis, in favor of establishing practical pre-paid options that do not establish undue physical or fiscal burdens upon persons with disabilities;
- ▶ Considering the potential benefits of providing free parking to persons with severe mobility disabilities, but eliminating free parking privileges for the ambulatory and those who are temporarily disabled;
- ▶ Examining whether private citizens may place informative literature on the windshields of motor vehicles whose drivers are violating handicapped parking laws and ordinances;
- ▶ Considering the merits of deputizing citizens on a limited basis to distribute parking tickets to persons violating handicapped parking laws;
- ▶ Reviewing the current status of the law relating to the parking of motor vehicles used to transport visually handicapped persons, including the four-hour law;
- ▶ Analyzing whether periodic cross-referencing of death certificates with records of persons having handicapped parking privileges could curb abuse by surviving family members who continue to use their deceased family member's handicapped parking plate or placard;
- ▶ Considering the needs and concerns of persons who are deaf or hard of hearing and their use of handicapped parking spaces; and
- ▶ Reviewing the nature and amounts of fees charged to persons obtaining handicapped parking placards.

Handicapped Parking Study

At the joint subcommittee's initial meeting, the director of the Department for Rights of Virginians with Disabilities reviewed the issues and recommendations contained in Senate Document Number 41, a handicapped parking study conducted by the department in 1994. The study focused on three issues: (i) standards for designating and identifying handicapped parking spaces, (ii) the issuance of special license plates and placards to the disabled, and (iii) enforcement of laws relating to parking for the disabled. A thorough examination of these issues was conducted by a study team composed of representatives from the Department of Motor Vehicles, Department of Housing and Community Development, Centers for Independent Living, and Mayors' Committees for Persons with Disabilities, among others. Members of the 1996 joint subcommittee stated that the 1994 study of parking for the disabled would provide an excellent foundation and ample guidance for the current study.

Staff from the Division of Legislative Services followed with a brief overview of the current status of handicapped parking law, with particular emphasis placed on the types of special license plates and placards issued to persons who are disabled and provisions related to enforcement. The joint subcommittee directed staff to research other states' laws regarding handicapped parking and to provide the committee with examples of how other states are enhancing and tightening enforcement in this area.

Fraudulent Use of Placards

The joint subcommittee viewed a videotape provided by Delegate Behm that consisted of two investigative reports conducted by WVEC Television in the Tidewater area regarding driver abuse of handicapped parking laws. The tape concluded with an ABC PrimeTime Live feature of a similar nature which focused on the widespread use of counterfeit or fraudulently obtained disabled parking placards. The ABC report concluded that (i) many nondisabled drivers use a disabled friend's or relative's placard to park illegally in metered spaces in congested urban areas, (ii) placards have become so valuable that they are counterfeited and sold on the black market, and (iii) doctors often recommend the issuance of placards to patients who do not have a qualifying disability.

Next Meeting

The subcommittee plans to meet again during the first week of August. The anticipated agenda includes additional presentations on the enforcement and abuse of handicapped parking law as well as a review of other states' approaches to these topics. An opportunity for public comment will be provided to all interested parties.

The Honorable Mary Margaret Whipple, *Chair*
Legislative Services contact: Kenneth W. Gibson



Joint Commission on Health Care

April 29, 1996, Richmond

1996 Work Plan

At the April 29th meeting, staff presented an overview of the joint commission's 1996 legislative package and a status report on past initiatives. Staff also presented a draft work plan for the joint commission that outlines its schedule of meetings and studies for 1996.

Work Plan

The joint commission's work plan includes studies on a wide range of health care issues, including: (i) individual health insurance reforms (July 1st meeting); (ii) a review of the various entities receiving state funds or having responsibility for health care policy and regulations (August 26th meeting); (iii) the appropriateness of the Commonwealth's Certificate of Public Need program (October 28th meeting); and (iv) options for consumers choosing long-term care (October 28th).

Managed Care

Managed care will be the focus of several studies conducted by the joint commission during 1996:

"Point-of-service" study. Pursuant to HB 1393 and HJR 231 (1996), the joint commission, in cooperation with the Bureau of Insurance and the Division of Legislative Services, will study whether a "point-of-service" option should be mandated for managed care organizations. Point-of-service options provide health insurance benefits for care that is received outside of a managed care organization's provider panel. (Scheduled briefing: October 28).

Commonwealth's oversight role of the managed care industry. SJR 67 (1996) directs the joint commission, in cooperation with the Bureau of Insurance, to study the appropriate role of the Commonwealth in monitoring, policing, and regulating the managed care industry. (Scheduled briefing: August 26).

"Emergency services" definition. HB 964, which was carried over by the 1996 General Assembly, would have included emergency medical screening examinations in the definition of emergency medical services. The joint commission has been asked to study the appropriateness of considering these exams as part of the emergency medical services that are reimbursed by health plans. (Scheduled briefing: September 30).

Impact of Medicaid managed care on durable medical equipment and pharmacy services. SJR 62 (1996) directs the joint commission to study the impact that Medicaid managed care programs are having on durable medical equipment and pharmacy services. (Scheduled briefing: November 25).

June 3, 1996, Richmond

Study of Potential Abuses in Independent Living Arrangements

At the June 3rd meeting, staff presented a report on whether there are abuses in independent living arrangements for the elderly and disabled. The study was conducted pursuant to HJR 637 (1995). Independent living arrangements include private homes, apartment dwellings, independent living units within a retirement community, and other housing alternatives outside of the long-term care facilities regulated by the Commonwealth.

The impetus for this study was the concern expressed by some independent living residents that certain retirement communities allow frail elderly persons with medical infirmities, disabilities, or handicaps to remain in an independent living status, rather than requiring the residents to move into a higher level of care. These residents identified the following concerns regarding frail elderly being allowed to remain in the independent living units:

- ▶ Frail elderly do not receive the care they need;
- ▶ Home health providers who provide services to the frail elderly in the retirement communities' common rooms and facilities disrupt the "independent living lifestyle";
- ▶ The use of wheelchairs, motorized carts, walkers, and other devices diminish the sociability and desirability of independent living;
- ▶ Retirement communities avoid licensing requirements for assisted living facilities; and
- ▶ Retirement communities breach their "marketed promise" of offering residents different levels of care (i.e., independent living, assisted living, and nursing care).

Conclusions

The study's primary conclusions:

1. The concerns of residents regarding the frail elderly in independent living units are understandable and part of the "aging-in-place" process. However, long-term care and aging experts noted that while these concerns do exist among some residents, they do not represent a significant problem. Department of Social Services regional offices receive very few complaints. In addition, according to the staff of several retirement communities interviewed as part of the study, most frail elderly move into higher levels of care when urged to do so by the retirement community or by the resident's family and physician.

2. Additional consumer information on retirement communities' policies regarding independent living arrangements may help reduce confusion among the elderly as to how the frail elderly are placed and retained in the independent living units of these communities.

3. The U.S. Fair Housing Amendments Act, the Virginia Fair Housing Law, and the Virginians with Disabilities Act prohibit discrimination against the frail elderly. These laws state that it is illegal to discriminate in the sale or rental of property because of a handicap and that persons with disabilities must be given full and equal opportunity to acquire any housing accommodations. Because these laws extend to independent living units in retirement communities, the frail elderly must be allowed to live in these units.

4. Current public policy regarding long-term care and aging services emphasizes keeping the elderly as independent as possible. The Commonwealth's long-term care policy, as expressed in HJR 602 (1993), states that programs should allow individual choice in the selection and provision of long-term care services.

5. Allowing the frail elderly to remain in independent living units of retirement communities does not appear to be an abuse of state regulation of long-term care facilities or of independent living arrangements.

Policy Options

Three policy options were presented to the joint commission for its consideration: (i) maintaining the status quo, (ii) requesting that appropriate agencies develop and publish additional consumer information and establish a voluntary counseling service, or (iii) introducing a resolution encouraging retirement communities to advise potential residents about their policies regarding frail elderly residents.

Work Plan for "Point-of-Service" Study

Staff presented an overview of a draft work plan for the "point-of-service" study required by HB 1393 and HJR 231. The study is being conducted to determine the need for a mandatory "point-of-service" option for health insurance carriers. The draft work plan outlined the major research questions, data needs, and methods for conducting the study. A panel of five experts provided joint commission members with their assessment of whether the work plan focuses on the appropriate data and information and addresses the key issues. The panel included representatives from the business community, health care providers and consumers, HMOs, the American Academy of Actuaries, and a managed care researcher/academician.

While the panel suggested some revisions, the consensus of the panel members was that the work plan addressed the critical study issues and identified the appropriate data and information for analysis. Among the comments made by the panelists, the joint commission was urged to develop consensus on clear definitions of the terminology used in the study so that everyone agrees on what is meant by such terms as "point-of-service," "out-of-network benefits," "out-of-network reimbursement," and "preferred provider organizations." The panel also encouraged the joint commission to include specific information on the actuarial assumptions used in estimating what impact a mandatory "point-of-service" option may have on the cost of health care, including any indirect costs and cost savings that may be involved.

The "point-of-service" study will be conducted over the coming months, and will be presented to the joint commission at the October 28th meeting

1996 Meetings

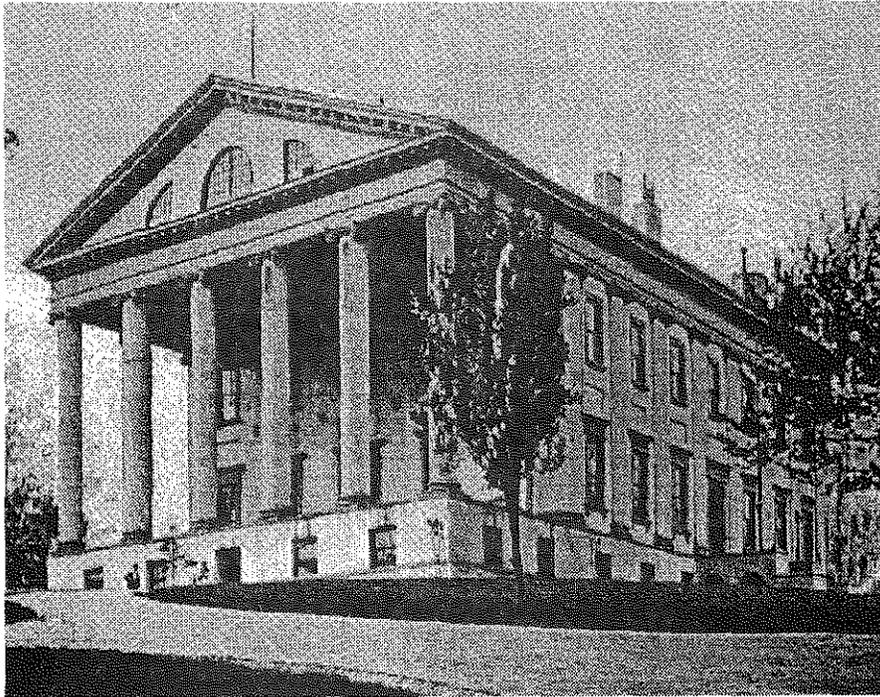
The joint commission's tentative schedule includes meetings on June 3rd, July 1st, August 26th, September 30th, October 28th, November 25th, and January 6th (1997). All meetings will be held from 9:30 a.m. to 12:30 p.m. in Senate Room A of the General Assembly Building.

Copies of the joint commission's status of past initiatives, the 1996 work plan, and the draft work plan for the "point of service" study may be obtained from the staff by calling (804) 786-5445.

Current public policy regarding long-term care and aging services emphasizes keeping the elderly as independent as possible.

The Honorable Jay W. DeBoer, *Chairman*
Staff contact: Jane Norwood Kusiak





Virginia Capitol Building,
southeast view, circa 1900.

The Legislative Record summarizes the activities of Virginia legislative study commissions and joint subcommittees. Published in Richmond, Virginia, by the Division of Legislative Services, an agency of the General Assembly of Virginia. *The Legislative Record* is also published in *The Virginia Register of Regulations*, available from the Virginia Code Commission, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219. Notices of upcoming meetings of all legislative study commissions and joint subcommittees appear in the Calendar of Events in *The Virginia Register of Regulations*.



E.M. Miller, Jr.: Director
R.J. Austin: Manager, Special Projects
K.C. Patterson: Editor
James A. Hall: Designer

FOR SUBSCRIPTION INFORMATION, CONTACT:
Special Projects
Division of Legislative Services
910 Capitol Street, 2nd Floor
Richmond, Virginia 23219
(804) 786-3591



GENERAL NOTICES/ERRATA

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

† Edward Byrne Memorial Formula Grant Program Funding Application

The Department of Criminal Justice Services will submit, on or before June 29, 1996, an application to the Bureau of Justice Assistance, U. S. Department of Justice, to obtain FY 1996 funding available through the Edward Byrne Memorial Formula Grant Program. The application requests a total of \$11,309,000 in federal funds. The department and the Criminal Justice Services Board anticipates using these funds during the fiscal year starting on July 1, 1996, to support local and state agency projects in drug enforcement and prosecution; crime prevention; training and technical assistance and other criminal justice system improvements which have previously received funding through this grant program.

The application is available for public review at the department's offices at 805 East Broad Street, Richmond, Virginia 23219; comments from the public are welcome. Inquiries should be directed to Joe Marshall, Grants Administrator, at (804) 786-1577.

Notice of Application for Grant Funds: Prerelease and Post Incarceration Services for Adult Offenders

The Department of Criminal Justice Services is accepting applications for grant funds for prerelease and post incarceration services for adult offenders (generally known as Papis Funds). The deadline for application is 3 p.m., Wednesday, July 10, 1996. Program guides and applications may be obtained by contacting David Vest, Program Analyst, Department of Criminal Justice Services, telephone (804) 786-1138, or FAX (804) 786-9656. Any public or nonprofit private Papis Program provider is invited to make application.

DEPARTMENT OF ENVIRONMENTAL QUALITY AND DEPARTMENT OF CONSERVATION AND RECREATION

Total Maximum Daily Load (TMDL) Priority List

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written comment from interested persons on Virginia's 1996 303(d) Total Maximum Daily Load (TMDL) Priority List. This report identifies rivers and streams that do not meet water quality standards, waters not expected to meet water quality standards after the implementation of technology-based controls, and tributaries to the Chesapeake Bay for which Virginia is developing nutrient reduction strategies.

Pollutants responsible for the waters being on the list are identified and the waters have been given a priority ranking for the development of TMDLs.

DEQ monitored about 25,559 stream miles of Virginia's 49,220 perennial stream miles in 1993-95 to conduct this statewide assessment, which is required every two years by the federal Clean Water Act. Approximately 24,123 stream miles, or 95%, fully met all water quality standards. About 1,436 stream miles are identified as not meeting water quality standards because of point and nonpoint source pollutants.

Section 303(d) of the Clean Water Act and EPA's Water Quality Planning and Management Regulations (40 CFR Part 130) require the state to report and seek public comment on the waters on the list and to develop total maximum daily loads (TMDLs) for these waters. TMDLs establish allowable pollution loadings or other quantifiable parameters necessary to attain water quality standards. TMDLs will be developed in a separate process with public participation.

DEQ and DCR will hold three public meetings to answer questions about the list. They will be held on June 17, 1996, at the James City County Board of Supervisors Room at 1:30 p.m. for the Piedmont and Tidewater regions; June 20, 1996, at the Prince William Board of Supervisors Meeting Room at 1:30 p.m. for the Northern Virginia region; and June 25, 1996, at the City of Salem's Civic Center in Meeting Room A at 2 p.m. for the Southwest, West Central, and Valley regions.

A copy of the 303(d) priority list report is available upon request. Questions or information requests should be addressed to Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4462 or FAX (804) 698-4136. The public comment period will end on July 10, 1996. Written comments should include the name, address, and telephone number of the person presenting comments and should be sent to Charles Martin at the above address.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Reimbursement Methodology for Inpatient Hospital Services (Public Notice in Conformance to 42 CFR 447.205)

The Department of Medical Assistance Services (DMAS) is changing its reimbursement methodology for inpatient hospital services. Effective July 1, 1996, it will begin a transition to a methodology that will pay for most inpatient services under a per-case based Diagnosis Related Groups (DRG) methodology, and for some services under a revised per diem methodology.

This methodology change is not expected to result in any changes in anticipated annual expenditures. DMAS is

changing its inpatient hospital methodology as the final step in the settlement of the case Virginia Hospital Association v. Wilder, et.al., which was executed December 21, 1990.

Parties interested in viewing or obtaining copies of this new proposed methodology should contact the DMAS Regulatory Coordinators, Roberta J. Jonas at (804) 371-8854, or Victoria P. Simmons at (804) 786-7959. Written comments may be submitted to Scott Crawford, Manager, Division of Financial Operations, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219. DMAS will give prior notice of public hearings, if any are to held, in the Virginia Register of Regulations.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Our mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

Forms for Filing Material on Dates for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material and dates for publication in *The Virginia Register of Regulations*. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS -
RR08

CALENDAR OF EVENTS

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

♿ Location accessible to handicapped

☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

should contact Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made.

BOARD FOR ACCOUNTANCY

July 22, 1996 - 10 a.m. -- Open Meeting

July 23, 1996 - 8 a.m. -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia.♿
(Interpreter for the deaf provided upon request)

An open meeting to discuss regulatory review and other matters requiring board action. The meeting will include receipt of committee reports and discussion of disciplinary cases. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Board of Agriculture and Consumer Services

† July 23, 1996 - 9 a.m. -- Open Meeting

Dorey Recreational Center, 7200 Dorey Park Drive, Henricus Room, Richmond, Virginia.♿

A regular meeting of the board to discuss regulations and fiscal matters and to receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities. At the conclusion of the other business, the board will review public comments for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 786-3535.

Virginia Horse Industry Board

† August 20, 1996 - 10 a.m. -- Open Meeting

Virginia Cooperative Extension, Charlottesville-Albemarle Unit, 168 Spotnap Road, Lower Level Meeting Room, Charlottesville, Virginia.♿

A meeting to review the budget for the 1995-1996 fiscal year and to discuss recently awarded grants and the 1997 proposed educational seminar. The board will also discuss additional avenues to market the economic impact study of the industry. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-5842 or (804) 371-6344/TDD ☎

Virginia Marine Products Board

July 10, 1996 - 6 p.m. -- Open Meeting

Bill's Seafood House, Route 17 and Denbigh Boulevard, Grafton, Virginia.♿

A meeting to receive reports from the Executive Director of the Virginia Marine Products Board on finance, marketing, past and future program planning, publicity/public relations, and old/new business. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Shirley Estes at

least five days before the meeting date so that suitable arrangements can be made.

Contact: Shirley Estes, Executive Director, Virginia Marine Products Board, 554 Denbigh Boulevard, Suite B, Newport News, VA 23608, telephone (804) 874-3474 or FAX (804) 886-0671.

Virginia Peanut Board

† July 16, 1996 - 11 a.m. -- Open Meeting
Virginia Peanut Growers Association, 23020 Main Street, Capron, Virginia. ☒

A meeting to hear the chairman's report, elect officers for 1996-1997, and to review and approve the 1996-1997 budget. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Russell C. Schools at least five days before the meeting date so that suitable arrangements can be made.

Contact: Russell C. Schools, Program Director, Virginia Peanut Board, P.O. Box 356, Capron, VA 23829, telephone (804) 658-4573 or FAX (804) 658-4531.

Pesticide Control Board

July 11, 1996 - 9 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, Board Room, Room 204, Richmond, Virginia. ☒

Committee meetings and a general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 9 a.m. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting date so that suitable arrangements can be made.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 401, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558.

Virginia Pork Industry Board

† July 19, 1996 - 3 p.m. -- Open Meeting
Fort Magruder Inn, U.S. Route 60 East, Williamsburg, Virginia. ☒

A meeting to receive committee reports on projects, the budget, and nominations; elect officers and formulate a new budget; and to receive reports on promotions, research projects, education projects and general issues. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting

should contact John Parker at least five days before the meeting date so that suitable arrangements can be made.

Contact: John H. Parker, Executive Director, Virginia Pork Industry Board, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-7092.

Virginia Small Grains Board

July 17, 1996 - 8:30 a.m. -- Open Meeting
Airport Hilton, 5501 Eubank Road, Sandston, Virginia. ☒

The board will meet in regular session to discuss issues related to the small grains industry and to hear project reports and proposals. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Phil Hickman, Program Director, Virginia Small Grains Board, 1100 Bank St., Suite 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Soybean Board

August 2, 1996 - Noon -- Open Meeting
4899 White Marsh Road, Wakefield, Virginia. ☒

The board will meet in regular session to discuss issues related to the soybean industry and the status of the 1996 crop and how it will reflect checkoff collections for 1996. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Phil Hickman, Program Director, Virginia Small Grains Board, 1100 Bank St., Suite 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Winegrowers Advisory Board

NOTE: CHANGE IN MEETING DATE
† July 26, 1996 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

An annual meeting to induct new board members and elect officers for the upcoming year. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least 10 days before the meeting date so that suitable arrangements can be made.

Calendar of Events

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 786-0481.

STATE AIR POLLUTION CONTROL BOARD

† **August 7, 1996 - 7:30 p.m.** -- Public Hearing
Northern Virginia Community College, 8333 Little River Turnpike, Route 236, Forum Room, Annandale, Virginia.

† **August 8, 1996 - 10:30 a.m.** -- Public Hearing
Loudoun County Government Center, 1 Harrison Street, Board Room, Leesburg, Virginia.

† **August 8, 1996 - 7:30 p.m.** -- Public Hearing
Stafford County Administration Center, 1300 Courthouse Road, Board Room, Stafford, Virginia.

September 9, 1996 -- Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to repeal regulations entitled: **9 VAC 5-90-10 et seq., Regulations for the Control of Motor Vehicle Emissions, 9 VAC 5-100-10 et seq., Regulations for Vehicle Emissions Control Program Analyzer Systems, and 9 VAC 5-110-10 et seq., Regulations for the Control of Motor Vehicle Emissions;** and adopt regulations entitled: **9 VAC 9-91-10 et seq., Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area.** The purpose of the regulation is to require that motor vehicles undergo periodic emissions inspection and be maintained in compliance with emission standards in order to reduce harmful emissions of hydrocarbons, carbon monoxide and oxides of nitrogen. The regulation is being promulgated in response to state and federal laws requiring the emissions inspection program. The regulation applies to vehicles that have actual gross weights of 10,000 pounds or less and are registered in the Counties of Arlington, Fairfax, Loudoun, Prince William, Stafford, and Fauquier and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. It requires biennial emissions inspections in order to register the motor vehicle in the area described above. The regulation also describes requirements for inspection stations, inspectors, repair facilities and repair technicians.

It is further proposed that the board authorize for public comment the repeal of existing regulations to be replaced by 9 VAC 5-91-10 et seq. Specifically, the proposal is to repeal:

9 VAC 5-90-10 et seq. Regulation for the Control of Motor Vehicle Emissions (present program)

9 VAC 5-100-10 et seq. Regulation for Vehicle Emission Control Program Analyzer Systems (present program)

9 VAC 5-110-10 et seq. Regulation for the Enhanced Motor Vehicle Emissions Inspection Program in the Northern Virginia Area (test-only regulations)

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: The following localities will bear a disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

The Counties of Arlington, Fairfax, Loudoun, Prince William, Stafford, and Fauquier and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

Location of Proposal: The proposal, an analysis conducted by the department (including: a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the Department's Office of Nonattainment and Mobile Sources Planning (Eighth Floor), 629 East Main Street, Richmond, Virginia and the Department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia 22401
Ph: (540) 899-4600

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia 22150
Ph: (703) 644-0311

Lorton Mobile Sources Operations
Department of Environmental Quality
7240-D Telegraph Square Drive
Lorton, Virginia 22079

Statutory Authority: §§ 46.2-1178.1, 46.2-1179, 46.2-1180 and 46.2-1187.2 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. on Monday, September 9, 1996, to the Director, Office of Nonattainment and Mobile Sources Planning, Department of Environmental Quality, 629 East Main Street, Eighth Floor, P.O. Box 10009, Richmond, Virginia 23240.

Contact: David J. Kinsey, Policy Analyst, Office of Nonattainment and Mobile Sources, Air Division, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4432 or (FAX) (804) 698-4510.

July 23, 1996 - 10 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, First Floor, Training Room, Richmond, Virginia.

August 9, 1996 -- Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-20-10 et seq., General Provisions and 9 VAC 5-80-10 et seq., Permits for New and Modified Sources.** The amendments concern provisions covering prevention of significant deterioration and include: (i) revision of the maximum allowable increases for particulate matter from being based on total suspended particulate to being based on particulate with an aerodynamic diameter of less than or equal to 10 micrometers; (ii) revision of the "Guideline on Air Quality Models"; (iii) exclusion of certain pollutants when determining whether an emissions increase is considered significant; and (iv) updating the notification process to comply with the Code of Virginia and changing the regulation's internal numbering system to reflect requirements of the Registrar of Regulations.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the Department's Office of Air Program Development (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
Executive Office Park, Suite D
5338 Peters Creek Road
Roanoke, Virginia
Ph: (540) 561-7000

Lynchburg Satellite Office
Department of Environmental Quality
7701-03 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
116 North Main Street
Bridgewater, Virginia 22812

Ph: (540) 828-2595

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Innsbrook Corporate Center
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
Old Greenbrier Village, Suite A
2010 Old Greenbrier Road
Chesapeake, Virginia
Ph: (804) 424-6707

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia
Ph: (703) 644-0311

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. August 9, 1996, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Karen Sabasteanski, Policy Analyst, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426.

State Advisory Board on Air Pollution

July 10, 1996 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, Aircraft Room, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Kathy Frahm, Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4376.

ALCOHOLIC BEVERAGE CONTROL BOARD

July 29, 1996 - 9:30 a.m. -- Open Meeting
August 12, 1996 - 9:30 a.m. -- Open Meeting
August 26, 1996 - 9:30 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

A meeting to receive and discuss reports from and activities of staff members. Other matters have not yet been determined.

Calendar of Events

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0712 or FAX (804) 367-1802.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Board for Land Surveyors

† **July 25, 1996 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

† **July 26, 1996 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.☎

A meeting to conduct an examination workshop. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: George O. Bridewell, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8572 or (804) 367-9753/TDD ☎

BOARD FOR ASBESTOS LICENSING AND LEAD CERTIFICATION

July 18, 1996 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4, Richmond, Virginia.☎

A general board meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

BOARD FOR BARBERS

August 5, 1996 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Northern Area Review Committee

† **July 9, 1996 - 2 p.m.** -- Open Meeting
† **August 13, 1996 -2 p.m.** -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the committee meeting; however, written comments are welcome.

Contact: Florence E. J. Dickerson, Program Support Technician, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

Southern Area Review Committee

† **July 9, 1996 - 10 a.m.** -- Open Meeting
† **August 13, 1996 -10 a.m.** -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the committee meeting; however, written comments are welcome.

Contact: Florence E. J. Dickerson, Program Support Technician, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone

(804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

CHILD DAY-CARE COUNCIL

July 11, 1996 - 9 a.m. -- Open Meeting

August 8, 1996 - 9:30 a.m. -- Open Meeting

Department of Social Services, Theater Row Building, 730 East Broad Street, Lower Level Conference Room, Room 1, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The council will meet to discuss issues and concerns that impact child day centers, camps, school-age programs, and preschool/nursery schools. Public comment period will be at noon. Please call ahead of time for possible changes in meeting time.

Contact: Rhonda Harrell, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1775.

† **July 23, 1996 - 9 a.m.** -- Open Meeting

Department of Social Services, Theater Row Building, 730 East Broad Street, Lower Level Conference Room, Room 1, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The council will meet to discuss committees' work.

Contact: Rhonda Harrell, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1775.

STATE BOARD FOR COMMUNITY COLLEGES

July 17, 1996 - 2:30 p.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

State board committee meetings.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ☎

July 18, 1996 - 8:30 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

A regularly scheduled board meeting.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ☎

COMPENSATION BOARD

July 25, 1996 - 11 a.m. -- Open Meeting

August 29, 1996 - 11 a.m. -- Open Meeting

Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A routine business meeting.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 710, Richmond, VA 23218-0710, telephone (804) 786-0786, FAX (804) 371-0235, or (804) 786-0786/TDD ☎

COMMONWEALTH COMPETITION COUNCIL

† **July 18, 1996 - 7 p.m.** -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Commonwealth Competition Council is a new state organization created by the Governor and General Assembly to examine and promote privatization, innovation and competition in providing state government services. The Code of Virginia defines privatization as a variety of techniques and activities which promote more involvement of the private sector in providing services that have traditionally been provided by government. The council wants to hear your thoughts and ideas on any of the following ideas:

1. What program, service, or initiative of state government should be better handled by the private sector? Why?
2. Is there a program, service or initiative state government is doing that could be done by the private sector: (a) in a more efficient manner; (b) at less cost to the taxpayer; (c) that would improve the quality of service; or (d) all, or a combination of the above. If so, what is it?
3. For those services that must be provided by state government, what is your suggestion on how to make state government more internally efficient and effective?
4. What issues do you see concerning state government competition with the private sector?

While the council will recommend alternative ways of providing traditional government services, state government's ability to protect the health, safety and welfare of its citizens will not be diminished by any of its recommendations. The council will further suggest ways of minimizing any adverse impact of privatization upon state employees.

Four public hearings will be held across the state, one each in Richmond, Northern Virginia, Southwest Virginia, and the Tidewater area. You are invited to give your ideas to the Competition Council. We ask that your remarks be brief so as afford adequate time for all citizens to speak. You are encouraged to leave a copy of your remarks with the staff once you have made your

Calendar of Events

presentation in order that your suggestion may be fully explored.

If you need special accommodations or more information, or to obtain a brochure fully explaining the role and mission of the Competition Council, contact the council.

Contact: Peggy Robertson, Staff to Council, Commonwealth Competition Council, James Monroe Bldg., 18th Floor, P.O. Box 1475, Richmond, VA 23218-1475, telephone (804) 786-0240 or FAX (804) 786-1594.

GOVERNOR'S COMMISSION ON COMPETITIVE AND EQUITABLE TAX POLICY

† **July 18, 1996 - 1 p.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The first meeting of the Governor's Commission on Competitive and Equitable Tax Policy. The co-chairmen of the commission, Delegate Diamonstein of Newport News, and Senator Stosch of Henrico, will provide preliminary discussions for the work of the commission.

Contact: Scott Wilkinson, Staff Assistant, Governor's Commission on Competitive and Equitable Tax Policy, State Capitol, Capitol Square, 4th Floor, Richmond, VA 23221, telephone (804) 786-2211, FAX (804) 786-3985, or (804) 371-8015.

COMPREHENSIVE SERVICES ACT FOR AT RISK YOUTH AND THEIR FAMILIES

State Management Team

July 11, 1996 - 10 a.m. -- Open Meeting
Galax, Virginia. 

A meeting to discuss policy and procedure to be recommended and discussed with the State Executive Council. Please contact Pamela Fitzgerald Cooper or Gloria Jarrell to be added to the agenda and for meeting location.

Contact: Gloria Jarrell or Pamela Fitzgerald Cooper, Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, 109 Governor St., Richmond, VA 23219, telephone (804) 371-2177 or FAX (804) 371-0091.

State Executive Council

July 26, 1996 - 9 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level, Room 2, Richmond, Virginia.

The council provides interagency programmatic and fiscal policies, oversees the administration of funds

appropriated under the Comprehensive Services Act, and advises the Governor.

Contact: Alan G. Saunders, Director, State Executive Council, 730 E. Broad St., Richmond, VA 23219, telephone (804) 786-5382.

DEPARTMENT OF CONSERVATION AND RECREATION

Goose Creek Scenic River Advisory Board

July 18, 1996 - 1 p.m. -- Open Meeting
George Washington University, Loudoun Campus, Presidential Drive, off Route 7 on Ashburn Flats, Loudoun, Virginia.

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD 

BOARD FOR CONTRACTORS

July 10, 1996 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A regularly scheduled quarterly meeting of the board to (i) address policy and procedural issues; (ii) review and render decisions on applications for contractor licenses/certificates; and (iii) review and render case decisions on matured complaints against licensees/certificants. The meeting is open to the public; however, a portion of the board's business may be discussed in Executive Session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Gerald W. Morgan. The department fully complies with the Americans with Disabilities Act.

Contact: Gerald W. Morgan, Senior Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785 or (804) 367-9753/TDD 

BOARD OF CORRECTIONS

† **July 17, 1996 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

A meeting to discuss matters which may be presented to the board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Administration Committee

† July 17, 1996 - 8:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room,
Richmond, Virginia. ☎

A meeting to discuss administrative matters which may
be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board,
Department of Corrections, 6900 Atmore Dr., Richmond, VA
23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Correctional Services Committee

† July 16, 1996 - 1:30 p.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room,
Richmond, Virginia. ☎

A meeting to discuss correctional services matters which
may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board,
Department of Corrections, 6900 Atmore Dr., Richmond, VA
23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Liaison Committee

† July 16, 1996 - 9:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room,
Richmond, Virginia. ☎

A meeting to discuss criminal justice matters.

Contact: Barbara Fellows, Secretary to the Board,
Department of Corrections, 6900 Atmore Dr., Richmond, VA
23225, telephone (804) 674-3235 or FAX (804) 674-3130.

DEPARTMENT FOR THE DEAF AND HARD-OF- HEARING

Advisory Board

† August 7, 1996 - 10 a.m. -- Open Meeting
Department for the Deaf and Hard-of-Hearing, Washington
Building, 1100 Bank Street, 11th Floor, Richmond, Virginia.
(Interpreter for the deaf provided upon request)

A quarterly business meeting of the advisory board.
Public comment will be received with advance notice.

Contact: Gloria Cathcart, Human Services Program
Specialist, Department for the Deaf and Hard-of-Hearing,
Washington Bldg., 1100 Bank St., 11th Floor, Richmond, VA
23219, telephone (804) 371-7892 (V/TTY), toll-free 1-800-
552-7917(V/TTY), FAX (804) 552-7882 or (804) 225-
2570/TDD ☎

BOARD OF DENTISTRY

† July 12, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

The Informal Conference Committee will hear
disciplinary cases. This is a public meeting; however, no
public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of
Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA
23230-1717, telephone (804) 662-9906 or (804) 662-
7197/TDD ☎

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

Board of Directors

† July 24, 1996 - 10 a.m. -- Open Meeting
Riverfront Plaza, West Tower, 901 East Byrd Street, 19th
Floor, Board Room, Richmond, Virginia. ☎ (Interpreter for the
deaf provided upon request)

A meeting to discuss matters related to the newly-formed
Virginia Economic Development Partnership.

Contact: Julie Gibbons, Executive Assistant, Virginia
Economic Development Partnership, 901 E. Byrd St., 19th
Floor, Richmond, VA 23219, telephone (804) 371-8100, FAX
(804) 371-8112, or (804) 371-0327 ☎

LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF BRISTOL

July 24, 1996 - 1 p.m. -- Open Meeting
Main Fire Station, 211 Lee Street, Bristol, Virginia.

A meeting of local persons who have responsibilities
under the emergency plan of the city. The meeting is
open to other interested parties to exchange information
about the needs of the city and to update the Emergency
Operations Plan.

Contact: J. L. Myers, Lieutenant of Police, 415 Cumberland
St., Bristol, VA 24201, telephone (804) 645-7407.

LOCAL EMERGENCY PLANNING COMMITTEE - PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY

† July 15, 1996 - 1:30 p.m. -- Open Meeting
One County Complex Court, Potomac Conference Room,
Prince William, Virginia. ☎

A multi-jurisdictional local emergency planning
committee meeting to discuss issues related to
hazardous substances in the jurisdictions. SARA Title

Calendar of Events

All provisions and responsibilities for hazardous material emergency response planning.

Contact: John E. Medici, Hazardous Materials Officer, One County Complex Court, Internal Zip MC470, Prince William, VA 22192, telephone (703) 792-6800.

DEPARTMENT OF ENVIRONMENTAL QUALITY

July 8, 1996 - 10 a.m. -- Public Hearing
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A public hearing on proposed revisions to the Commonwealth of Virginia State Implementation Plan. The proposed revisions consist of (i) a plan to reduce and maintain volatile organic compound (VOC) and nitrogen oxide (NO_x) emissions in the Richmond Ozone Nonattainment Area through the year 2007, such that they do not exceed the 1993 attainment year level; and (ii) an adjustment to the mobile emissions budget established by the plan for the year 2016 and beyond. The hearing will also be used as a vehicle to receive comment on an operating permit for the Virginia Power Dutch Gap facility located in Chesterfield County in order to satisfy the requirements of 9 VAC 5-80-40.

Contact: Karen G. Sabasteanski, Policy Analyst, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD

Ground Water Protection Steering Committee

July 16, 1996 - 9 a.m. -- Open Meeting
State Corporation Commission, Tyler Building, 1300 East Main Street, 8th Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss ground water protection issues. Meeting minutes and agenda are available from Mary Anne Massie upon request.

Contact: Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4042 or FAX (804) 698-4032.

FAMILY AND CHILDREN'S TRUST FUND

† **July 19, 1996 - 10 a.m.** -- Open Meeting
Department of Social Services, 730 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regularly scheduled monthly meeting of the board. Contact Phyl Parrish for more information or for a copy of the agenda.

Contact: Phyl Parrish, Special Projects Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1823.

BOARD OF FORESTRY

July 15, 1996 - 8:30 a.m. -- Open Meeting
Department of Forestry, Fontaine Research Park, 900 Natural Resources Drive, George W. Dean Board Room, Charlottesville, Virginia. (Interpreter for the deaf provided upon request)

A meeting to provide a general overview of Department of Forestry programs to the board and to hold a general discussion of business. Any person requiring an interpreter for the deaf should notify the department at least five days prior to the meeting.

Contact: Barbara A. Worrell, Administrative Staff Specialist, P.O. Box 3758, Charlottesville, VA 22903-0758, telephone (804) 977-6555/TDD

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

July 18, 1996 - 9 a.m. -- Open Meeting
July 19, 1996 - 8 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board will meet and approve the department's 1996-1997 operating and capital budgets. The board will also adopt webless migratory game bird and September resident Canada goose seasons based on frameworks provided by the U.S. Fish and Wildlife Service. The board will also address amendments to regulations proposed at its April 25-26, 1996, board meeting pertaining to certain disabled hunters hunting with a crossbow during the special archery deer seasons on the private property of another with the written permission of the landowner, and will determine whether the proposed regulations will be adopted as final regulations. The board will solicit comments from the public during the public hearing portion of the meeting, at which time any interested citizen present shall be heard. The board reserves the right to expand or restrict the proposed regulation amendments, as necessary for the proper management of fish and wildlife resources. These changes may be more liberal than, or more stringent than, the regulations currently in effect, or the regulation amendments proposed at the April 25-26, 1996, meeting.

The board will also propose rule changes to expand the use of captive reared mallard ducks allowed on licensed shooting preserves.

In addition, general and administrative issues may be discussed by the board. The board may hold an executive session beginning at 9 a.m. on July 18, 1996, and chairmen of various board committees may request committee meetings in conjunction with this meeting or

thereafter. If the board completes its entire agenda on July 18, it may not convene on July 19.

Contact: Phil Smith, Policy Analyst Senior, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2427.

BOARD FOR GEOLOGY

† **July 22, 1996 - 11 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A workshop to discuss regulatory review. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2406, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

† **July 23, 1996 - 8 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2406, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

DEPARTMENT OF HEALTH

Biosolids Use Regulations Advisory Committee

† **July 31, 1996 - 10 a.m.** -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. ☎

A meeting to discuss issues concerning the implementation and proposed revisions of the Biosolids Use Regulations involving land application, distribution, or marketing of biosolids.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 371-2891.

Virginia HIV Prevention Community Planning Committee

July 19, 1996 - 8:30 a.m. -- Open Meeting
Sheraton Inn-Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to continue HIV prevention community planning.

Contact: Elaine G. Martin, Coordinator, STD/AIDS Education, Information and Training, Bureau of STD/AIDS, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23218, telephone (804) 786-0877 or toll-free 1-800-533-4148.

Commissioner's Waterworks Advisory Committee

† **July 18, 1996 - 10 a.m.** -- Open Meeting
Donaldson Brown Hotel and Conference Center, Virginia Tech, Otey Street, Conference Room C, Blacksburg, Virginia.

A general business meeting of the committee. The committee meets on the third Thursday of odd months at various locations around the state. Meeting locations and dates will be announced.

Contact: Thomas B. Gray, P.E., Special Projects Manager, Division of Water Supply Engineering, Department of Health, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-5566 or FAX (804) 786-5567.

BOARD OF HEALTH PROFESSIONS

July 9, 1996 - 1 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

August 23, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health Professions intends to adopt regulations entitled: **Regulations Governing Standards for Dietitians and Nutritionists**. The regulation establishes minimal standards for the use of the titles of dietitian or nutritionist in accordance with provisions of § 54.1-2731 of the Code of Virginia.

Statutory Authority: §§ 54.1-2400 and 54.1-2731 of the Code of Virginia.

Contact: Elaine J. Yeatts, Senior Regulatory Analyst, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9918.

Ad Hoc Levels of Regulation Committee

July 9, 1996 - 11 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

Calendar of Events

A meeting to review issues dealing with the regulation of health care professions. Brief public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

Compliance and Discipline Committee

July 9, 1996 - 10 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to receive a report on progress of study dealing with the disclosure of disciplinary information, and other business. Brief public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

Practitioner Self-Referral Committee

July 8, 1996 - 3 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to consider requests for an advisory opinion on referrals. Brief public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

Regulatory Research Committee

July 9, 1996 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review final reports on alternative and complementary medicine and pharmacy technicians, and to consider other studies. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

July 15, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Council of Higher Education for Virginia intends to amend regulations entitled: **8 VAC 40-30-10 et seq. Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas and Certificates.** The purpose of the amendments is to address inefficiencies contained in current regulations, update regulations to reflect changing technologies, and address a gap in the state's quality assurance measures regarding the review and approval of certificate and diploma programs below the associate degree level. The proposed amendments will be beneficial to the public's welfare by reducing administrative burdens on institutions of higher education operating in Virginia while continuing to ensure that such institutions are offering quality degree programs.

Statutory Authority: § 23-268 of the Code of Virginia.

Public comments may be submitted until July 15, 1996, to M. Elizabeth Griffin, State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, Richmond, Virginia 23219.

Contact: Frances C. Bradford, Regulatory Coordinator, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2137.

VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

July 25, 1996 - 10 a.m. -- Open Meeting

August 22, 1996 - 1 p.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. ☎

A regular meeting.

Contact: Diana F. Cantor, Executive Director, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 746-3634.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

August 6, 1996 - 9 a.m. -- Open Meeting

September 3, 1996 - 9 a.m. -- Open Meeting

Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☎ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee Meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

State Building Code Technical Review Board

† July 19, 1996 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North Second Street, 1st Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to hear administrative appeals concerning building and fire codes and other regulations of the department. The board also issues interpretations and formalizes recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

Contact: Vernon W. Hodge, Building Code Supervisor, State Building Code Office, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089/TDD

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† July 16, 1996 - 11 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

The annual meeting of the Board of Commissioners. The board will (i) elect the chairman and vice chairman; (ii) review and, if appropriate, approve the minutes from the prior monthly meeting; (iii) consider for approval and ratification mortgage loan commitments under its various programs; (iv) review the authority's operations for the prior month; (v) approve proposed amendments to the Rules and Regulations for Administration of Elderly and Disabled Low-Income Housing Tax Credits; (vi) approve proposed amendments to the Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. The annual meetings of the shareholders and the Board of Directors for Housing for Virginia, Inc., a wholly owned subsidiary of the authority, will also be held following the meeting of the Board of Commissioners of the authority; at the annual meeting of the shareholders, the board of directors will be elected, and other business properly before the meeting may be considered; at the meeting of the board of directors, officers of the

corporation will be elected and other business properly before the meeting may be considered.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

STATE BOARD OF JUVENILE JUSTICE

† July 31, 1996 - 9 a.m. -- Open Meeting
Department of Juvenile Justice, 700 East Franklin Street, Richmond, Virginia.

Beginning at 9 a.m., committees will meet to review secure and nonsecure programs; the full board will meet at 10 a.m. to consider program certification issues, approval of various projects proposed by localities, policies and regulatory matters affecting programs and services in the juvenile justice system.

Contact: Donald R. Carignan, Policy Coordinator, State Board of Juvenile Justice, 700 E. Franklin St., P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

COMMISSION ON LOCAL GOVERNMENT

July 8, 1996 - 10 a.m. -- Open Meeting
Richmond area; site to be determined.

A regular meeting of the commission to consider such matters as may be presented. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., 805 E. Broad St., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999, or (804) 786-1860/TDD

LONGWOOD COLLEGE

Board of Visitors

† July 26, 1996 - 3:30 p.m. -- Open Meeting
Longwood College, Lancaster Building, Farmville, Virginia.

A meeting to conduct routine business.

Contact: William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† July 26, 1996 - 9:30 a.m. -- Open Meeting
Longwood College, Virginia Room, W. Ruffner, Farmville, Virginia.

A meeting of the Academic Affairs/Student Affairs Committees, and Facilities and Services/Finance Committees to conduct routine business.

Calendar of Events

Contact: William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2001 or FAX (804) 395-2821.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

August 9, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-95 through 12 VAC 30-80-310. Amount, Duration and Scope of Services, and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care.** The purpose of this proposal is to promulgate regulations which would allow DMAS to require the use of prescription orders for certain over-the-counter (OTC) therapeutic products as a first approach to drug therapy where these products may be used in place of a more expensive legend-only drug. Payment for the more expensive legend drug would be denied, except in a few specified conditions, unless initial treatment was initiated using these less costly OTC drugs and the results of the OTC therapy were found to be unsatisfactory.

DMAS must implement cost-saving measures in its covered pharmacy services. Among these, enhancements to the Point-of-Service (POS) automated system related to the Prospective Drug Utilization Review (ProDUR) program have been identified as a priority. Additionally, DMAS must develop a Prior Authorization (PA) program. The two initiatives, in tandem, are well suited to implementation in the interest of economy and patient safety. This OTC program will enable the partial fulfillment of the required budget reduction.

Historically, the Joint Legislative Audit and Review Commission recommended, in 1993, that Medicaid cover OTC drugs. Also, in 1994, the American Medical Association adopted a policy which recommended to physicians that they adopt the practice of prescribing OTC medications to their patients.

As a result of the increased movement of drug products from prescription only (legend) to OTC status during recent years, a large number of effective drug products are available to the public in dosage forms/strengths previously obtainable only on prescription. These have been reviewed extensively by expert panels at the U.S. Food and Drug Administration (FDA) and deemed safe and effective. The increased efficacy and cost savings of using these products justifies the initiation of a program to enhance the pharmacy services by providing certain OTC drugs as therapeutic alternatives to costly legend products.

DMAS expects this proposed policy to have a positive impact on families because it recommends the expansion of covered pharmacy services to include certain OTC drugs which, at least for the noninstitutionalized population, have heretofore not been covered. This will alleviate some of this financial burden which has been borne by families.

These savings are a part of the savings which are required in Chapter 853, Item (E)(8), the 1995 Appropriations Act. This initiative should produce cost saving in individual patient care in the proposed categories. The extent will vary with the product category. Overall, the initiative should result in cost savings. While individual patient costs may decrease, the population served is composed of those having high utilization problems, such as ulcer patients and patients suffering with inflammatory diseases such as arthritis. Therefore, early intervention with these products in a larger population may result in a smaller decrease in expenditures than might otherwise be anticipated. However, cost savings in the program as a whole may be significant if this early intervention results in fewer serious complications and hospitalizations.

The numbers of prescribers and pharmacy providers should not be affected. The program will be implemented statewide and no negative impact is anticipated to providers. Recipients who may have been taking OTC products in the past with good success, will be allowed under this initiative to obtain those products by doctor's orders. This will result in a savings to the patient, who will now pay only the co-pay instead of full OTC price. Patient compliance should improve as a result, thereby decreasing the potential for additional, more costly therapies. The overall effect is expected to be cost savings to the public in the Medicaid program.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until August 9, 1996, to David Shepherd, Pharmacy Services, Division of Program Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

August 23, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to **amend** regulations entitled: **12 VAC 30-10-10 et seq. State Plan for Medical Assistance Services: General Provisions and adopt** regulations entitled: **12 VAC 30-120-360 et seq. Part VI, Medallion II.** The proposed regulations govern mandatory HMO enrollment in accordance with the 1995 Appropriations Act. Several technical changes are also being made.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until August 23, 1996, to Susan Prince, Program Delivery Systems, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinator, Department of Medical Assistance

Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

Drug Utilization Review Board

† August 22, 1996 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business.

Contact: Marianne R. Rollings, Pharmacist Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820 or FAX (804) 786-0414.

Virginia Medicaid Pharmacy Prior Authorization Committee

† August 12, 1996 - 1 p.m. -- Public Hearing
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ☎

A public hearing to receive comments on pharmaceutical products that will be recommended for prior authorization to the Board of Medical Assistance Services.

Contact: David Shepherd, Pharmacy Supervisor, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820 or FAX (804) 786-0414.

Pharmacy Liaison Committee

† August 7, 1996 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business.

Contact: Marianne R. Rollings, Pharmacist Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820 or FAX (804) 786-0414.

Prior Authorization/Virginia Health Outcomes Partnership Advisory Committee

† August 8, 1996 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business of the committee, including a discussion of implementation of a prior authorization program for Virginia Medicaid.

Contact: David Shepherd, Pharmacist Supervisor, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820 or FAX (804) 786-0414.

BOARD OF MEDICINE

Informal Conference Committee

† August 23, 1996 - 9 a.m. -- Open Meeting
Fort Magruder Inn, Route 60, Conference Center, Williamsburg, Virginia.

The Informal Conference Committee, composed of three members of the board, will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7332, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Office of Early Intervention for Infants and Toddlers with Disabilities and Their Families

July 9, 1996 - 4 p.m. -- Open Meeting
Henrico Area Mental Health and Mental Retardation Services, 10299 Woodman Road, Glen Allen, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services announces public hearings and is accepting public comment on Virginia's Ninth Year Grant Application (3-year application) to the U. S. Department of Education, Office of Special Education, Part H Early Intervention for Infants and Toddlers with Disabilities Program. Call the department by June 28, 1996, if you wish to speak at the Richmond public hearing. Interpreters for persons with hearing impairments will be provided based on calls received by June 28, 1996. Written testimony will be accepted until August 15, 1996. Please submit to the Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 10th Floor, P.O. Box 1797, Richmond, VA 23218-1797. Copies of the application will be located at community services boards for review.

Contact: Richard Corbett, Part H Program Support, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 10th Floor, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-3710 or FAX (804) 371-7959.

July 9, 1996 - 4 p.m. -- Open Meeting
New River Community College, Godbey Board Room, Dublin, Virginia. ☎ (Interpreter for the deaf provided upon request)

Calendar of Events

The Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services announces public hearings and is accepting public comment on Virginia's Ninth Year Grant Application (3-year application) to the U. S. Department of Education, Office of Special Education, Part H Early Intervention for Infants and Toddlers with Disabilities Program. Call Bev Crouse at (540) 231-6208 by June 28, 1996, if you wish to speak at the New River Valley public hearing. Interpreters for persons with hearing impairments will be provided based on calls received by June 28, 1996. Written testimony will be accepted until August 15, 1996. Please submit to the Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 10th Floor, P.O. Box 1797, Richmond, VA 23218-1797. Copies of the application will be located at community services boards for review.

Contact: Richard Corbett, Part H Program Support, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 10th Floor, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-3710 or FAX (804) 371-7959.

State Human Rights Committee

† July 26, 1996 - 9 a.m. -- Open Meeting
Sheraton Inn, 2350 Seminole Trail, Charlottesville, Virginia.

A regular meeting of the committee to discuss business and conduct hearings relating to human rights issues. Agenda items are listed for the meeting.

Contact: Kli Kinzie, State Human Rights Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-3988, FAX (804) 371-2308, toll-free 1-800-451-5544 or (804) 371-8977/TDD ☎

VIRGINIA MILITARY INSTITUTE

Board of Visitors

July 12, 1996 - 8:30 a.m. -- Open Meeting
July 13, 1996 - 8:30 a.m. -- Open Meeting
Virginia Military Institute, Lejeune Hall, Lexington, Virginia. ☎

A special meeting for consultation with attorneys regarding actual litigation.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Board of Visitors, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206.

September 21, 1996 - 8:30 a.m. -- Open Meeting
Virginia Military Institute, Smith Hall, Lexington, Virginia. ☎

A regular meeting. There will be an opportunity for public comment at approximately 9 a.m. immediately after the Superintendent's comments.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Board of Visitors, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Coal Surface Mining Reclamation Fund Advisory Board

July 11, 1996 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review and discuss recent interstate mining compact commission issues with the coal industry.

Contact: Danny Brown, Director, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8152, FAX (540) 523-8163 or toll-free 1-800-828-1120 (VA Relay Center).

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

July 10, 1996 - 1 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☎

A regular business meeting.

Contact: Millicent N. Ford, Program Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-6203.

VIRGINIA MUSEUM OF FINE ARTS

Board of Trustees

† July 31, 1996 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ☎

The Buildings and Grounds Committee will meet with architects to discuss the renovation project for the Center for Education and Outreach. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553.

BOARD OF NURSING

† July 22, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf
provided upon request)

A Special Conference Committee will conduct informal conferences with licensees and certificate holders to determine what, if any, action should be recommended to the Board of Nursing. The Education Special Conference Committee will meet to review proposals and reports and prepare recommendations for the board. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

† July 22, 1996 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf
provided upon request)

Two Special Conference Committees will conduct informal conferences in the morning. A panel of the Board of Nursing will conduct formal hearings. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

† July 23, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf
provided upon request)

A regular meeting of the Board of Nursing to consider matters relating to education programs, discipline of licensees, licensure by examination and other matters under the jurisdiction of the board. Public comment will be received during an open forum beginning at 11 a.m.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

† July 24, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf
provided upon request)

A meeting to conduct formal hearings.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

† July 25, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf
provided upon request)

A panel of the Board of Nursing will conduct formal hearings with licensees and certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

BOARD OF OPTOMETRY

July 12, 1996 - 8 a.m. -- Open Meeting
July 12, 1996 - 11:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Room 3, Richmond, Virginia. ☎ (Interpreter for the
deaf provided upon request)

A meeting of the full board to conduct general regulatory review. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Optometry, Southern States Building, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

July 12, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Room 3, Richmond, Virginia. ☎ (Interpreter for the
deaf provided upon request)

A TPA Formulary Ad Hoc Committee meeting to review and employ the recommendations of the Treatment Guidelines Ad Hoc Committee for board review and approval. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Optometry, Southern States Building, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

July 12, 1996 - 2 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Room 3, Richmond, Virginia. ☎ (Interpreter for the
deaf provided upon request)

A meeting to conduct informal conferences. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Optometry, Southern States Building, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

July 23, 1996 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia.

Calendar of Events

August 23, 1996 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Professional Counselors and Marriage and Family Therapists intends to amend regulations entitled: **18 VAC 115-20-10 et seq. Regulations Governing the Practice of Professional Counseling.** The purpose of the proposed amendments is to reduce fees for application processing, registration of supervision, and renewal of license.

Statutory Authority: §§ 54.1-113, 54.1-2400, and 54.1-3503 of the Code of Virginia.

Contact: Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

July 23, 1996 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

August 23, 1996 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Professional Counselors and Marriage and Family Therapists intends to amend regulations entitled: **18 VAC 115-30-10 et seq. Regulations Governing the Certification of Substance Abuse Counselors.** The purpose of the proposed amendments is to reduce fees for application processing, registration of supervision, and renewal of certificate.

Statutory Authority: §§ 54.1-2400 and 54.1-3503 of the Code of Virginia.

Contact: Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

BOARD OF PSYCHOLOGY

† **July 9, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

A meeting to (i) adopt emergency regulations in compliance with Chapter 937 of the 1996 Acts of Assembly; (ii) consider a proposal to submit regulations to take effect at the time the emergency regulations expire; and (iii) discuss proposed regulations for sex offender treatment providers.

Contact: Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th

Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

REAL ESTATE APPRAISER BOARD

August 27, 1996 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

REAL ESTATE BOARD

August 8, 1996 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct regulatory review. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

† **July 11, 1996 - 9 a.m.** -- Open Meeting
† **August 22, 1996 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

† **August 22, 1996 - 9 a.m.** -- Open Meeting
Alcoholic Beverage Control Board, 501 Montgomery Street, Alexandria, Virginia. ☎

A meeting to conduct a formal hearing pursuant to the Administrative Process Act in regard to the Real Estate Board v. Paulette Heins, File Number 93-01863.

Contact: Stacie Camden, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2393, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

BOARD OF REHABILITATIVE SERVICES

July 25, 1996 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly meeting to conduct board business. Persons desiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting so that suitable arrangements can be made.

Contact: John R. Vaughn, Commissioner, Board of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD ☎

Assistive Technology Loan Fund Authority Board

July 18, 1996 - 1 p.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A business meeting of the board. Persons desiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting so that suitable arrangements can be made.

Contact: Michael Scione, ATLFA Staff, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7606, toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD ☎

VIRGINIA RESOURCES AUTHORITY

July 9, 1996 - 9:30 a.m. -- Open Meeting
Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

The board will meet to approve minutes of the meeting of the prior month, to review the authority's operations for the prior months, and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Virginia Resources Authority, 909 E. Main St., Suite 607, Mutual Building, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

RICHMOND HOSPITAL AUTHORITY

Board of Commissioners

† **July 25, 1996 - 5 p.m. -- Open Meeting**
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor, Classroom, Richmond, Virginia. ☎

A monthly board meeting to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, 700 E. Main St., Suite 904, Richmond, VA 23204-0548, telephone (804) 782-1938.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

July 17, 1996 - 10 a.m. -- Open Meeting
July 18, 1996 - 10 a.m. -- Open Meeting
General Assembly Building, House Room D, Capitol Square, Ninth and Broad Streets, Richmond, Virginia. ☎

† **August 21, 1996 - 10 a.m. -- Open Meeting**
Henrico County Government Center, Administrative Board Room, Parham and Hungary Springs Roads, Richmond, Virginia. ☎

The board will hear all administrative appeals of denials of onsite sewage disposal systems permits pursuant to §§ 32.1-166.1 et seq. and 9-6.14:12 of the Code of Virginia and 12 VAC 5-610-10, Sewage Handling and Disposal Regulations.

Contact: Beth Bailey Dubis, Secretary to the Board, Sewage Handling and Disposal Appeals Review Board, 1500 E. Main St., Suite 115, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1750.

BOARD OF SOCIAL WORK

† **July 19, 1996 - 10 a.m. -- Open Meeting**
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. ☎

A regular meeting of the board. Public comment will be received at 9:15 a.m.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9914, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

July 19, 1996 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

An informal conference will be held pursuant to § 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

Calendar of Events

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9967 or (804) 662-7197/TDD ☎

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

July 9, 1996 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting of the board and exam writers in the soil profession or field to conduct an examination review.

Contact: George Bridewell, Examination Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572 or (804) 367-9753/TDD ☎

VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **July 18, 1996 - 9 a.m.** -- Open Meeting
Colonial Farm Credit Office Building, 6526 Mechanicsville Turnpike, Conference Room, Mechanicsville, Virginia.

A regular bimonthly business meeting.

Contact: Linda J. Cox, Administrative Assistant, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-2152, or FAX (804) 786-1798.

DEPARTMENT OF TAXATION

† **July 16, 1996 - 1 p.m.** -- Open Meeting
The Jackson Center, 501 North Second Street, Richmond, Virginia. ☎

An initial meeting to solicit comments regarding the department's role in the administration of the Business, Professional, and Occupational License Tax required by HB 293 and SB 587 (BPOL Uniform Ordinance Bills). The recently enacted legislation provides taxpayers the option to appeal a local BPOL assessment to the state Tax Commissioner. The department is looking for public comment on developing procedures for this state appeals process. This legislation also requires that the department revise the current BPOL Guidelines and expand the scope of the guidelines from just classification issues to include all BPOL issues. The department will consider comments related to the thresholds and fees, the definitions, including the definition of "profession," rules related to the situs of gross receipts, and general administrative issues related to the tax. Specific administrative issues to be considered include the local appeals process and the state appeals process related to administrative appeals of a BPOL assessment. In addition to hearing general comments and providing attendees with information on these issues, the department is soliciting qualified individuals who would like to assist with the development

of an appeals process and the review of revisions to the guidelines. It is anticipated that additional meetings will be held around the state to solicit additional comments. The department will provide a tentative work plan, including a proposed time frame in which to complete work on the project. Public input is desired on filling in the details of this work plan in terms of meeting dates and locations. Please contact the department if you are planning to attend so that the department can arrange for adequate seating and materials for distribution.

Contact: Robert L. Megna, Assistant Commissioner, Department of Taxation, Office of Tax Policy, P.O. Box 1880, Richmond, VA 23218-1880, telephone (804) 367-8010 or FAX (804) 367-0045.

COMMONWEALTH TRANSPORTATION BOARD

July 17, 1996 - 2 p.m. -- Open Meeting
Fredericksburg Sheraton, 2801 Plank Road, Fredericksburg, Virginia. ☎ (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

July 18, 1996 - 10 a.m. -- Open Meeting
Fredericksburg Sheraton, 2801 Plank Road, Fredericksburg, Virginia. ☎ (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

TREASURY BOARD

July 17, 1996 - 9 a.m. -- Open Meeting
August 21, 1996 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ☎

A regular meeting.

Contact: Gloria Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

VENTURE CAPITAL ROUNDTABLE

† **July 18, 1996 - 11 a.m.** -- Open Meeting
Virginia Economic Development Partnership Offices, Riverfront Plaza, 901 East Byrd Street, Main Boardroom, 19th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

This will be the second meeting of the roundtable which was formed as the result of a recommendation by the Joint Subcommittee Studying Capital Access. The group will examine ways to promote lending to small business owners in the Commonwealth and the creation of a statewide "angel" network. Policies relating to the issuance of securities will also be examined.

Contact: Christopher D. Lloyd, Special Assistant, Secretariat of Commerce and Trade, P. O. Box 1475, Richmond, VA 23212, telephone (804) 786-7831, FAX (804) 371-0250, or (804) 786-7765/TDD

BOARD OF VETERINARY MEDICINE

August 10, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Veterinary Medicine intends to amend regulations entitled: **18 VAC 150-20-10 et seq. Regulations Governing the Practice of Veterinary Medicine.** The purpose of the proposed amendments is to establish approved providers of continuing education requirements for retention of documents and conditions for waivers. This action will replace emergency regulations which became effective February 6, 1996.

Statutory Authority: §§ 54.1-2400 and 54.1-3805.2 of the Code of Virginia.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7691, FAX (804) 662-9943, or (804) 662-7197/TDD

VIRGINIA RACING COMMISSION

† **July 17, 1996 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The commission will conduct a regular monthly meeting including a report by Colonial Downs as well as a review of the existing regulations.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P. O. Box 1123, Richmond, VA 23218, telephone (804) 371-7363.

BOARD FOR THE VISUALLY HANDICAPPED

July 17, 1996 - 1:30 p.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Board for the Visually Handicapped is an advisory board responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budgets and requests for appropriations for the department. At this regular quarterly meeting, the board members will receive information regarding department activities and operations, review expenditures from the board's institutional fund, and discuss other issues raised by board members.

Contact: Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140/TDD or toll-free 1-800-622-2155.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

July 13, 1996 - 11 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The committee meets quarterly to advise the Board for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Barbara G. Tyson, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD

Vocational Rehabilitation Advisory Council

† **September 21, 1996 - 10 a.m.** -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The council meets quarterly to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD

Calendar of Events

VIRGINIA WASTE MANAGEMENT BOARD

July 29, 1996 - 1 p.m. -- Public Hearing
Loudoun County Office Building, 1 Harrison Street,
Southeast, Board of Supervisors Meeting Room, Leesburg,
Virginia.

July 30, 1996 - 10 a.m. -- Public Hearing
James City County Government Center, 101 C Mounts Bay
Road, Building C, Board of Supervisors Room, Williamsburg,
Virginia.

August 1, 1996 - 10 a.m. -- Public Hearing
Roanoke County Administration Center, 5204 Bernard Drive,
Board of Supervisors Meeting Room, Roanoke, Virginia.

August 23, 1996 -- Public comments may be submitted until
5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to **repeal** regulations entitled: **9 VAC 20-100-10 et seq., Yard Waste Composting Facility Regulations** and **adopt** regulations entitled: **9 VAC 20-101-10 et seq., Vegetative Waste Management and Yard Waste Composting Regulations.** 9 VAC 20-100-10 et seq. is being simultaneously incorporated into the Vegetative Waste Management and Yard Waste Composting Regulations and are therefore redundant and unnecessary. 9 VAC 20-101-10 et seq. compiles, establishes, and provides requirements for certain facilities that may be exempted from some or all of the Solid Waste Management Regulations or subject to simplified procedures.

Statutory Authority: §§ 10.1-1402 and 10.1-1408.1 of the Code of Virginia.

Contact: Robert G. Wickline, P.E., Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4213.

STATE WATER CONTROL BOARD

† **July 24, 1996 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, Training Room, 629
East Main Street, Richmond, Virginia.

A meeting to discuss the proposed repeal of the Toxics Management Regulation (VR 680-14-03) (9 VAC 25-50-10 et seq.). This meeting is being held in response to the May 22, 1996, directive from the board that the staff revisit the proposed repeal of this regulation. The board and the DEQ staff encourage anyone interested in the proposed repeal to attend the meeting and make their viewpoint known. The staff plans to bring this proposal to the board in September and will consider all comments received at this meeting in developing the recommendation to the board.

Contact: Richard Ayers, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23240, telephone (804) 698-4075.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

July 11, 1996 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review, disciplinary cases, and other matters requiring board action. An examination workshop will begin at 1 p.m. and will be conducted in Executive Session. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

INDEPENDENT

STATE LOTTERY BOARD

August 28, 1996 - 9:30 a.m. -- Public Hearing
State Lottery Department, 900 East Main Street, Richmond,
Virginia.

July 26, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: **11 VAC 5-20-10 et seq. Administration Regulations.** The purpose of the proposed amendments is to clarify procurement exemptions and restrictions, clarify board meeting requirements, remove sections that are duplicative of Code of Virginia provisions when practical, and incorporate housekeeping changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774.

August 28, 1996 - 9:30 a.m. -- Public Hearing
State Lottery Department, 900 East Main Street, Richmond,
Virginia.

July 26, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: **11 VAC 5-30-10 et seq. Instant Game Regulations.** The purpose of the proposed amendments is to clarify revocation or suspension of a lottery retailer's license, authorize cashing at lottery headquarters, eliminate claim form requirements, delete sections that are unnecessary or duplicative, and make housekeeping changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774.

August 28, 1996 - 9:30 a.m. -- Public Hearing
State Lottery Department, 900 East Main Street, Richmond, Virginia.

July 26, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: **11 VAC 5-40-10 et seq. On-Line Game Regulations.** The purpose of the proposed amendments is to clarify revocation or suspension of a lottery retailer's license, authorize cashing at lottery headquarters, eliminate claim form requirements, revise subscription plan, and make housekeeping changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774.

LEGISLATIVE

ADMINISTRATIVE LAW ADVISORY COMMITTEE

Ex Parte Communications Subcommittee

† **July 31, 1996 - 3 p.m.** -- Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A public hearing on the advisability of requiring state agencies to adopt policies regarding ex parte (off-the-record) communications with decision makers during agency permitting, hearings and appeals. A copy of proposed legislation (SB 479, 1996) and a list of salient topics is available upon request. Written comments will be accepted until August 7, 1996.

Contact: Lyn Hammond, Program Coordinator, Administrative Law Advisory Committee, General Assembly

Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

VIRGINIA CODE COMMISSION

NOTE: CHANGE IN MEETING TIMES AND LOCATION

July 10, 1996 - 1 p.m. -- Open Meeting

July 11, 1996 - 9 a.m. -- Open Meeting

Fort Magruder Inn, U.S. Route 60 East, Williamsburg, Virginia.

A regularly scheduled meeting to continue the recodification of Title 15.1.

Contact: E. M. Miller, Director, or Jane Chaffin, Deputy Registrar of Regulations, Division of Legislative Services, General Assembly Bldg., 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

July 8, 1996 - 9:30 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia.

A meeting for the review of Virginia's magistrate system and magistrate video conference and the Department of Planning and Budget performance measures update.

Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Bldg., 910 Capitol Square, Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

COMMISSION ON YOUTH

August 5, 1996 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss youth gangs in Virginia.

Contact: Joyce Huey, General Assembly Bldg., 910 Capitol St., Suite 517B, Richmond, VA 23219-0406, telephone (804) 371-2481.

† **September 24, 1996 - 10 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss status offenders.

Contact: Joyce Huey, General Assembly Bldg., 910 Capitol Square, Suite 517B, Richmond, VA 23219-0406, telephone (804) 371-2481.

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

July 8

Health Professions, Board of
- Practitioner Self-Referral Committee
Legislative Audit and Review Commission, Joint
Local Government, Commission on

July 9

† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Southern Area Review Committee
Health Professions, Board of
- Ad Hoc Levels of Regulation Committee
- Compliance and Discipline Committee
- Regulatory Research Committee
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
- Office of Early Intervention for Infants and Toddlers
with Disabilities and Their Families
† Psychology, Board of
Resources Authority, Virginia
Soil Scientists, Board for Professional

July 10

Agriculture and Consumer Services, Department of
- Virginia Marine Products Board
Air Pollution Control Board, State
- State Advisory Board on Air Pollution
Code Commission, Virginia
Contractors, Board for
Motor Vehicles, Department of
- Medical Advisory Board

July 11

Agriculture and Consumer Services, Department of
- Pesticide Control Board
† Child Day-Care Council
Code Commission, Virginia
Comprehensive Services Act for At Risk Youth and Their
Families
- State Management Team
Mines, Minerals and Energy, Department of
- Coal Surface Mining Reclamation Fund Advisory
Board
† Real Estate Board
Waterworks and Wastewater Works Operators, Board
for

July 12

† Dentistry, Board of
Military Institute, Virginia
- Board of Visitors
Optometry, Board of

July 13

Military Institute, Virginia
- Board of Visitors
Visually Handicapped, Department for the
- Advisory Committee on Services

July 15

† Emergency Planning Committee, Local - Prince
William County, Manassas City, and Manassas Park City
Forestry, Board of

July 16

† Agriculture and Consumer Services, Department of
- Virginia Peanut Board
† Corrections, Board of
- Correctional Services Committee
- Liaison Committee
Environmental Quality, Department of
- Ground Water Protection Steering Committee
† Housing Development Authority, Virginia
† Taxation, Department of

July 17

Agriculture and Consumer Services, Department of
- Virginia Small Grains Board
Community Colleges, State Board for
† Corrections, Board of
- Administration Committee
Sewage Handling and Disposal Appeals Review Board
Transportation Board, Commonwealth
Treasury Board
† Virginia Racing Commission
Visually Handicapped, Board for the

July 18

Asbestos Licensing and Lead Certification, Board for
Community Colleges, State Board for
† Competition Council, Commonwealth
† Competitive and Equitable Tax Policy, Governor's
Commission on
Conservation and Recreation, Department of
- Goose Creek Scenic River Advisory Board
Game and Inland Fisheries, Board of
† Health, Department of
- Commissioner's Waterworks Advisory Committee
Rehabilitative Services, Department of
- Assistive Technology Loan Fund Authority Board
Sewage Handling and Disposal Appeals Review Board
† Soil and Water Conservation Board, Virginia
Transportation Board, Commonwealth
† Venture Capital Roundtable

July 19

† Agriculture and Consumer Services, Department of
- Virginia Pork Industry Board
† Family and Children's Trust Fund
Game and Inland Fisheries, Board of
HIV Community Planning Committee, Virginia
† Housing and Community Development, Department of
- State Building Code Technical Review Board
† Social Work, Board of

July 22

Accountancy, Board for
† Geology, Board for
† Nursing, Board of

July 23

Accountancy, Board for
† Agriculture and Consumer Services, Department of
- Board of Agriculture and Consumer Services

Calendar of Events

- † Child Day-Care Council
- † Geology, Board for
- † Nursing, Board of

July 24

- † Economic Development Partnership, Virginia
Emergency Planning Committee, Local - City of Bristol
- † Nursing, Board of
- † Water Control Board, State

July 25

- Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
- † Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Land Surveyors
Compensation Board
Higher Education Tuition Trust Fund, Virginia
- † Nursing, Board of
- Rehabilitative Services, Board of
- † Richmond Hospital Authority

July 26

- † Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
- † Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Land Surveyors
Comprehensive Services Act for At Risk Youth and Their
Families
- State Executive Council
- † Longwood College Board of Visitors
- Academic Affairs/Student Affairs Committees
- Facilities and Services/Finance Committees
- † Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- State Human Rights Committee

July 29

- Alcoholic Beverage Control Board, Virginia

July 31

- † Administrative Law Advisory Committee
- Ex Parte Communications Subcommittee
- † Biosolids Use Regulations Advisory Committee
- † Juvenile Justice, State Board of
- † Museum of Fine Arts, Virginia
- Board of Trustees

August 2

- Agriculture and Consumer Services, Department of
- Virginia Soybean Board

August 5

- Youth, Commission on
- Barbers, Board for

August 6

- Hopewell Industrial Safety Council

August 7

- † Deaf and Hard-of-Hearing, Department for the
- Advisory Board
- † Medical Assistance Services, Department of
- Pharmacy Liaison Committee

August 8

- Child Day-Care Council
- † Medical Assistance Services, Department of
- Prior Authorization/Virginia Health Outcomes
Partnership (PA/VHOP) Advisory Committee
Real Estate Board

August 12

- Alcoholic Beverage Control Board
- † Medical Assistance Services, Department of
- Virginia Medicaid Pharmacy Prior Authorization
Committee

August 13

- † Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Southern Area Review Committee

August 20

- † Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board

August 21

- † Sewage Handling and Disposal Appeals Review Board
Treasury Board

August 22

- Higher Education Tuition Trust Fund, Virginia
- † Medical Assistance Services, Department of
- Drug Utilization Review Board
- † Real Estate Board

August 23

- † Medicine, Board of

August 26

- Alcoholic Beverage Control Board

August 27

- Real Estate Appraiser Board

August 29

- Compensation Board

September 3

- Hopewell Industrial Safety Council

September 21

- Military Institute, Virginia
- Board of Visitors
- † Visually Handicapped, Department for the
- Vocational Rehabilitation Advisory Council

September 24

- † Youth, Commission on

PUBLIC HEARINGS

July 8

- Environmental Quality, Department of

July 9

- Health Professions, Board of

Calendar of Events

July 23

Air Pollution Control Board, State
Professional Counselors and Marriage and Family
Therapists, Board for

July 29

Waste Management Board, Virginia

July 30

Waste Management Board, Virginia

August 1

Waste Management Board, Virginia

August 7

† State Air Pollution Control Board

August 8

† State Air Pollution Control Board

August 28

Lottery Board, State