



Upcoming Changes to Delaware's Inspection and Maintenance (I/M) Program for Vehicles



Overview

The federal Clean Air Act requires areas of the country that are not in attainment with the ozone National Ambient Air Quality Standard – areas, like Delaware, that have had days with ozone that exceed the standard – to implement an Inspection and Maintenance program for registered vehicles to ensure vehicle emission systems are operating properly in preventing pollution. This is part of the vehicle inspection process in Delaware when a vehicle is registered or the registration is renewed. The current Inspection and Maintenance (I/M) regulations exempt new cars from having to go through an emissions test in the first five years, and the Delaware General Assembly in 2017 passed legislation to extend that exemption from emissions testing to the first seven years of a new car's life.

It is calculated that the change from five to seven years will mean some faulty emissions systems will not be found and will be required to be fixed, thus more ozone-creating pollution will be put in the air. As a result, this change from five to seven years requires other steps in order to offset the increase. Delaware's failure to take steps to stay within the I/M requirements from the federal government can result in sanctions such as withholding federal highway funds.

Due to different air quality levels, the I/M requirements that apply in New Castle and Kent counties are different from the requirements that apply to Sussex County. Changes are being proposed for both areas to reduce expected emissions from vehicles and create a consistent statewide program.

DNREC's Division of Air Quality (after coordinating with DelDOT's Division of Motor Vehicles) is proposing amendments to Delaware's Vehicle I/M Program. These changes will amend state regulations, which will go through the normal regulatory process that includes public review and comment on the changes. Before that formal process starts, DNREC will hold workshops to preview and discuss these changes with the public.

Possible Changes

In Kent and New Castle Counties:

- Increase exemption of emissions testing for newer vehicle from five to seven years (a change that has already been made in the law and will be reflected in regulations).
- For cars that are model year 2008 or newer, increase the gross vehicle weight rate (GVWR) of vehicle that must get an on-board diagnostics (OBD)-II test at inspection from 8,500 lbs. currently to 14,000 lbs. In an OBD-II test a DMV employee inserts a plug from a computer into a vehicle's dashboard to download information about the performance of the vehicle's emission systems. Increasing the GVWR for testing will have the effect of expanding the OBD-II test requirement from light-duty passenger cars and trucks to include medium-duty trucks and vans manufactured since 2008. For vehicles 1996 to 2007, 8,500 lbs. will continue to be the maximum limit for OBD-II tests.
- Clarify anti-tampering requirements that removing, altering or modifying a vehicle's emission control system is a violation of the federal standards.

In Sussex County:

- Increase exemption of emissions testing for newer vehicles from five to seven years (a change that has already been made in the law and will be reflected in regulations).
- Begin requiring OBD-II testing for vehicles 1996 and newer with a weight of 8,500 lbs. or less. For vehicles weighing 8,501 to 14,000 lbs, OBD-II inspection will be required for model year 2008 and newer.
- Increase the amount that an emissions repair must cost before the vehicle owner is exempted from passing the vehicle emissions inspection (see more below).
- Clarify anti-tampering requirements so that removing, altering or modifying a vehicle's emission control system is a violation of the federal standards.

Inspection Waivers

- Vehicle owners whose vehicles do not pass the emissions test are required to get their emission system repaired. However, if the cost for the repair is above a certain amount, an exemption from the repair is granted.
- Currently the repair cost to receive an exemption for a vehicle registered in Sussex County is \$200. The current cost for vehicles registered in Kent or New Castle counties is \$978 and the amount is adjusted annually per requirement of the federal government.
- The proposed price increase would occur through a phased-in approach beginning January 1, 2023. Department staff are seeking public feedback on the three options below for the phase-in of the Sussex County waiver amount:

Proposal 1

- 2023 - \$400
- 2024 - \$600
- 2025 - \$800
- 2026 - Parity with Kent and New Castle counties

Proposal 2

- 2023 - 2024 \$450
- 2025 - 2026 Parity with Kent and New Castle counties

Proposal 3

- 2023 Parity with Kent and New Castle counties
- Vehicle owners with failing vehicles for emissions tests will be required to have a Certified Emission Repair Technician perform any necessary repairs in order to be considered for a waiver from the emission inspection.

Benefits of Proposed Amendments

The proposed amendments will encourage proper vehicle maintenance (reducing emissions and possible damage to vehicles' emission control equipment) and discourage tampering with vehicle emission devices. The reduced vehicle emissions will improve air quality and maintain a healthy environment to reduce public health impacts such as asthma and heart disease.



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