

40 C.F.R. § 51.361

Motorist compliance enforcement.

Compliance shall be ensured through the denial of motor vehicle registration in enhanced I/M programs unless an exception for use of an existing alternative is approved. An enhanced I/M area may use an existing alternative if it demonstrates that the alternative has been more effective than registration denial. An enforcement mechanism may be considered an “existing alternative” only in States that, for some area in the State, had an I/M program with that mechanism in operation prior to passage of the 1990 Amendments to the Act. A basic I/M area may use an alternative enforcement mechanism if it demonstrates that the alternative will be as effective as registration denial. Two other types of enforcement programs may qualify for enhanced I/M programs if demonstrated to have been more effective than enforcement of the registration requirement in the past: Sticker-based enforcement programs and computer-matching programs. States that did not adopt an I/M program for any area of the State before November 15, 1990, may not use an enforcement alternative in connection with an enhanced I/M program required to be adopted after that date.

(a) *Registration denial.* Registration denial enforcement is defined as rejecting an application for initial registration or reregistration of a used vehicle (*i.e.*, a vehicle being registered after the initial retail sale and associated registration) unless the vehicle has complied with the I/M requirement prior to granting the application. Pursuant to section 207(g)(3) of the Act, nothing in this subpart shall be construed to require that new vehicles shall receive emission testing prior to initial retail sale. In designing its enforcement program, the State shall:

- (1) Provide an external, readily visible means of determining vehicle compliance with the registration requirement to facilitate enforcement of the program;
 - (2) Adopt a schedule of testing (either annual or biennial) that clearly determines when a vehicle shall comply prior to registration;
 - (3) Design a testing certification mechanism (either paper-based or electronic) that shall be used for registration purposes and clearly indicates whether the certification is valid for purposes of registration, including:
 - (i) Expiration date of the certificate;
 - (ii) Unambiguous vehicle identification information; and
 - (iii) Whether the vehicle passed or received a waiver;
 - (4) Routinely issue citations to motorists with expired or missing license plates, with either no registration or an expired registration, and with no license plate decals or expired decals, and provide for enforcement officials other than police to issue citations (e.g., parking meter attendants) to parked vehicles in noncompliance;
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