

STATE OF NEW HAMPSHIRE
2015 - 2016
Biennial Motor Vehicle Inspection Program Report

July 25, 2017



Prepared by
New Hampshire Department of Environmental Services
New Hampshire Department of Safety, Division of Motor Vehicles
with the assistance of Gordon-Darby NHOST Service, Inc.

NHDES Report Number: R-ARD-17-05





STATE OF NEW HAMPSHIRE

2015 - 2016

Biennial Motor Vehicle Inspection Program Report

July 25, 2017

Prepared by

New Hampshire Department of Environmental Services

New Hampshire Department of Safety, Division of Motor Vehicles

with the assistance of Gordon-Darby NHOST Service, Inc.

NHDES Report Number: R-ARD-17-05



Table of Contents

	Page
1. INTRODUCTION.....	1
2. PROGRAM OVERVIEW.....	1
3. PROGRAM CHANGES - 51.366 (e) (1).....	2
3.1 Program Design	2
3.2 Funding	3
3.3 Personnel Levels.....	3
3.5 Program Authority (Legislation and Regulations).....	4
4. Program Issues - 51.366 (e) (2).....	4
5. 2015 - 2016 GOALS UPDATE/PROPOSED 2017 – 2018 GOALS.....	5
5.1 Status of 2015-2016 Program Goals.....	5
5.2 Proposed 2017-2018 Program Goals	5

1. INTRODUCTION

This is the 2015 - 2016 Biennial Report to the United States Environmental Protection Agency (EPA) on the New Hampshire motor vehicle inspection and maintenance (I/M) program. This report is required by Title 40 Code of Federal Regulations Part 51.366 (e) *Additional reporting requirement*. This report is to be submitted to EPA every other year and provides information on the following:

1. *Any changes made in program design, funding, personnel levels, procedures, regulations, and legal authority, with detailed discussion and evaluation of the impact on the program of all such changes; and*
2. *Any weaknesses or problems identified in the program within the two-year reporting period, what steps have already been taken to correct those problems, the results of those steps, and any future efforts planned.*

New Hampshire's I/M program consists of an anti-tampering inspection for vehicles less than twenty years old, and an On-Board Diagnostics (OBD) inspection for MY 1997 and newer light-duty gasoline vehicles and light-duty diesel vehicles. The State's I/M program also includes a safety inspection, which is not addressed in this report.

2. PROGRAM OVERVIEW

New Hampshire was initially subject to federal I/M requirements due to elevated ozone levels in the Southern and Seacoast portions of the state and also because of our inclusion in the Ozone Transport Region designated under Sections 176A and 184 of the Clean Air Act. New Hampshire was redesignated to "attainment" for the 1997 8-hour ozone standard (78 FR 6741) and "unclassifiable/attainment" for the 2008 8-hour ozone standard in 2013 (77 FR 30088).

New Hampshire's vehicle inspection program is administered by the New Hampshire Department of Safety, Division of Motor Vehicles (NHDMV) pursuant to Revised Statutes Annotated (RSA) Title XXI, Chapter 266, Section 266:59-b. The New Hampshire Department of Environmental Services (NHDES) has prime responsibility for compliance with Clean Air Act requirements, thus the two agencies work cooperatively to establish the rules to implement the program, conduct outreach and education activities, and prepare the annual and biennial reports.

All privately owned motor vehicles are subject to an annual safety inspection in the birth month of the registered owner. Corporate and fleet vehicles are inspected in specified months; government and municipal vehicles are inspected by March of each year. The annual anti-tampering and OBD inspections are conducted at the same time as the safety inspection.

Beginning in 1999, motor vehicles that were 1980 and newer were subject to an anti-tampering inspection consisting of a visual inspection for the presence and proper connection of the catalytic converter, gas cap, evaporative purge canister, positive crankcase ventilation valve and hoses, and the connection of the air injection pump/pulse air system. The anti-tampering program has continued since that time, with a legislative revision to the program in 2004 (approved by EPA) that exempts vehicles that are 20-model-years old and older.

Starting in May 2005, New Hampshire implemented an OBD inspection program for MY 1996 and newer light-duty gasoline vehicles (<8500 pounds) and MY 1997 and newer light-duty diesel vehicles in lieu of the anti-tampering inspection. For the first year of the program vehicles underwent the OBD test, but failed vehicles were allowed to obtain an inspection sticker and OBD repairs were voluntary provided the vehicle passed the visual anti-tampering inspection. Beginning December 1, 2006, MY 2002 and newer vehicles were subject to a pass/fail OBD test, with failures requiring repairs in order to obtain an inspection sticker. Model year 1996 to 2001 vehicles continued under an advisory program until October 1, 2007, at which time all vehicles were under the pass/fail criteria.

New Hampshire's vehicle inspection program is enforced by use of a highly visible windshield sticker. The sticker consists of two parts, a number indicating the month of inspection and a colored backing. Failure to undergo and pass an inspection, which is demonstrated by having a current sticker, is a violation that can be enforced by all local and state law enforcement officers. The fine for failing to undergo and pass an inspection on the required schedule is \$60 (*New Hampshire Revised Statutes Annotated (NH RSA) 266:5*). NHDMV may suspend or revoke the registration of an un-inspected vehicle, or may refuse to register it.

New Hampshire law allows motorists 60 days for repairs for OBD failures (*NH RSA 266:59-b V*). Motor vehicles that pass the state's safety inspection, but fail the OBD test receive just the number portion of the inspection sticker. Motorists are likely to be pulled over for lack of the colored portion of the sticker. By presenting a copy of their OBD test report that shows they are within their 60-day grace period, a motorist can avoid a citation. Motorists that exceed the grace period are subject to the fines and consequences noted above.

Pursuant to NHDMV Administrative Rule 3222.08, New Hampshire offers economic hardship time extensions on a case-by-case basis as determined by the director of NHDMV. Such extensions are for a single inspection cycle and cannot be re-issued for a given vehicle. The hardship extensions were initiated in CY 2007.

3. PROGRAM CHANGES - 51.366 (e) (1)

3.1 Program Design

In mid-2012 the State entered into a five year contract with Gordon-Darby NHOST Services, Inc. to continue to provide OBD inspection services in the state. There have been no changes in the program design during the timeframe for this report.

3.2 Funding

The NH OBD vehicle emission inspection program is self-funded. Licensed inspection stations pay the State an annual administrative fee of \$25 and \$3.25 per inspection sticker, of which \$0.25 is transferred to the motor vehicle pollution abatement fund (RSA 125-S:3) to support NHDES efforts to control air pollution from motor vehicles. The remainder of the sticker fee is available to NHDMV to draw upon for all expenses related to program administration and enforcement. Inspections stations also pay the Vendor directly, a minimum fee of \$60.00 per month or \$3.38 per test, whichever is greater. The Vendor supplies all equipment needed to complete the OBD test and electronically report the results; there is no capital investment needed by the station.

The 2012 – 2017 contract with Gordon-Darby established a pricing schedule as follows:

<u>Cost per test</u>	\$3.38
Minimum Monthly Fee	\$60.00
<u>Options – Additional per-test fees:</u>	
Base Covert Audit – Trigger Data Analysis	\$0.07*
On-Demand Stickers	\$0.22
Education & Outreach	\$0.27
Medium Duty (< 14,000 lbs.) Testing	\$0.03
Voluntary Recall Notification	\$0.10

*New triggers and triggers analyses were implemented in 2012, and the \$0.07 is included in the per test fee of \$3.38. The remaining options have not yet been exercised by the State.

3.3 Personnel Levels

A NHDMV administrator manages the OBD program and the contract with Gordon-Darby. There are now eight full-time Automotive Equipment Inspectors (AEIs) performing overt inspections based on triggers analyses and conducting routine inspections of licensed inspection stations. The AEIs are all NH certified inspectors thoroughly familiar with OBD test procedures. AEIs are civilian employees of NH State police and are empowered to enforce State regulations related to New Hampshire’s I/M Program. There are five state troopers assigned to assist the AEI’s. The full-time Enforcement Officers have inspected each of New Hampshire’s 1,608 stations at least once in 2016.

NHDES has a full-time Transportation Analyst position that supports the data analysis and reporting, as well as outreach and education activities of the I/M program, along with other duties not related to the I/M program. In 2015 and 2016, NHDES Air Resources staff assisted DMV by helping to organize and provide presentations at five “listening sessions” for inspection station owners and operators. The agencies also cooperated in providing training for municipal town clerks who provide vehicle registration services across the state.

3.4 Procedures

The NH IM program design and procedures did not change in CY2015 or CY2016.

3.5 Program Authority (Legislation and Regulations)

DMV revised their OBD rules (SAF-C 3200) in 2016 and NHDES submitted a SIP revision on June 7, 2016. EPA has not yet approved this SIP revision. The revision was mostly semantic in nature with no large policy changes. The revision of the rule added a few new definitions; redefined the rules for early registration; altered the application process; changed the testing procedure for mechanics; added rules for disqualification of applicants; established additional rules concerning operating hours to allow for random inspections; and modified the rule on the safekeeping of inspection stickers.

4. PROGRAM ISSUES - 51.366 (e) (2)

No significant program issues arose during the time frame of this report. New Hampshire's I/M program includes several communication pathways through which problems can be identified and addressed.

The State's OBD Vendor maintains a "Help Line" and a website to assist both motorists (1-800-295-5276; www.nhinspect.com) and licensed inspection station staff (1-800-383-4124; www.nhostservices.com). Through their combined manual/automated system the Vendor is able to effectively respond to questions and concerns from both inspection stations and the general public.

NHDMV also maintains a customer assistance phone line (1-603-227-4120) and website (<https://www.nh.gov/safety/divisions/dmv/>) to provide program information and receive input regarding programmatic issues. Both the Vendor and NHDMV received very few reports of problems over the biennial reporting period.

New Hampshire has a legislatively established OBD Advisory Committee tasked with reviewing and making recommendations on state OBD contracts and any necessary statutory or rule changes (*NHRSA 266:59-b VII*). Though the committee is required to meet at least annually to discuss issues, pending legislation, contract changes, or other issues raised by NHDES, NHDMV, or legislative members no meetings were held in 2015 or 2016.

From September 12 through 22, 2016, NHDMV and NHDES held five public "listening sessions" throughout the state (Portsmouth, Nashua, Manchester, Keene and Bethlehem). The purpose of these sessions was to provide inspection station owners and inspectors the opportunity to provide comments and suggestions or voice complaints regarding the NH I/M program. Eighty-seven total participants provided input as follows:

- a. The majority of attendees wanted to know when they will see on-demand stickers.
- b. Recently updated rules were reviewed and some clarifying questions were asked at each of the sessions.

- c. There were questions regarding the current placement of stickers on the windshield of vehicles with sensors built into modern vehicles in the area near where the sticker is required to be placed.
- d. Once again a review of emissions tampering was done to include what constitutes it and what the mechanic should never do it.
- e. Economic hardship time extensions and how motorists can apply for them were reviewed.

Attendance at the listening sessions was low. Overall, very few complaints about either the program or the equipment were heard. Rules updates relative to stickers on-demand and updated sticker placement are due in the Fall of 2017 and will be addressed in listening sessions in the summer of 2017.

5. 2015 - 2016 GOALS UPDATE/PROPOSED 2017 – 2018 GOALS

5.1 Status of 2015-2016 Program Goals

As reported in the 2013 – 2014 biennial report, goals for 2015 – 2016 were to:

- Implement an on-demand sticker printing program.
- Review the option of a Medium-duty and heavy-duty OBD testing.

On-Demand Sticker Printing

On-Demand Sticker Printing, a 2014 goal, remains the capability most requested by the inspection station owners and inspectors. State officials approved the addition of on-demand stickers to the current vendor contract in April 2017 and DMV anticipates a roll-out of the on-demand sticker printing in the fall of 2017.

Medium-Duty Vehicle and Heavy-Duty OBD Testing

The EPA revised the National Ambient Air Quality Standards (NAAQS) for ozone in 2015, reducing the 8-hr level from 0.075 to 0.07 ppm. Portions of the state were previously designated as nonattainment for ozone, but the state currently meets the NAAQS for this pollutant. Therefore, the addition of medium-duty and heavy-duty vehicles into the OBD testing program was not necessary during this reporting period and is not anticipated in the near future.

5.2 Proposed 2017-2018 Program Goals

On-Demand Sticker Printing

As noted above, NHDMV plans to roll-out the new on-demand sticker printing system in fall of 2017. As with any new system there will likely be a transition period and the plan is to continue to monitor and assist with the roll-out through 2017 and 2018.

Education and Outreach

Education and outreach remain an ongoing goal of the program. In 2016, five public listening sessions were held across the state to allow inspection station owners and inspectors to voice

their suggestions and issues with the program. Additional listening sessions are being scheduled for 2017 that may provide suggestions that can be implemented in the coming years.

Request For Proposal

New Hampshire's contract with Gordon-Darby will come to an end on June 30, 2019; therefore, a request for proposal (RFP) will be issued in order to obtain bids for a new contract. The process will be designed to assure that the transition will be seamless and won't negatively affect the testing program. A new RFP will be developed in the later part of 2017 and is anticipated to be released in February 2018. It is anticipated a new contract will be in place by January 1, 2019.