

(b) (1) The emissions CONTROL program shall provide for a biennial exhaust emissions test and emissions equipment and misfueling inspection for all vehicles of the 1977 model year and each model year thereafter.

(2) The emissions control program may not authorize an exhaust emissions test or emissions equipment and misfueling inspection for any vehicle of a model year earlier than the 1977 model year.

(c) By rules and regulations, the Administration and the Secretary:

(1) Shall grant a waiver to a vehicle owner if:

(i) The vehicle fails to pass the exhaust emissions test;

(ii) The vehicle owner exhibits evidence acceptable to the Administration that the owner, ~~for an initial exhaust emissions test occurring:~~

~~1. In calendar years 1995 through 1997 has actually incurred an expenditure of \$150 towards emissions related repairs to the vehicle within 60 days after the INITIAL exhaust emissions test; and~~

~~2. On or after January 1, 1998, has actually incurred the minimum expenditure required by federal law towards emissions related repairs to the vehicle within 120 days after the exhaust emissions test; and~~

(iii) The vehicle fails a retest, except that if the vehicle owner has exhibited evidence acceptable to the Administration that the vehicle owner actually incurred the minimum expenditure as required under item (1)(ii) of this subsection for the emissions related repair to the vehicle within 30 days before the initial exhaust emissions test or the period allowed under federal law, whichever is longer, a retest is not required;

(2) Notwithstanding the provisions of this section, may not grant a waiver if it is found in the testing process that factory-installed emissions equipment has been tampered with or removed, or that the vehicle has been misfueled;

(3) Unless otherwise prohibited by federal law, may grant additional waivers to extend the time for compliance in cases of financial hardship or for unusual circumstances;

(4) Shall establish criteria to certify repair facilities for the purpose of bringing vehicles into compliance with the applicable emissions standards;

(5) May provide for the suspension, revocation, or denial of renewal of the certification of a repair facility upon evidence that vehicles repaired by that facility for the purpose of bringing them into compliance with the applicable emissions standards have repeatedly failed tests or retests and the Administration and the Secretary have clear and convincing evidence the repair facility is not meeting satisfactory performance standards;

(6) Shall define the inspection parameters for the emissions equipment and misfueling inspection;

(7) Shall adopt a schedule for the exhaust emissions test;