

**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-8
MOBILE SOURCE**

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1-8.01 STATEMENT OF INTENT:

The Commission promulgates this rule for the purpose of implementing the intent of the Florida Legislature as declared in the Environmental Protection Act of Hillsborough County, to insure the atmospheric purity and freedom of the air in Hillsborough County from contaminants or synergistic agents resulting from the improper use and combustion of fuels in motor vehicles, or any other air contaminants released by the improper operation or servicing of motor vehicles. The Commission intends that staff work with all appropriate State and Federal agencies in the area of Mobile source control.

Section History – amended 8/9/12 and effective 8/20/12.

1-8.03 DEFINITIONS:

(1) Definitions contained in the Act apply to this rule.

(2) The following specific definitions shall apply to this rule:

a. "Director" means the Executive Director of the Commission or his authorized staff.

b. "Emission control system" means the devices and mechanisms installed as original equipment at the time of manufacture or those equivalent devices and mechanisms later installed during repair or replacement of original equipment, or during vehicle modification or retrofit as required by law, for the purpose of reducing or aiding in the control of emissions including, but not limited to, the following components: catalytic converter, fuel inlet restrictor, unvented fuel cap, positive crankcase ventilation system, exhaust gas recirculation system, thermostatic air cleaner, air pump and/or air injection system, oxygen sensor, fuel evaporative emission control, and all vacuum lines, electrical lines, and sensors or switches associated with these devices.

c. "Inoperable emission control system" means any emission control system or component thereof whose operation or efficiency has been circumvented, defeated, or deleteriously affected by improper maintenance, improper up-keep, wear and tear, misfueling, or tampering.

d. "Mobile source" means any mechanical source of air pollution that is characterized by the ability to propel itself.

e. (Reserved)

f. "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

g. "Smoke" means any small gasborne and airborne particles, exclusive of water vapor, from a process of combustion, in sufficient number to be visible.

h. "Tampering" means the intentional inactivation, disconnection, removal or other modification of a component or components of the emission control system resulting in it being inoperable.

i. "Tampered motor vehicle" means any motor vehicle in which the emission control system is inoperable because of tampering.

Section History – amended 8/9/12 and effective 8/20/12.

1-8.04 APPLICABILITY:

(1) With the exception of Sections 1-8.05(8) and (9), this rule is not applicable to the following motor vehicles:

a. Motor vehicles which are designated as model year 1974 or older.

b. Motor vehicles which have net vehicle weights greater than 5,000 pounds or gross vehicle weights greater than 10,000 pounds.

c. Motorcycles, mopeds, scooters, and golf carts, as defined in Section 320.01 F.S.

d. Farm vehicles, as defined in Section 320.51 F.S.

e. Imported nonconforming motor vehicles which are documented to be exempt from federal emission control requirements by the USEPA under 40 CFR 85 Subpart P.

f. Street rods as defined by Section 320.0863 F.S.

g. Ancient motor vehicles as defined by Section 320.086 F.S.

h. Motor vehicles used exclusively in competitive motor sports events.

(2) This rule is applicable to all motor vehicle sales, reassignments and trades within Hillsborough County except for the following:

a. Sales, reassignments, and trades by licensed motor vehicle dealers to licensed motor vehicle dealers.

b. Sales of motor vehicles for salvage purposes only.

c. Sales, reassignments, and trades to licensed motor vehicle dealers, where the dealer elects not to request the certification from the seller or person reassigning title.

d. Sales, reassignments, and trades involving motor vehicles exempted in Section 1-8.04(1).

1-8.05 PROHIBITIONS:

(1) No person shall tamper, cause, or allow the tampering of the emission control system of any motor vehicle.

(2) (Reserved)

(3) (Reserved)

(4) (Reserved)

(5) Except as permitted by Section 1-8.04(2),

no person or motor vehicle dealer shall offer a tampered motor vehicle for private or retail sale, or effect the transfer of title of any tampered motor vehicle.

(6) No person shall manufacture, install, sell or advertise for sale, devices to defeat or render inoperable any component of a motor vehicle's emission control system; nor shall any person sell a device or fuel additive intended to circumvent an accurate emissions test.

(7) (Reserved)

(8) No person shall cause, let, permit, or allow a gasoline powered motor vehicle under his care, custody or control upon public roadways to emit visible smoke from the exhaust pipe for a continuous period of 5 seconds or more.

(9) No person shall cause, let, permit, or allow a diesel powered motor vehicle under his care, custody or control upon public roadways to emit visible smoke from the exhaust pipe for a continuous period of 5 seconds or more, except during engine acceleration, engine lugging, or engine deceleration.

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Rule History:

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