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ONTARIO REGULATION 361/98

MOTOR VEHICLES

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This Regulation is made in English only.

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Definitions

**1.**(1)  In this Regulation,

“catalytic converter” means a device through which exhaust from a motor is passed in order to prevent or lessen the emission of a contaminant;

“conditional emissions inspection report” means a report issued under subsection 9.1 (3);

“Drive Clean Guide” means the Ministry of the Environment publication entitled “Drive Clean Guide” and dated February 1, 1999, as amended from time to time;

“emissions inspection report” means a report issued under subsection 2 (7) or (7.1);

“expanded program area” means the areas set out in Schedule 3, and includes every place that has the same postal code as a place in one of those areas;

“Greater Toronto Area” means the areas set out in Schedule 1, and includes every place that has the same postal code as a place in one of those areas;

“grey market vehicle” means a motor vehicle imported into Canada and manufactured to emission standards that at the time of manufacture were less stringent than those applicable to the same or similar categories of new vehicles in Canada;

“GVWR” stands for the gross vehicle weight rating and means the value specified by the vehicle manufacturer as the loaded weight of a single vehicle;

“heavy vehicle” means a motor vehicle with a GVWR of more than 4,500 kilograms;

“hot rod” means a motor vehicle in which the original motor has been replaced with a motor of a type not installed by the manufacturer on that model of motor vehicle for the model year designated for the motor vehicle by the manufacturer;

“kit car” means a motor vehicle that has been constructed using a new and complete body of a motor vehicle that is supplied without a motor, chassis or drive train;

“light vehicle” means a motor vehicle with a GVWR of 4,500 kilograms or less;

“model year”, when used with respect to a motor vehicle, a motor or a chassis, means the model year designated by the manufacturer or, if there is no such designation, the calendar year in which the manufacture is completed;

“Ontario Drive Clean repair facility” means a facility accredited by the Director as an Ontario Drive Clean repair facility;

“Ontario Drive Clean testing facility” means a facility accredited by the Director as an Ontario Drive Clean testing facility;

“rebuilt car” means a motor vehicle that has been constructed using various used or new component parts, such as a body, chassis or frame, obtained from other vehicles or from auto wreckers, dealers or manufacturers;

“remote OBD test provider” means a person who has been accredited by the Director as a remote on-board diagnostic system test provider;

“urban and commuter areas” means the areas set out in Schedule 2, and includes every place that has the same postal code as a place in one of those areas. O. Reg. 361/98, s. 1 (1); O. Reg. 86/99, s. 1 (1, 2); O. Reg. 438/99, s. 1; O. Reg. 343/01, s. 1 (1-11); O. Reg. 191/10, s. 1; O. Reg. 356/17, s. 1.

(2)  Despite the definition of “model year” in subsection (1),

(a) the model year of a grey market vehicle or hot rod shall be deemed to be,

(i) the model year designated by the manufacturer for the vehicle, if the manufacturer designated the model year of the vehicle to be 2000 or a later year,

(ii) the calendar year in which the manufacture of the vehicle was completed, if the manufacture of the vehicle was completed in 2000 or a later year and the manufacturer did not designate a model year for the vehicle, or

(iii) 1980, in any other case; and

(b) the model year of a kit car or rebuilt car shall be deemed to be the model year of the motor. O. Reg. 343/01, s. 1 (12).

Drive Clean Inspectors and Repair Technicians

**1.1**(1)  A person is a Drive Clean inspector for light vehicles for the purposes of this Regulation if he or she has successfully completed, within the previous 24 months, a course satisfactory to the Director with respect to the testing of air emissions and on-board diagnostic systems of light vehicles. O. Reg. 343/01, s. 2; O. Reg. 191/10, s. 2 (1).

(2)  A person is a Drive Clean inspector for heavy vehicles for the purposes of this Regulation if he or she has successfully completed, within the previous 24 months, a course satisfactory to the Director with respect to the testing of air emissions and on-board diagnostic systems of heavy vehicles. O. Reg. 343/01, s. 2; O. Reg. 191/10, s. 2 (2).

(3)  A person is a Drive Clean repair technician for the purposes of this Regulation if,

(a) the person holds a certificate of qualification as an automotive service technicianissued under the Ontario College of Trades and Apprenticeship Act, 2009;

(b) the person has successfully completed, within the previous 36 months, a course satisfactory to the Director with respect to the repair of on-board diagnostic systems, emission control systems and components of light vehicles; or

(c) the person has qualifications that the Director considers equivalent to the qualifications referred to in clause (a) or (b). O. Reg. 343/01, s. 2; O. Reg. 191/10, s. 2 (3); O. Reg. 41/13, s. 1.

(3.1)  If the Director is satisfied that a Drive Clean repair technician has incompetently performed repairs intended to bring a vehicle more nearly into compliance with the maximum emissions standards or test standards prescribed by this Regulation, the Director may, by giving written notice to the repair technician, require the repair technician to successfully complete one or more courses satisfactory to the Director to address the incompetence. O. Reg. 191/10, s. 2 (4).

(3.1.1)  If the Director is satisfied that a Drive Clean inspector for light vehicles has incompetently made a determination described in subsection 2 (1) or (2), the Director may, by giving written notice to the inspector, require the inspector to successfully complete one or more courses satisfactory to the Director to address the incompetence. O. Reg. 417/16, s. 1 (1); O. Reg. 356/17, s. 2 (1).

(3.1.2)  If the Director is satisfied that a Drive Clean inspector for heavy vehicles has incompetently made a determination described in subsection 2 (1), (3) or (4), the Director may, by giving written notice to the inspector, require the inspector to successfully complete one or more courses satisfactory to the Director to address the incompetence. O. Reg. 417/16, s. 1 (1); O. Reg. 356/17, s. 2 (2).

(3.2)  Revoked: O. Reg. 356/17, s. 2 (3).

(4)  Despite subsections (1) to (3), a person is not a Drive Clean inspector or Drive Clean repair technician for the purposes of this Regulation if the Director gives the person written notice indicating that the Director is satisfied that,

(a) the person has submitted false or misleading personal information to the Director;

(b) the person has been convicted within the preceding 48 months of an offence under the Act or the regulations that relates to motor vehicles or to a lack of honesty or integrity in dealing with customers;

(c) the person has created, distributed or used a document, or has permitted the creation, distribution or use of a document, that,

(i) indicates that a motor vehicle complies with standards prescribed in section 7, 8, 9.0.1, 10, 11 or 12 when the vehicle does not comply with those standards or has not been tested in accordance with this Regulation for compliance with those standards, or

(ii) indicates that a motor vehicle is not required to comply with the standards prescribed in section 8 or 9.0.1 when the vehicle is required to comply with those standards; or

(d) the person has previously been given notice under subsection (3.1), (3.1.1) or (3.1.2) and the Director is satisfied that the person has, on an occasion other than the occasion that is the subject matter of that previous notice, incompetently performed repairs intended to bring a vehicle more nearly into compliance with the standards prescribed in this Regulation or incompetently made a determination described in subsection 2 (1), (2), (3) or (4), as the case may be. O. Reg. 343/01, s. 2; O. Reg. 587/05, s. 1; O. Reg. 191/10, s. 2 (5-9); O. Reg. 417/16, s. 1 (2, 3); O. Reg. 356/17, s. 2 (4).

(5)  The Director shall not give a person notice under subsection (3.1) or (4) unless the Director has advised the person in writing of the proposal to give notice and has afforded the person a reasonable opportunity to make written or oral submissions to the Director. O. Reg. 343/01, s. 2; O. Reg. 191/10, s. 2 (10).

(6)  A notice under subsection (4) may provide that the notice does not apply to the person after a date specified by the Director in the notice. O. Reg. 343/01, s. 2.

(7)  The Director may revoke a notice given under subsection (4) on a date specified by the Director, and the notice does not apply to the person after that date. O. Reg. 343/01, s. 2.

False Reports

**1.2**No person shall create, distribute or use a document that,

(a) indicates that a motor vehicle complies with standards prescribed in section 7, 8, 9.0.1, 10, 11 or 12 when the vehicle does not comply with those standards or has not been tested in accordance with this Regulation for compliance with those standards; or

(b) indicates that a motor vehicle is not required to comply with the standards prescribed in section 8 or 9.0.1 when the vehicle is required to comply with those standards. O. Reg. 587/05, s. 2; O. Reg. 191/10, s. 3 (2-5).

Testing Motor Vehicles with Respect to Air Emissions

**2.**(1)  For the purpose of enforcing the Act and this Regulation, no person other than a Drive Clean inspector for light vehicles or a Drive Clean inspector for heavy vehicles shall determine compliance with the maximum emission standards prescribed in sections 7 and 10. O. Reg. 343/01, s. 3.

(2)  For the purpose of enforcing the Act and this Regulation, no person other than a Drive Clean inspector for light vehicles shall determine compliance with the standards prescribed in sections 8, 9.0.1 and 11. O. Reg. 343/01, s. 3; O. Reg. 191/10, s. 4 (1).

(2.1)  Revoked: O. Reg. 191/10, s. 4 (3).

(3)  Despite subsection (2), a Drive Clean inspector for heavy vehicles may determine compliance with the maximum emission standards prescribed in section 11 if compliance is achieved pursuant to subsection 11 (4.1). O. Reg. 343/01, s. 3.

(4)  For the purpose of enforcing the Act and this Regulation, no person other than a Drive Clean inspector for heavy vehicles shall determine compliance with the maximum emission standards prescribed in section 12. O. Reg. 343/01, s. 3.

(5)  The testing to determine compliance with the standards prescribed in section 7, 8, 9.0.1, 10, 11 and 12 for the purpose of enforcing the Act and this Regulation shall take place at an Ontario Drive Clean testing facility. O. Reg. 343/01, s. 3; O. Reg. 191/10, s. 4 (4); O. Reg. 191/10, s. 4 (5).

(5.1)  Despite subsection (2), a remote OBD test provider may determine a light vehicle’s compliance with the on-board diagnostic system test standards prescribed in subsection 9.0.1 (3) if the vehicle has an electronic vehicle identification number assigned to it by the manufacturer of the vehicle. Testing under this subsection may, despite subsection (5) of this section, take place at any location. O. Reg. 356/17, s. 3 (1).

(6)  Despite subsections (1), (2), (4) and (5), a provincial officer or police officer may determine compliance with the standards prescribed in this Regulation for the purpose of enforcing the Act and this Regulation and may do so at any location. O. Reg. 343/01, s. 3; O. Reg. 191/10, s. 4 (6); O. Reg. 191/10, s. 4 (7).

(7)  If testing conducted by a Drive Clean inspector at an Ontario Drive Clean testing facility in accordance with this Regulation confirms compliance with standards prescribed in section 7, 8, 9.0.1, 10, 11 or 12, the facility may issue a report indicating that the vehicle complies with the standards. O. Reg. 356/17, s. 3 (2).

(7.1)  If testing conducted by a remote OBD test provider in accordance with subsection 9.0.1 (4) confirms compliance with standards prescribed in subsection 9.0.1 (3), the provider may issue a report indicating that the vehicle complies with the standards. O. Reg. 356/17, s. 3 (2).

(8)  If a motor vehicle of a model year after 1997 is manufactured with an on-board diagnostic system designed to identify motor or emission control system problems and regulate motor or emission control system operations, testing to determine compliance with maximum emission standards prescribed in this Regulation may include an advisory test of the on-board diagnostic system in accordance with the Drive Clean Guide. O. Reg. 343/01, s. 3; O. Reg. 191/10, s. 4 (10).

(9)  A person is exempt from subsection 22 (3) and section 23 of the Act and from sections 5, 6 and 7 of this Regulation if, with the consent of the Director, the person alters a vehicle and either,

(a) submits it to an Ontario Drive Clean testing facility or an Ontario Drive Clean repair facility for the purpose of assessing the quality of the facility and the competence of staff at the facility; or

(b) uses the services of a remote OBD test provider for the purpose of assessing the quality of the services provided by the remote OBD test provider. O. Reg. 356/17, s. 3 (3).

Application

**3.**(1)  Section 6 of this Regulation applies with respect to every motor vehicle operating in Ontario. O. Reg. 361/98, s. 3 (3).

(2)  This Regulation applies with respect to every motor vehicle operating in Ontario for which a permit under the Highway Traffic Act is in effect. O. Reg. 361/98, s. 3 (2).

(3)  This Regulation, other than sections 8, 9.0.1 and 11, applies with respect to every heavy vehicle. O. Reg. 361/98, s. 3 (3); O. Reg. 343/01, s. 4; O. Reg. 191/10, s. 5.

Emission Control Equipment for Kit Cars, Rebuilt Cars and Hot Rods

**4.**(1)  A kit car or a rebuilt car that receives its first permit under the Highway Traffic Act on or after January 1, 1999, shall include, as part of a system to prevent or lessen the emission of contaminants, all of the original pollution control systems and components, or equivalent replacements, included or usually included with the motor of the rebuilt car or kit car by the manufacturer of the motor. O. Reg. 361/98, s. 4 (1); O. Reg. 86/99, s. 3.

(2)  A hot rod that receives a motor replacement on or after January 1, 1999, shall receive a motor designed to meet emission standards at least as stringent as those achieved by the original motor with all its original emission control equipment attached and functioning, and the replacement motor shall have the original catalytic converter and all the original emission control equipment, or equivalent replacements, included or usually included with the replacement motor by the manufacturer of the motor. O. Reg. 361/98, s. 4 (2); O. Reg. 86/99, s. 3.

Catalytic Converters

**5.**(1), (2)  Revoked: O. Reg. 191/10, s. 6.

(3)  If a motor or motor vehicle is manufactured with a catalytic converter, no person shall alter or cause or permit the alteration of the motor or motor vehicle in a manner that permits exhaust emissions to bypass the catalytic converter. O. Reg. 86/99, s. 4.

(4)  No person shall operate or cause or permit the operation of a motor or motor vehicle that was manufactured with a catalytic converter if the catalytic converter, or any replacement for the catalytic converter,

(a) is not capable of performing the function for which the catalytic converter was intended; or

(b) is disconnected, removed or otherwise altered so that it is not capable of performing the function for which the catalytic converter was intended. O. Reg. 86/99, s. 4.

Visible Emissions

**6.**(1)  No person shall operate or cause or permit the operation of a light vehicle from which there is a visible emission for more than 15 seconds in any five-minute period. O. Reg. 401/98, s. 1; O. Reg. 86/99, s. 5 (1); O. Reg. 343/01, s. 5 (1).

(2)  No person shall operate or cause or permit the operation of a heavy vehicle from which there is a visible emission for more than 15 seconds in any five-minute period. O. Reg. 401/98, s. 1; O. Reg. 86/99, s. 5 (2); O. Reg. 343/01, s. 5 (2).

Emission Control Systems or Devices

**6.1** The following types of systems and devices are prescribed for the purpose of subsection 22 (4) of the Act:

1. A system or device that is manufactured by the manufacturer of the system or device that is being replaced and,

i. is identical to or equivalent to the system or device that is being replaced, or

ii. is manufactured as a replacement for the system or device that is being replaced.

2. A system or device that is approved by the Bureau of Automobile Repair, the California Air Resources Board, the United States Environmental Protection Agency or another body specified by the Director as a replacement for the system or device that is being replaced. O. Reg. 86/99, s. 6.

**7.**(1)  If a motor or motor vehicle is manufactured with a system or device to prevent or lessen the emission of any contaminant, including an on-board diagnostic system designed to identify motor or emissions control system problems and regulate motor or emission control system operations, the following standards are prescribed as additional maximum emission standards for the vehicle:

1. The system or device, or any replacement therefor, must be maintained or kept in such a state of repair that it is capable of performing the function for which it was intended.

2. The system or device, or any replacement therefor, must be kept installed on, attached to or incorporated in the motor or motor vehicle in such a manner that, when the motor or motor vehicle is operating, the system or device functions in the manner in which it was intended to function. O. Reg. 343/01, s. 6; O. Reg. 191/10, s. 7.

(2)  Every motor vehicle for which emission standards are prescribed in this section shall comply with those standards. O. Reg. 343/01, s. 6.

(3)  No person shall operate or cause or permit the operation of a motor vehicle that does not comply with subsection (2). O. Reg. 343/01, s. 6.

Two Speed Idle Test Gasoline Fuelled Light Vehicles (and other Fuels except Diesel)

**8.**(1)  This section applies with respect to a light vehicle that operates on a fuel other than diesel fuel. O. Reg. 401/98, s. 2 (1); O. Reg. 343/01, s. 7.

(2)  If a motor vehicle fuelled by natural gas is tested for compliance with the maximum emission standards prescribed in this section for hydrocarbons, methane found in the emissions shall be excluded. O. Reg. 361/98, s. 8 (2).

(3)  The maximum emission standards set out in Table 8 of the Drive Clean Guide for motor vehicles of a model year and GVWR set out in that Table are prescribed for those vehicles. O. Reg. 86/99, s. 9.

(4)  The procedure to be used for testing a motor vehicle’s compliance with the maximum emission standards prescribed in this section is the preconditioned two speed idle test, as described in the Drive Clean Guide, or a test that the Director considers equivalent. O. Reg. 86/99, s. 9.

(5)  The maximum emission standards prescribed in this section do not apply with respect to a motor vehicle if the design or configuration of the motor vehicle,

(a) is incompatible with the performance of the tests referred to in subsection (4); or

(b) would render the performance of the tests referred to in subsection (4) unsafe. O. Reg. 86/99, s. 9.

(6)  Every motor vehicle for which emission standards are prescribed in this section shall comply with those standards. O. Reg. 361/98, s. 8 (6).

(7)  No person shall operate or cause or permit the operation of a motor vehicle that does not comply with subsection (6). O. Reg. 401/98, s. 2 (2).

**9.** Revoked: O. Reg. 191/10, s. 8.

On-Board Diagnostic System Test (All Light Vehicles)

**9.0.1**(1)  This section applies to a light vehicle of a model year after 1997 that was manufactured with an on-board diagnostic system designed to identify motor or emission control system problems and regulate motor or emission control system operations if the design or configuration of the motor vehicle,

(a) is compatible with the performance of the test referred to in subsection (4); and

(b) would not render the performance of the test referred to in subsection (4) unsafe. O. Reg. 191/10, s. 9 (1).

(2)  This section applies in the following areas:

1. The Greater Toronto Area.

2. The urban and commuter areas.

3. The expanded program area. O. Reg. 191/10, s. 9 (1).

(3)  The on-board diagnostic system test standards set out in Table 9.0.1B of the Drive Clean Guide are prescribed as standards for motor vehicles to which this section applies. O. Reg. 191/10, s. 9 (1).

(4)  The procedure to be used for testing a motor vehicle’s compliance with the standards prescribed in subsection (3) is the on-board diagnostic system test as described in the Drive Clean Guide or a test that the Director considers equivalent. O. Reg. 191/10, s. 9 (1).

(5)  If this section applies to a vehicle, the procedure prescribed in subsection (4) shall be used before a procedure prescribed in subsection 8 (4) or 11 (3). O. Reg. 191/10, s. 9 (1, 2); O. Reg. 356/17, s. 4 (1).

(6)  Revoked: O. Reg. 356/17, s. 4 (2).

(7)  A motor vehicle to which this section applies that does not operate on diesel fuel is deemed to comply with section 8 if it complies with the standards prescribed in subsection (3). O. Reg. 191/10, s. 9 (1, 3).

(8)  A motor vehicle to which this section applies that operates on diesel fuel is deemed to comply with section 11 if it complies with the standards prescribed in subsection (3). O. Reg. 191/10, s. 9 (1).

(9)  Every motor vehicle to which this section applies shall comply with the on-board diagnostic system test standards. O. Reg. 191/10, s. 9 (4).

(10)  No person shall operate or cause or permit the operation of a motor vehicle that does not comply with subsection (9). O. Reg. 191/10, s. 9 (4).

Repair Cost Limit for Light Vehicles

**9.1**(1)  Subsections 8 (6) and 9.0.1 (9) do not apply to a motor vehicle if all of the following criteria are satisfied:

1. The vehicle is tested by an Ontario Drive Clean testing facility and the test results indicate non-compliance with prescribed standards.

2. After the test,

i. the vehicle is taken to an Ontario Drive Clean repair facility that has been provided with a copy of the test results and work costing at least the repair cost limit determined in accordance with this section has been performed by or under the supervision of a Drive Clean repair technician to bring the vehicle more nearly into compliance with the maximum emission standards or the standards prescribed in section 9.0.1, or

ii. the vehicle is taken to an Ontario Drive Clean repair facility that has been provided with a copy of the test results and the facility certifies in writing that, in their professional opinion,

A. no work costing less than the repair cost limit determined in accordance with this section will bring the vehicle more nearly into compliance with the maximum emission standards or the standards prescribed in section 9.0.1 by a significant amount, or

B. they have performed as much work as possible, costing less than the repair cost limit determined in accordance with this section, to bring the vehicle more nearly into compliance with the maximum emission standards or the standards prescribed in section 9.0.1.

3. If work has been performed under subparagraph 2 ii, within 60 days after the date of the test, the vehicle is returned to an Ontario Drive Clean testing facility and retested, and the test results again indicate non-compliance with prescribed standards.

4. The work done to the vehicle to bring it into compliance is not covered by a warranty.

5. The most recent report issued under this Regulation in respect of the vehicle on or after April 1, 2017, if any such report has been issued, is not a report described in subsection (3). O. Reg. 343/01, s. 9; O. Reg. 191/10, s. 10 (2-6); O. Reg. 417/16, s. 2 (1-3).

(2)  An exemption from subsections 8 (6) and 9.0.1 (9) pursuant to subsection (1) applies only until the earlier of the following dates:

1. The second anniversary of the retest referred to in paragraph 3 of subsection (1).

2. The day on which the vehicle is next tested for compliance with prescribed standards after the retest referred to in paragraph 3 of subsection (1). O. Reg. 343/01, s. 9; O. Reg. 191/10, s. 10 (7).

(3)  If, pursuant to subsection (1), subsections 8 (6) and 9.0.1 (9) do not apply to a vehicle, the Ontario Drive Clean testing facility referred to in paragraph 3 of subsection (1) may issue a report indicating that the vehicle is not required to comply with the emission standards prescribed in sections 8 and 9.0.1. O. Reg. 343/01, s. 9; O. Reg. 191/10, s. 10 (8).

(4)  For the purpose of paragraph 2 of subsection (1), the costs of the following work shall not be considered:

1. Work associated with performing diagnostic procedures on a vehicle to identify problems and any required repairs, including gathering information, assessing the problem, recommending repairs, estimating costs and performing a retest described in paragraph 3 of subsection (1).

2. Work associated with performing vehicle drive cycles in order to prepare on-board diagnostic monitors for testing. O. Reg. 417/16, s. 2 (4).

(5)  The repair cost limit for 2017 is $450. O. Reg. 417/16, s. 2 (4).

(6)  For 2018 and for every year after that, the repair cost limit shall be determined as follows:

1. Each year, the Minister shall calculate the repair cost limit for the following calendar year in accordance with paragraph 2 and shall publish it on or before December 31 on a Government of Ontario website.

2. The repair cost limit for a calendar year shall be calculated in accordance with the following formula and rounded up to the nearest multiple of $10:

RCL = X + X × [(Y − Z) / Z]

where,

“RCL” is the repair cost limit for the calendar year,

“X” is the repair cost limit for the previous calendar year,

“Y” is the Consumer Price Index for Ontario (All-Items), as reported monthly by Statistics Canada under the authority of the *Statistics Act* (Canada), averaged over the most recent 12-month period reported as of October 31 in the year in which the Minister is performing the determination,

“Z” is the Consumer Price Index for Ontario (All-Items), as reported monthly by Statistics Canada under the authority of the *Statistics Act* (Canada), using figures reported as of October 31 in the year in which the Minister is performing the determination and averaged over the 12-month period immediately preceding the 12-month period described in “Y”.

3. Despite paragraph 2, if “Y” is lower than “Z”, the repair cost limit shall remain at the same level as the previous calendar year. O. Reg. 417/16, s. 2 (4).

**9.2**  Revoked: O. Reg. 191/10, s. 11.

Two Speed Idle Test Gasoline Fuelled Heavy Vehicles (and other Fuels except Diesel)

**10.**(1)  This section applies with respect to a heavy vehicle that operates on a fuel other than diesel fuel. O. Reg. 343/01, s. 10.

(1.1)  Revoked: O. Reg. 343/01, s. 10.

(1.2)  Revoked: O. Reg. 343/01, s. 10.

(2)  If a motor vehicle fuelled by natural gas is tested for compliance with the maximum emission standards prescribed in this section for hydrocarbons, methane found in the emissions shall be excluded. O. Reg. 361/98, s. 10 (2).

(3)  The maximum emission standards set out in Table 10 of the Drive Clean Guide for motor vehicles of a model year set out in that Table are prescribed for those vehicles. O. Reg. 86/99, s. 13.

(4)  The procedure to be used for testing a motor vehicle’s compliance with the maximum emission standards prescribed in this section is the preconditioned two speed idle test, as described in the Drive Clean Guide, or a test that the Director considers equivalent. O. Reg. 86/99, s. 13.

(5)  The maximum emission standards prescribed in this section do not apply with respect to a motor vehicle if the design or configuration of the motor vehicle,

(a) is incompatible with the performance of the tests referred to in subsection (4); or

(b) would render the performance of the tests referred to in subsection (4) unsafe. O. Reg. 86/99, s. 13.

(6)  Revoked: O. Reg. 86/99, s. 13.

(7)  Every motor vehicle for which emission standards are prescribed in this section shall comply with those standards. O. Reg. 361/98, s. 10 (7).

(8)  No person shall operate or cause or permit the operation of a motor vehicle that does not comply with subsection (7). O. Reg. 401/98, s. 4.

(9)  Revoked: O. Reg. 445/03, s. 3.

(10)  Revoked: O. Reg. 445/03, s. 3.

Opacity Test Diesel Fuelled Light Vehicles

**11.**(1)  This section applies with respect to a light vehicle that operates on diesel fuel. O. Reg. 343/01, s. 11 (1).

(2)  The maximum emission standard set out in Table 11 of the Drive Clean Guide for an area and for motor vehicles of a model year set out in that Table is prescribed for those vehicles in that area. O. Reg. 343/01, s. 11 (1); O. Reg. 445/03, s. 4.

(3)  The procedure to be used for testing a motor vehicle’s compliance with the maximum emission standard prescribed in this section is the opacity test for diesel fuelled light vehicles, as described in the Drive Clean Guide, or a test that the Director considers equivalent. O. Reg. 343/01, s. 11 (1).

(3.1)  The maximum emission standards prescribed in this section do not apply with respect to a motor vehicle if the design or configuration of the motor vehicle,

(a) is incompatible with the performance of the applicable tests referred to in subsection (3); or

(b) would render the performance of the applicable tests referred to in subsection (3) unsafe. O. Reg. 86/99, s. 14.

(4)  Every motor vehicle for which emission standards are prescribed in this section shall comply with those standards. O. Reg. 361/98, s. 11 (4).

(4.1)  A motor vehicle shall be deemed to comply with the emission standards prescribed in this section if, when tested in accordance with subsection 12 (3), it complies with the maximum emission standard set out in Table 12 of the Drive Clean Guide for a heavy vehicle of the same model year that operates on diesel fuel. O. Reg. 361/98, s. 11 (2).

(5)  No person shall operate or cause or permit the operation of a motor vehicle that does not comply with subsection (4). O. Reg. 401/98, s. 5.

Opacity Test Diesel Fuelled Heavy Vehicles

**12.**(1)  This section applies with respect to a heavy vehicle that operates on diesel fuel. O. Reg. 343/01, s. 12.

(1.1)  Revoked: O. Reg. 343/01, s. 12.

(1.2)  Revoked: O. Reg. 343/01, s. 12.

(2)  The maximum emission standard set out in Table 12 of the Drive Clean Guide for motor vehicles of a type and a model year set out in that Table and for a period set out in the Table is prescribed for those vehicles for that period. O. Reg. 86/99, s. 15; O. Reg. 445/03, s. 5 (1).

(3)  The procedure to be used for testing a motor vehicle’s compliance with the maximum emission standards prescribed in this section is the opacity test for diesel fuelled heavy vehicles, as described in the Drive Clean Guide, or a test that the Director considers equivalent. O. Reg. 86/99, s. 15.

(4)  Every motor vehicle for which emission standards are prescribed in this section shall comply with those standards. O. Reg. 361/98, s. 12 (4).

(5)  No person shall operate or cause or permit the operation of a motor vehicle that does not comply with subsection (4). O. Reg. 401/98, s. 6.

(6)  Revoked: O. Reg. 445/03, s. 5 (2).

(7)  Revoked: O. Reg. 445/03, s. 5 (2).

Submission of Vehicle for Testing

**13.**(1)  A provincial officer designated for the purpose of carrying out Part III of the Act or a police officer may, by written notice in a form approved by the Minister, require the driver or owner of a motor vehicle to submit it for testing and inspection. O. Reg. 361/98, s. 13 (1); O. Reg. 343/01, s. 13.

(2)  Every driver or owner of a motor vehicle shall comply with a written notice given under subsection (1). O. Reg. 361/98, s. 13 (2).

(3)  A notice under subsection (1) may be given to the owner of a vehicle by leaving a copy of the notice with the driver of the vehicle. O. Reg. 401/98, s. 7.

Orders under Section 18 of the Act

**13.1**An order under section 18 of the Act may be given to a person who owns or has management or control of one or more motor vehicles by leaving a copy of the order with the driver of any of the vehicles. O. Reg. 401/98, s. 8.

**14.**  Omitted (revokes other Regulations). O. Reg. 361/98, s. 14.

TableS 1-9 Revoked: O. Reg. 86/99, s. 16.

Schedule 1  
GREATER TORONTO AREA

The following areas are the areas referred to in the definition of “Greater Toronto Area” in subsection 1 (1):

1. The Regional Municipality of Durham.

2. The Regional Municipality of Halton.

3. The City of Hamilton.

4. The Regional Municipality of Peel.

5. The City of Toronto.

6. The Regional Municipality of York.

O. Reg. 343/01, s. 14.

Schedule 2  
URBAN AND COMMUTER AREAS

The following areas, as they existed on June 26, 1998, are the areas referred to in the definition of “urban and commuter areas” in subsection 1 (1):

1. The City of Barrie, the City of Brantford, the City of Cambridge, the Town of Clearwater, the City of Guelph, the City of Kitchener, the City of London, the City of Niagara Falls, the City of Peterborough, the Village of Point Edward, the City of Sarnia, the City of St. Catharines, the City of Waterloo, the City of Welland and the City of Windsor.

2. The County of Brant, the County of Essex, The Regional Municipality of Niagara, the County of Oxford and The Regional Municipality of Waterloo.

3. The following parts of the County of Dufferin: Township of Amaranth, Township of East Garafraxa, Township of Mono, Township of East Luther Grand Valley, Town of Orangeville, Town of Shelburne.

4. The following parts of the County of Elgin: Township of Southwold, Township of Malahide, Municipality of Central Elgin, City of St. Thomas.

5. The following parts of The Regional Municipality of Haldimand-Norfolk: City of Nanticoke, Town of Haldimand, Town of Dunnville, Town of Simcoe.

6. The following parts of the County of Lambton: Township of Enniskillen, Township of Plympton, Township of Moore, Village of Oil Springs, Town of Petrolia, Village of Wyoming, Town of Forest.

7. The following parts of the County of Middlesex: Township of Middlesex Centre, Township of London, Township of North Dorchester, Township of Caradoc, Township of West Nissouri, Town of Strathroy.

8. The following parts of the County of Northumberland: Town of Cobourg, Township of Hope, Town of Port Hope, Township of Hamilton.

9. The following parts of the County of Perth: Township of Perth East, Township of South Easthope, City of Stratford, Township of Perth South, Town of St. Marys.

10. The following parts of the County of Peterborough: Township of Cavan-Millbrook-North Monaghan, Township of Smith-Ennismore, Township of Douro-Dummer, Township of Otonabee-South Monaghan, Village of Lakefield.

11. The following parts of the County of Simcoe: Township of Adjala-Tosorontio, Town of Bradford-West Gwillimbury, Township of Essa, Township of Oro-Medonte, Township of Severn, Town of New Tecumseth, Town of Innisfil, Township of Springwater, Town of Wasaga Beach, City of Orillia.

12. The following parts of the County of Victoria: Town of Lindsay, Township of Ops, Township of Eldon, Township of Emily, Township of Mariposa, Village of Omemee, Village of Woodville, Township of Manvers.

13. The following parts of the County of Wellington: Township of Mapleton (including Township of Mayborough), Town of Erin, Township of Mount Forest-Arthur-West Luther-Arthur, Township of Puslinch, Township of Guelph-Eramosa, Township of Centre Wellington.

O. Reg. 343/01, s. 14.

Schedule 3  
EXPANDED PROGRAM AREA

The following areas are the areas referred to in the definition of “expanded program area” in subsection 1 (1):

1. The parts of the following areas that are not included in the urban and commuter areas:

i. The County of Dufferin.

ii. The County of Elgin.

iii. Haldimand County.

iv. The City of Kawartha Lakes.

v. The County of Lambton.

vi. The County of Middlesex.

vii. Norfolk County.

viii. The County of Northumberland.

ix. The County of Perth.

x. The County of Peterborough.

xi. The County of Simcoe.

xii. The County of Wellington.

2. The Municipality of Chatham-Kent.

3. The geographic area of the Frontenac Management Board, as set out in paragraph 3.3 (b) of an Order made under section 25.2 of the Municipal Act on January 7, 1997 and published in The Ontario Gazette dated February 15, 1997.

4. The County of Hastings.

5. The City of Kingston.

6. The County of Lanark.

7. The United Counties of Leeds and Grenville.

8. The County of Lennox and Addington.

9. The City of Ottawa.

10. The United Counties of Prescott and Russell.

11. The County of Prince Edward.

12. The United Counties of Stormont, Dundas and Glengarry.

O. Reg. 343/01, s. 14.

Form 1 Revoked: O. Reg. 343/01, s. 15.