

## § 51.362

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used for modeling purposes and to be maintained, at a minimum, in practice.

[57 FR 52987, Nov. 5, 1992, as amended at 61 FR 49682, Sept. 23, 1996]

### § 51.362 Motorist compliance enforcement program oversight.

The enforcement program shall be audited regularly and shall follow effective program management practices, including adjustments to improve operation when necessary.

(a) *Quality assurance and quality control.* A quality assurance program shall be implemented to insure effective overall performance of the enforcement system. Quality control procedures are required to instruct individuals in the enforcement process regarding how to properly conduct their activities. At a minimum, the quality control and quality assurance program shall include:

- (1) Verification of exempt vehicle status by inspecting and confirming such vehicles by the program or its delegate;
- (2) Facilitation of accurate critical test data and vehicle identifier collection through the use of automatic data capture systems such as bar-code scanners or optical character readers, or through redundant data entry (where applicable);
- (3) Maintenance of an audit trail to allow for the assessment of enforcement effectiveness;
- (4) Establishment of written procedures for personnel directly engaged in I/M enforcement activities;
- (5) Establishment of written procedures for personnel engaged in I/M document handling and processing, such as registration clerks or personnel involved in sticker dispensing and waiver processing, as well as written procedures for the auditing of their performance;
- (6) Follow-up validity checks on out-of-area or exemption-triggering registration changes;
- (7) Analysis of registration-change applications to target potential violators;
- (8) A determination of enforcement program effectiveness through periodic audits of test records and program compliance documentation;

(9) Enforcement procedures for disciplining, retraining, or removing enforcement personnel who deviate from established requirements, or in the case of non-government entities that process registrations, for defranchising, revoking or otherwise discontinuing the activity of the entity issuing registrations; and

(10) The prevention of fraudulent procurement or use of inspection documents by controlling and tracking document distribution and handling, and making stations financially liable for missing or unaccounted for documents by assessing monetary fines reflecting the “street value” of these documents (*i.e.*, the test fee plus the minimum waiver expenditure).

(b) *Information management.* In establishing an information base to be used in characterizing, evaluating, and enforcing the program, the State shall:

- (1) Determine the subject vehicle population;
- (2) Permit EPA audits of the enforcement process;
- (3) Assure the accuracy of registration and other program document files;
- (4) Maintain and ensure the accuracy of the testing database through periodic internal and/or third-party review;
- (5) Compare the testing database to the registration database to determine program effectiveness, establish compliance rates, and to trigger potential enforcement action against non-complying motorists; and
- (6) Sample the fleet as a determination of compliance through parking lot surveys, road-side pull-overs, or other in-use vehicle measurements.

(c) *SIP requirements.* The SIP shall include a description of enforcement program oversight and information management activities.

[57 FR 52987, Nov. 5, 1992, as amended at 65 FR 45534, July 24, 2000]

### § 51.363 Quality assurance.

An ongoing quality assurance program shall be implemented to discover, correct and prevent fraud, waste, and abuse and to determine whether procedures are being followed, are adequate, whether equipment is measuring accurately, and whether other problems