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Exempt Action: Final Regulation Agency Background Document

Agency name	State Air Pollution Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC5-91
VAC Chapter title(s)	Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area
Action title	Implementation of Chapters 1027 and 1045 of the 2026 Acts of Assembly (SB 767 and HB 312) (Rev. MT)
Final agency action date	August 18, 2026
Date this document prepared	July 13, 2026

This information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area are being amended in response to the passage of Senate Bill 767 and House Bill 312 (Chapters 1027 and 1045 of the 2026 Acts of Assembly), which amend emissions inspection waiver eligibility requirements in § 46.2-1181 of the Code of Virginia. The amended language allows vehicles that have failed an initial emissions inspection to qualify for an emissions inspection waiver if when presented for emissions reinspection the onboard diagnostic system is in a not-ready condition to be tested and other requirements for an emissions inspection waiver are met. To meet the statutory requirements provided in Senate Bill 767 and House Bill 312, 9VAC5-91-420 is being amended to reflect the amended emissions inspection waiver provisions set forth in § 46.2-1181 of the Code of Virginia.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" means "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Chapters 1027 and 1045 of the 2026 Acts of Assembly: An Act to amend and reenact § 46.2-1181 of the Code of Virginia; to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 17.1:1, consisting of sections numbered 59.1-207.6:1 through 59.1-207.6:4; and to repeal § 59.1-207.5:1 of the Code of Virginia, relating to motor vehicles; emissions; glass repair and replacement.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On August 18, 2026, the State Air Pollution Control Board took final action to adopt an amendment to the Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area (9VAC5-91). The regulatory action is to be effective as provided in the Administrative Process Act.

The regulatory amendment is exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 a of the Code of Virginia because it consists only of a change necessary to conform to Virginia statutory law where no agency discretion is involved.

In adopting the amendment, the Board affirmed that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Code of Virginia.