



General Assembly

January Session, 2009

Raised Bill No. 6647

LCO No. 4385

04385_____TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

AN ACT CONCERNING ON-BOARD DIAGNOSTIC EMISSION TESTING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-164c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) No person shall fail to maintain in good working order or
4 remove, dismantle or otherwise cause to be inoperative any equipment
5 or feature constituting an operational element of the air pollution
6 control system or mechanism of a motor vehicle required by
7 regulations of the Commissioner of Environmental Protection to be
8 maintained or on the vehicle. Any such failure to maintain in good
9 working order or removal, dismantling or causing of inoperability
10 shall subject the owner thereof to revocation of registration for such
11 vehicle by the Commissioner of Motor Vehicles unless all parts and
12 equipment constituting elements of air pollution control have been
13 made operable and in good working order within thirty days of notice
14 by said commissioner of such violation. Any such failure shall be
15 considered a failure to comply with the periodic inspection
16 requirements established under subsection (c) of this section. As used

17 in this section, motor vehicle shall have the same meaning as is
18 provided in section 14-1.

19 (b) The Commissioner of Environmental Protection shall consult
20 with the Commissioner of Motor Vehicles and furnish the
21 commissioner with technical information, including testing techniques,
22 standards and instructions for emission control features and
23 equipment. The Commissioner of Environmental Protection shall
24 furnish the Commissioner of Motor Vehicles with emission standards
25 for all motor vehicles subject to the inspection and maintenance
26 requirements. Such standards shall be consistent with provisions of
27 federal law, if any, relating to control of emissions from the vehicles
28 concerned or any regulations adopted by the Commissioner of
29 Environmental Protection which implement the low-emission vehicle
30 and clean fuels regulations adopted by the state of California, as
31 amended. Such standards shall be periodically reviewed by the
32 Commissioner of Environmental Protection and revised, if necessary,
33 to achieve the objectives of the vehicle emission inspection program.

34 (c) The [commissioner] Commissioner of Motor Vehicles shall adopt
35 regulations, in accordance with chapter 54, to implement the
36 provisions of this section. Such regulations shall include provision for
37 a periodic inspection of air pollution control equipment and
38 compliance with or waiver of exhaust emission standards or
39 compliance with or waiver of on-board diagnostic standards or other
40 standards defined by the Commissioner of Environmental Protection
41 and approved by the Administrator of the United States
42 Environmental Protection Agency, compliance with or waiver of, air
43 pollution control system integrity standards defined by the
44 Commissioner of Environmental Protection and compliance with or
45 waiver of purge system standards defined by the Commissioner of
46 Environmental Protection. [Such] On and after January 1, 2010, such
47 regulations [may] shall provide for an inspection procedure using an
48 on-board diagnostic information system for all 1996 model year and
49 newer motor vehicles. In addition to air pollution control equipment

50 inspection, such regulations shall require an electronic maintenance
51 inspection of safety belts, air bags, anti-lock brake system and
52 drivetrain. Such regulations shall apply to all motor vehicles registered
53 or which will be registered in this state except: (1) Vehicles having a
54 gross weight of more than ten thousand pounds; (2) vehicles powered
55 by electricity; (3) bicycles with motors attached; (4) motorcycles; (5)
56 vehicles operating with a temporary registration; (6) vehicles
57 [manufactured twenty-five or more years ago] of model years 1995 and
58 older; (7) new vehicles at the time of initial registration; (8) vehicles
59 registered but not designed primarily for highway use; (9) farm
60 vehicles, as defined in subsection (q) of section 14-49; (10) diesel-
61 powered type II school buses; (11) a vehicle operated by a licensed
62 dealer or repairer either to or from a location of the purchase or sale of
63 such vehicle or for the purpose of obtaining an official emissions or
64 safety inspection; or (12) vehicles that have met the inspection
65 requirements of section 14-103a and are registered by the
66 commissioner as composite vehicles. On and after July 1, 2002, such
67 regulations shall exempt from the periodic inspection requirement any
68 vehicle [four] two or less model years of age, beginning with model
69 year 2003 and the previous three model years, provided that such
70 exemption shall lapse upon a finding by the Administrator of the
71 United States Environmental Protection Agency or by the Secretary of
72 the United States Department of Transportation that such exemption
73 causes the state to violate applicable federal environmental or
74 transportation planning requirements. Notwithstanding any
75 provisions of this subsection, the commissioner may require an initial
76 emissions inspection and compliance or waiver prior to registration of
77 a new motor vehicle. If the Commissioner of Environmental Protection
78 finds that it is necessary to inspect motor vehicles which are exempt
79 under subdivision (1), [or] (4) or (6) of this subsection, or motor
80 vehicles that are [four] two or less model years of age in order to
81 achieve compliance with federal law concerning emission reduction
82 requirements, the Commissioner of Motor Vehicles may adopt
83 regulations, in accordance with the provisions of chapter 54, to require

84 the inspection of motorcycles, designated motor vehicles having a
85 gross weight of more than ten thousand pounds or motor vehicles
86 [four] two or less model years of age.

87 (d) No motor vehicle subject to the inspection requirements of this
88 section shall be operated upon the highways of this state unless such
89 vehicle has been presented for inspection in accordance with a
90 schedule for inspection and compliance as established by the
91 [commissioner] Commissioner of Motor Vehicles. The commissioner
92 shall grant waivers from compliance with standards for vehicles which
93 fail any required inspection and require an unreasonable cost of repair
94 to bring the vehicle into compliance. The commissioner may determine
95 compliance of a vehicle that has failed an emissions retest by means of
96 a complete physical and functional diagnosis and inspection of the
97 vehicle, in accordance with the provisions of 40 CFR Part 51.360,
98 showing that no additional emissions-related repairs are needed. An
99 extension of time, not to exceed the period of inspection frequency,
100 may be granted to obtain needed repairs on a vehicle in the case of
101 economic hardship of the owner. Only one such extension may be
102 granted for any vehicle. The commissioner may design a sticker to be
103 affixed to the windshield of each vehicle which shall bear the date of
104 expiration of the assigned inspection period on both sides. The
105 commissioner may also design a sticker to be affixed to the windshield
106 of each vehicle that is exempt from the requirements of this chapter,
107 which sticker shall bear the date, if any, on which such vehicle is no
108 longer exempt and is required to be presented for inspection. As used
109 in this section, "unreasonable cost of repair" means cost of repair in
110 excess of the amounts required to be expended by Title 40, Part 51.360
111 of the Code of Federal Regulations, as amended.

112 (e) In order to provide for emissions inspection facilities, the
113 [commissioner] Commissioner of Motor Vehicles may enter into a
114 negotiated inspection agreement or agreements, notwithstanding
115 chapters 50, 58, 59 and 60, with an independent contractor or
116 contractors, to provide for the leasing, construction, equipping,

117 maintenance or operation of a system of official emissions inspection
118 stations in such numbers and locations as may be required to provide
119 vehicle owners reasonably convenient access to inspection facilities.
120 The commissioner may employ such system and the services of such
121 contractor or contractors to conduct safety inspections as provided by
122 section 14-16a, subsection (g) of section 14-12 and section 14-103a. Such
123 contractor or contractors, with the approval of the commissioner, may
124 operate inspection stations at suitable locations owned or operated by
125 other persons, firms or corporations, including retail business
126 establishments, [with] free-standing testing kiosks and commercial
127 parking garages that are adequate [facilities] to accommodate [and to
128 perform] inspections on motor vehicles. The commissioner is
129 prohibited from entering into an inspection agreement with any
130 independent contractor who: (1) Is engaged in the business of
131 maintaining or repairing vehicles in this state, except that the
132 independent contractor shall not be precluded from maintaining or
133 repairing any vehicle owned or operated by the independent
134 contractor; or (2) does not have the capability, resources or technical
135 and management skill to adequately conduct, equip, operate and
136 maintain a sufficient number of official emissions inspection stations.
137 All persons employed by the independent contractor in the
138 performance of an inspection agreement are deemed to be employees
139 of the independent contractor and not of this state. The inspection
140 agreement or agreements authorized by this section shall be subject to
141 other provisions as follows: (A) Minimum requirements for staff,
142 equipment, management and hours and place of operation of official
143 emissions inspection stations including such additional testing
144 facilities as may be established and operated in accordance with
145 subsection (g) of this section; (B) reports and documentation
146 concerning the operation of official emissions inspection stations and
147 additional testing facilities as the commissioner may require; (C)
148 surveillance privileges for the commissioner to ensure compliance with
149 standards, procedures, rules, regulations and laws; and (D) any other
150 provision deemed necessary by the commissioner for the

151 administration of the inspection agreement. Nothing in the inspection
152 agreement shall require the state to purchase any asset or assume any
153 liability if such agreement is not renewed.

154 (f) (1) The [commissioner] Commissioner of Motor Vehicles may
155 authorize and appoint any motor vehicle dealer or repairer that is
156 licensed in accordance with the provisions of subpart (D) of part III of
157 chapter 246 and that has the qualifications established by the
158 commissioner to conduct emissions inspections in a designated area of
159 its licensed premises and to report the results thereof to the
160 Department of Motor Vehicles, provided such licensee signs a
161 statement that such licensee understands the provisions of this section
162 and regulations adopted under authority of this section, understands
163 the necessity to comply with administrative and technical directives
164 and advisories that the commissioner issues and understands that any
165 failure by such licensee to comply with this section, the regulations or
166 the directives or advisories constitutes grounds for the commissioner
167 to suspend or revoke the authority for such licensee to conduct
168 inspections.

169 (2) Each such licensee shall conduct an emissions inspection of any
170 registered motor vehicle requiring such an inspection at any time
171 during its normal and posted hours of operation or, at the discretion of
172 the commissioner, at a predetermined or appointed time, when such
173 motor vehicle is presented for inspection. No such licensee shall charge
174 any fee for the inspection except the fee authorized by subsection (k) of
175 this section. The results of each emissions inspection performed in
176 accordance with this subsection shall be evidenced by a written vehicle
177 inspection report, containing such information and certification by the
178 inspecting licensee as the commissioner shall prescribe. The licensee
179 shall furnish a copy of such inspection report to the operator of the
180 motor vehicle at the time of completion of the inspection.

181 (3) No such licensee may be appointed by the commissioner nor
182 may any such licensee conduct any inspection unless the licensee has

183 in its employ one or more certified emissions inspectors and repair
184 technicians. Such inspectors and technicians shall conduct all
185 inspections and related emissions repair work and shall meet the
186 training and certification requirements in 40 CFR Part 51.367 and of the
187 regulations adopted by the commissioner in accordance with this
188 subsection.

189 (4) The commissioner may suspend or revoke the authority to
190 conduct emissions inspections by any such licensee that is authorized
191 to conduct emissions inspections if the licensee fails to comply with the
192 provisions of this section, regulations adopted under authority of this
193 section, or administrative or technical directives or advisories that the
194 commissioner issues.

195 (5) The commissioner shall adopt regulations, in accordance with
196 chapter 54, to establish the qualifications for such licensees to be
197 authorized and appointed to conduct emissions inspections, and to
198 establish standards and procedures for such inspections, reporting
199 requirements by such licensees and training and certification
200 requirements for inspectors and repair technicians.

201 (g) The independent contractor or contractors retained by the state
202 in accordance with the provisions of subsection (e) of this section may
203 conduct emissions inspections at one or more facilities owned or
204 operated by a motor vehicle dealer or dealers, licensed in accordance
205 with section 14-52. No such inspection facility located on the premises
206 of a licensed dealer shall be operated without the prior approval of the
207 [commissioner] Commissioner of Motor Vehicles. The operation of
208 each such facility shall be subject to such procedures and
209 requirements, to be followed by the contractor and the licensee, as may
210 be prescribed by the terms and conditions of the contract entered into
211 in accordance with the provisions of subsection (e) of this section, and
212 in regulations as may be adopted by the commissioner in accordance
213 with chapter 54. The state shall not be a party to, or assume or incur
214 any liability of any kind under, any agreement entered into between

215 the independent contractor and any dealer in furtherance of the
216 provisions of this subsection. The contract or contracts entered into by
217 the state in accordance with the provisions of subsection (e) of this
218 section shall provide for indemnification of the state with respect to the
219 operation of any such inspection facility located at a motor vehicle
220 dealership, in the same manner and to the same extent as the operation
221 of an official emissions inspection station.

222 (h) In order to provide for management and oversight of emissions
223 inspection facilities established in accordance with subsection (e) of
224 this section and to establish and maintain necessary electronic data
225 capture and reporting systems for such facilities and for licensed
226 dealers and repairers who may be authorized to perform inspections in
227 accordance with the provisions of subsection (f) of this section, the
228 [commissioner] Commissioner of Motor Vehicles may enter into a
229 negotiated personal service agreement or agreements, in accordance
230 with the provisions of chapter 55a, with any qualified person, firm or
231 corporation. The responsibilities of any such contractor retained by the
232 commissioner shall include, but need not be limited to, the following:
233 (1) Review and analysis of data from all official emissions inspections
234 performed, and provision to the commissioner of recommendations to
235 improve the quality and integrity of such data, (2) provision of
236 program information and standards to inspection facilities and
237 locations, (3) provision to the commissioner of regular reports,
238 assessments and recommendations to maintain or improve the
239 effectiveness, efficiency, quality and integrity of such inspection
240 operations, and (4) identification of measures to enhance public
241 convenience, and compliance with the inspection requirements. No
242 such contractor retained in accordance with the provisions of this
243 subsection may be licensed as, or have any financial interest in any
244 firm engaged in the business of selling or repairing motor vehicles, or
245 may be a provider of emissions inspection equipment or facilities to
246 the state.

247 (i) The [commissioner] Commissioner of Motor Vehicles may license

248 an owner or operator of a fleet of motor vehicles which are subject to
249 emissions inspection pursuant to subsection (c) of this section or
250 section 14-164i, to establish a fleet emissions inspection station,
251 provided that the fleet owner or operator conforms with regulations
252 for fleet emissions inspection stations adopted by the commissioner
253 which shall specify the classes or other characteristics of vehicles
254 eligible for inspection at such stations.

255 (j) The [commissioner] Commissioner of Motor Vehicles may
256 establish a program for the on-road testing of motor vehicles subject to
257 this chapter. The program shall test not less than one-half of one per
258 cent of the subject fleet state-wide or twenty thousand vehicles,
259 whichever is less, per inspection cycle under conditions of highway
260 operation in order to provide information concerning the emission
261 performance of such in-use vehicles. Testing may be performed by
262 means of remote sensing devices, or roadside pullovers followed by
263 tailpipe emissions testing using a suitable, portable device and
264 recording system. Owners of vehicles that have previously been
265 through scheduled periodic inspection and passed, and are found by
266 on-road testing to be high emitters, in accordance with the standards
267 established under subsection (b) of this section and the regulations
268 adopted under subsection (c) of this section, may be notified that their
269 vehicles are required to pass an out-of-cycle follow-up inspection at an
270 inspection station. Notification may be made by mailing in the case of
271 remote sensing on-road testing or through immediate notification if
272 roadside pullovers are used. The commissioner may use the services of
273 the independent contractor or contractors to implement the on-road
274 testing program. If a method of roadside pullovers is used in the
275 program, such method shall be employed with due regard to traffic
276 safety considerations and performed with the assistance of inspectors
277 of the Department of Motor Vehicles or members of state or municipal
278 police forces.

279 (k) (1) The [commissioner] Commissioner of Motor Vehicles, with
280 approval of the Secretary of the Office of Policy and Management,

281 shall establish, and from time to time modify, the inspection fees, not
282 to exceed [ten] twenty dollars per annual inspection or [twenty] forty
283 dollars for each biennial inspection or reinspection required pursuant
284 to this chapter for inspections performed at official emissions
285 inspection stations. Such fees shall be paid in a manner prescribed by
286 the commissioner. [If the costs to the state of the emissions inspection
287 program, including administrative costs and payments to any
288 independent contractor, exceed the income from such fees, such excess
289 costs shall be borne by the state.] The independent contractor
290 operating the emissions inspection station shall remit two dollars of
291 each annual inspection fee and four dollars of each biennial inspection
292 fee to the commissioner, for deposit in the General Fund. The
293 commissioner shall establish a fee of not less than five dollars and not
294 more than fifteen dollars for the maintenance inspection. On and after
295 January 1, 2011, the commissioner shall charge a fee of ten dollars at
296 the time of registration or renewal of registration for motor vehicles
297 that are exempt from the inspection requirement of subdivision (6) of
298 subsection (c) of this section. Any person whose vehicle has been
299 inspected at an official emissions inspection station shall, if such
300 vehicle is found not to comply with any required standards, have the
301 vehicle repaired and have the right within thirty consecutive calendar
302 days to return such vehicle to the same official emissions inspection
303 station for one reinspection without charge, provided, where the
304 thirtieth day falls on a Sunday, legal holiday or a day on which the
305 commissioner has established that special circumstances or conditions
306 exist that have caused emissions inspection to be impracticable, such
307 person may return such vehicle for reinspection on the next day. The
308 commissioner shall assess a late fee of [twenty] twenty-five dollars for
309 the emissions inspection of a motor vehicle performed at an official
310 emissions inspection station later than thirty days after the expiration
311 date of the assigned inspection period provided the commissioner may
312 waive such late fee when it is proven to the commissioner's satisfaction
313 that the failure to have the vehicle inspected within thirty days of the
314 assigned inspection period was due to exigent circumstances. If

315 ownership of the motor vehicle has been transferred subsequent to the
316 expiration date of the assigned inspection period and the new owner
317 has such motor vehicle inspected within thirty days of the registration
318 of such motor vehicle, the commissioner shall waive the late fee. If the
319 thirtieth day falls on a Sunday, legal holiday or a day on which the
320 commissioner has established that special circumstances or conditions
321 exist that have caused emissions inspection to be impracticable, such
322 vehicle may be inspected on the next day and no late fee shall be
323 assessed.

324 (2) If the commissioner authorizes a licensed dealer or repairer to
325 conduct emissions inspections of 1996 model year and newer vehicles
326 required by this chapter, the commissioner may authorize such
327 licensee to charge a fee, not to exceed [twenty] forty dollars for each
328 biennial inspection or reinspection.

329 (3) Upon the registration of each new motor vehicle subject to the
330 inspection requirements of this chapter, or of each motor vehicle that is
331 [four] two or less model years of age that has not been registered
332 previously in this state, the commissioner may issue a sticker
333 indicating the exempt status of such motor vehicle and the date on
334 which the motor vehicle is scheduled to be presented for inspection.
335 Any such sticker that may be issued shall be displayed on the motor
336 vehicle in accordance with subsection (d) of this section. On and after
337 July 1, 2002, the commissioner shall charge a fee of forty dollars in
338 addition to any other fees required for such registration. All receipts
339 from the payment of such fee shall be deposited in the Special
340 Transportation Fund.

341 (4) No motor vehicle subject to the inspection requirements of this
342 section shall be transferred to a new owner by a licensed motor vehicle
343 dealer or repairer unless such motor vehicle has had an air pollution
344 control equipment inspection at an official emissions inspection station
345 not more than one hundred twenty days prior to the date of such
346 transfer.

347 (l) The [commissioner] Commissioner of Motor Vehicles may
348 acquire in the name of the state by purchase, lease, gift, devise or
349 otherwise any special equipment, tools, materials or facilities needed
350 to adequately administer, investigate or enforce the provisions of this
351 chapter.

352 (m) A person shall not in any manner represent any place to be an
353 official emissions inspection station unless such station has been
354 established and is operated in accordance with the provisions of this
355 section.

356 (n) No person, firm or corporation shall operate or allow to be
357 operated any motor vehicle that has not been inspected and found to
358 be in compliance with the provisions of subsections (c), (d) and (i) of
359 this section and the regulations adopted by the [commissioner]
360 Commissioner of Motor Vehicles. Operation in violation of said
361 subsections or the regulations adopted by the commissioner shall be an
362 infraction for each violation, except that the fine for a first violation
363 shall be thirty-five dollars. The commissioner may deny the issuance of
364 registration to the owner of a motor vehicle, or the renewal of
365 registration to any such owner, or suspend or revoke any registration
366 that has been issued, if such motor vehicle is not in compliance with
367 the inspection requirements of this chapter, or such owner has failed to
368 pay any fee required by the provisions of this chapter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	14-164c

Statement of Purpose:

To require the Commissioner of Motor Vehicles to adopt regulations that provide for an inspection procedure using an on-board diagnostic information system for all 1996 model year and newer motor vehicles.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]