

Legislative Regulation Review Committee

2009-040

Department of Environmental Protection

**CALIFORNIA LOW EMISSION VEHICLES &
MOTOR VEHICLE EMISSION STANDARDS**

IMPORTANT: Read Instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

REGULATION OF

NAME OF AGENCY

Environmental Protection Concerning

Amendment of Section 22a-174-36b of the Regulations of Connecticut State Agencies, Low Emission Vehicles II Program and Section 22a-174-27 of the Regulations of Connecticut State Agencies, Emission standards and on-board diagnostic II test requirements for periodic motor vehicle inspection and maintenance.

Section 1

Section 1. Subsection (c) of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended to read as follows:

(c) Prohibitions and compliance requirements.

(1) Unless subject to an exemption listed in subsection (d) of this section, no person shall sell or register, offer for sale or lease, import, deliver, purchase, rent, lease, acquire or receive a new 2008 or subsequent model year passenger car or light duty truck or a 2009 or subsequent model year medium-duty vehicle or medium-duty passenger vehicle in the State of Connecticut unless such vehicle is certified to California emission standards and meets:

- (A) The exhaust emission standards set forth in the California Code of Regulations, Title 13, sections 1956.8(g) or (h), 1960.1, 1961(a), [or] 1962(a);] or 1962.1(a);
- (B) Until December 31, 2008, the[The] emission control label [or] and smog index label or environmental performance label requirements set forth in the California Code of Regulations, Title 13, section 1965;
- (C) The evaporative emission standards set forth in the California Code of Regulations, Title 13, section 1976;
- (D) The refueling emissions standards set forth in the California Code of Regulations, Title 13, section 1978;
- (E) The malfunction and diagnostic system requirements set forth in the California Code of Regulations, Title 13, 1968.1;
- (F) The assembly-line testing procedure requirements set forth in the California Code of Regulations, Title 13, section 2062;
- (G) The specifications for fill pipes and openings of motor vehicle fuel tanks set forth in the California Code of Regulations, Title 13, section 2235; and
- (H) The greenhouse gas emission standards set forth in the California Code of Regulations, Title 13, section 1961.1[.] and
- (I) On or after January 1, 2009, the emission control label and environmental performance label requirements, including smog and greenhouse gas index scores, set forth in the California Code of Regulations, Title 13, section 1965.

(2) ZEV mandate.

- (A) [Beginning with] In the 2008 model year, each manufacturer's sales fleet of passenger cars and light duty trucks produced and delivered for sale in the State of Connecticut shall contain at least the same percentage of ZEVs subject to the same requirements, including early credit, banking, and travel provisions, set forth in the California Code of Regulations, Title 13, section 1962 using Connecticut specific vehicle numbers.

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- (B) Alternative compliance mechanisms. As an alternative means of compliance with the requirements of subparagraph (A) of this subdivision, an automobile manufacturer may instead opt to comply with the provisions of subsection (m) of this section.
- (C) Until such time that NEVs can be legally registered in Connecticut and operated with restrictions no more stringent than imposed by the State of California, manufacturers that generate ZEV credits in California through the sale of NEVs shall receive Connecticut credits for those sales. Such credits shall be transferred annually using the ZEV credit account transfer ratio determined in accordance with subsection (m)(3), as applicable to the manufacturer.
- (D) Beginning with the 2009 model year, each manufacturer's sales fleet of passenger cars and light duty trucks produced and delivered for sale in the State of Connecticut shall contain at least the same percentage of ZEVs subject to the same requirements, including early credit, banking, and travel provisions, set forth in the California Code of Regulations, Title 13, section 1962.1 using Connecticut specific vehicle numbers.

(3) All vehicle manufacturers shall comply with the fleet average, warranty, recall and other applicable requirements set forth in subsections (e), (f), (g), (h), (i), (j), (k), and (n) of this section.

Sec. 2. Subsection (e) of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended to read as follows:

(e) Emission standards, warranty, recall and miscellaneous provisions.

Each manufacturer and each new 2008 and subsequent model year passenger car and light-duty truck that is subject to this section shall comply with each applicable standard set forth in Table 36b-1 and incorporated by reference herein:

Table 36b-1		
California Code of Regulations (CCR)		
Title 13		
Provisions Incorporated by Reference		
Title 13 CCR	Title	Section Amended Date
Chapter 1 Motor Vehicle Pollution Control Devices		
Article 1 General Provisions		
Section 1900	Definitions	[08/04/05] <u>4/17/09</u>
Article 2 Approval of Motor Vehicle Pollution Control Devices (New Vehicles)		
Section 1956.8(g) and (h)	Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy Duty Engines and Vehicles	[12/14/03] <u>10/11/07</u>

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Title 13 CCR	Title	Section Amended Date
Section 1960.1	Exhaust Emission Standards and Test Procedures – 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles	[10/16/02] <u>03/26/04</u>
Section 1961	Exhaust Emission Standards and Test Procedures – 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[12/04/03] <u>06/16/08</u>
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles.	[08/04/05] <u>01/01/06</u>
Section 1962	Zero Emission Vehicle Standards for 2005 through 2008 [and Subsequent] Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[12/19/03] <u>4/17/09</u>
<u>Section 1962.1</u>	<u>Zero Emission Vehicle Standards for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles</u>	<u>4/17/09</u>
Section 1965	Emission Control[and], Smog Index, and Environmental Performance Labels – 1979 and Subsequent Model Year Vehicles	[12/04/03] <u>06/16/08</u>
Section 1968.1	Malfunction and Diagnostic System Requirements – 1994 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	11/27/99
Section 1968.2	Malfunction and Diagnostic System Requirements – 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[04/21/03] <u>11/09/07</u>
Section 1968.5	Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines	[04/21/03] <u>11/09/07</u>
Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	[11/27/99] <u>01/04/08</u>
Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	[11/27/99] <u>01/04/08</u>
Article 6 Emission Control System Warranty		
Section 2035	Purpose, Applicability and Definitions	[12/26/90] <u>11/09/07</u>
Section 2036	Defects Warranty Requirements for 1979 through 1989 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles; 1979 and Subsequent Model Year Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles.	5/15/99
Section 2037	Defects Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	[11/27/99] <u>11/09/07</u>

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Title 13 CCR	Title	Section Amended Date
Section 2038	Performance Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	[11/27/99] <u>11/09/07</u>
Section 2039	Emission Control System Warranty Statement.	12/26/90
Section 2040	Vehicle Owner Obligations	12/26/90
Section 2046	Defective Catalyst	1/16/79
Chapter 2 Enforcement of Vehicle Emission Standards and Enforcement Testing.		
Article 1 Assembly Line Testing.		
Section 2062	Assembly-line Test Procedures 1998 and Subsequent Model-years.	11/27/99
Article 2 Enforcement of New and In-use Vehicle Standards		
Section 2101	Compliance Testing and Inspection – New Vehicle Selection, Evaluation and Enforcement Action.	11/27/99
Section 2109	New Vehicle Recall Provisions.	[11/27/99] <u>12/30/83</u>
Section 2110	Remedial Action for Assembly-Line Quality Audit Testing of Less than a Full Calendar Quarter of Production Prior to the 2001 Model-Year.	11/27/99
Article 2.1 Procedures for In-Use Vehicle Voluntary and Influenced Recalls.		
Section 2111	Applicability.	[8/21/02] <u>01/04/08</u>
Section 2112	Definitions.	11/15/03
	Appendix A to Article 2.1.	11/15/03
Section 2113	Initiation and Approval of Voluntary and Influenced Recalls.	1/26/95
Section 2114	Voluntary and Influenced Recall Plans.	11/27/99
Section 2115	Eligibility for Repair.	1/26/95
Section 2116	Repair Label.	1/26/95
Section 2117	Proof of Correction Certificate.	1/26/95
Section 2118	Notification.	1/26/95
Section 2119	Record keeping and Reporting Requirements.	11/27/99
Section 2120	Other Requirements Not Waived.	1/26/95
Article 2.2 Procedures for In-Use Vehicle Ordered Recalls.		
Section 2122	General Provisions.	[1/26/95] <u>01/04/08</u>
Section 2123	Initiation and Notification of Ordered Emission-Related Recalls.	1/26/95
Section 2124	Availability of Public Hearing.	1/26/95
Section 2125	Ordered Recall Plan.	1/26/95
Section 2126	Approval and Implementation of Recall Plan.	1/26/95

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Title 13 CCR	Title	Section Amended Date
Section 2127	Notification of Owners.	1/26/95
Section 2128	Repair Label.	1/26/95
Section 2129	Proof of Correction Certificate.	1/26/95
Section 2130	Capture Rates and Alternative Measures.	11/27/99
Section 2131	Preliminary Tests.	1/26/95
Section 2132	Communication with Repair Personnel.	1/26/95
Section 2133	Record keeping and Reporting Requirements.	1/26/95
Section 2135	Extension of Time.	1/26/95
Article 2.3 In-Use Vehicle Enforcement Test Procedures.		
Section 2136	General Provisions.	[1/26/95] 01/04/08
Section 2137	Vehicle Selection.	12/28/00
Section 2138	Restorative Maintenance.	11/27/99
Section 2139	Testing.	8/21/02
Section 2140	Notification of In-Use Results.	8/21/02
Article 2.4 Procedures for Reporting Failure of Emission-Related Components.		
Section 2141	General Provisions.	[12/28/00] 01/04/08
Section 2142	Alternative Procedures.	2/23/90
Section 2143	Failure Levels Triggering Recall.	11/27/99
Section 2144	Emission Warranty Information Report.	11/27/99
Section 2145	Field Information Report.	11/27/99
Section 2146	Emissions Information Report.	11/27/99
Section 2147	Demonstration of Compliance with Emission Standards.	8/21/02
Section 2148	Evaluation of Need for Recall.	11/27/99
Section 2149	Notification of Subsequent Action.	2/23/90
<u>Article 5 Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action</u>		
Section 2166	General Provisions.	01/04/08
Section 2166.1	Definitions.	01/04/08
Section 2167	Emission Warranty Information Report.	01/04/08
Section 2168	Supplemental Emissions Warranty Information Report.	01/04/08
Section 2169	Recall and Corrective Action for Failures of Exhaust After-Treatment Devices.	01/04/08
Section 2170	Recall and Corrective Action for Other Emission-Related Component Failures (On-Board Diagnostic-Equipped Vehicles and Engines).	01/04/08
Section 2171	Recall and Corrective Action for Vehicles without On-Board Diagnostic Systems, Vehicles with Non-Compliant On-Board Diagnostic Systems, or Vehicles with On-Board Computer Malfunction.	01/04/08
Section 2172	Notification of Required Recall or Corrective Action by the Executive Officer.	01/04/08
Section 2172.1	Ordered or Voluntary Corrective Action Plan.	01/04/08

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Title 13 CCR	Title	Section Amended Date
<u>Section 2172.2</u>	<u>Approval and Implementation of Corrective Action Plan.</u>	<u>01/04/08</u>
<u>Section 2172.3</u>	<u>Notification of Owners.</u>	<u>01/04/08</u>
<u>Section 2172.4</u>	<u>Repair Label.</u>	<u>01/04/08</u>
<u>Section 2172.5</u>	<u>Proof of Correction Certificate.</u>	<u>01/04/08</u>
<u>Section 2172.6</u>	<u>Preliminary Tests.</u>	<u>01/04/08</u>
<u>Section 2172.7</u>	<u>Communication with Repair Personnel.</u>	<u>01/04/08</u>
<u>Section 2172.8</u>	<u>Recordkeeping and Reporting.</u>	<u>01/04/08</u>
<u>Section 2172.9</u>	<u>Extension of Time.</u>	<u>01/04/08</u>
<u>Section 2173</u>	<u>Penalties.</u>	<u>01/04/08</u>
<u>Section 2174</u>	<u>Availability of Public Hearing.</u>	<u>01/04/08</u>
Chapter 4.4 Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks.		
Section 2235	Requirements.	9/17/91

Sec. 3. Subsection (k) of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended to read as follows:

(k) Recalls.

(1) For all 2008 and subsequent model year vehicles subject to the provisions of this section and for all 2009 and subsequent model year medium-duty vehicles subject to the provisions of this section, each manufacturer shall undertake an action equivalent to that required by any order or enforcement action taken by CARB, or any voluntary or influenced emission related recall initiated by any manufacturer pursuant to or required by California Code of Regulations, Title 13, sections 2101 through 2120, 2122 through 2133, [and] 2135 through 2149, and 2166 through 2174, unless within thirty (30) days of CARB approval of such recall, the manufacturer demonstrates to the commissioner that such recall is not applicable to vehicles registered in the State of Connecticut.

(2) For vehicles subject to an action pursuant to subdivision (1) of this subsection, each manufacturer shall send to owners of vehicles registered in the State of Connecticut a notice that complies with the requirements set forth in California Code of Regulations, Title 13, sections 2118, [or] 2127, or 2172.3, provided that such notice shall contain a telephone number appropriate for use in the State of Connecticut.

Sec. 4. Subsection (e) of section 22a-174-27 of the Regulations of the Connecticut State Agencies is amended to read as follows:

(e) [**Composite motor vehicles.** For 2005 and earlier model year composite motor vehicles, the maximum allowable emissions shall be 4.0 VOL. % CO and 800 ppm HC. For 2006 and later model year composite motor vehicles, the maximum allowable emissions shall be 1.2 VOL. % CO and 220 ppm HC.] Reserved.

Statement of purpose: This amendment consists of revisions to two sections of the air quality regulations concerning motor vehicles. Specifically, the revisions include:

Sections 1 through 3 of the amendment revise section 22a-174-36b of the Regulations of Connecticut State Agencies (R.C.S.A.) in three respects:

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Statement of Purpose

- First, section 22a-174-36b is updated in accordance with Public Act 06-161 to require manufacturers to place environmental performance labels starting on 2009 model year and later vehicles sold or leased in Connecticut on or after January 1, 2009. Labels must contain a smog score and a global warming score measuring the amount of greenhouse gas emissions from the car compared to the average emissions of all vehicle models of the same model year for that class of cars. The label will provide consumers with information on how a vehicle purchase will affect the environment.
- Second, section 22a-174-36b is updated in accordance with changes made to the California Air Resources Board low emissions vehicle program, which serves as the basis for R.C.S.A. section 22a-174-36b. The updated provisions include the “travel provisions” contained in the “zero emission vehicle” program. Travel provisions amend methods by which manufacturers are credited when placing zero emission or other advanced technology vehicles in service in either California or any state that has adopted California’s motor vehicle emission control program under section 177 of the federal Clean Air Act.
- Third, technical changes consistent with California’s vehicle recall provisions are included.

Section 4 revises R.C.S.A. section 22a-174-27(e) in accordance with Public Act 07-167 to eliminate composite motor vehicles from Connecticut’s motor vehicle inspection program.

CERTIFICATION

R-39 REV. 1/77

Be it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted Amended as herinabove stated Repealed

By the aforesaid agency pursuant to:

Section 22a-174 of the General Statutes

Section 22a-201a of the General Statutes as amended by Public Act No. 161 of the 2006 Public Acts.
Section 14-164c(c) of the General Statutes as amended by Public Act No. 167 of the 2007 Public Acts.

Public Act No. _____ of the Public Acts.

After Publication in the Connecticut Law Journal on November 18th 20 08, of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on the 18th day of December 20 08

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as herinabove stated Repealed

Effective:

When filed with the Secretary of the State

(OR)

The _____ day of _____ 20 _____

In Witness Whereof:	DATE <u>5/8/09</u>	SIGNED (Head of Board, Agency or Commission) <u>Amy Manella</u>	OFFICIAL TITLE, DULY AUTHORIZED <u>Deputy Commissioner</u>
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Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED <u>W B AK</u>	DATE <u>5/15/09</u>	OFFICIAL TITLE, DULY AUTHORIZED <u>ASSOC. ATTY. GENERAL</u>
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- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State.)	BY
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INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes
3. Each Regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language underlined or in capital letters and deleted language in brackets. Section 4-179 of the General Statutes.