



# OLR RESEARCH REPORT

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## EMISSIONS TEST WAIVER THRESHOLD

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You asked (1) when the motor vehicle emissions test waiver was established, (2) what the amount of the threshold was at that time, and (3) what it is now.

### SUMMARY

Federal regulations require certain states, including Connecticut, to issue compliance waivers to certain motor vehicle owners whose vehicles fail an initial emissions test, and, after emissions-related repairs are made, a subsequent re-test. Owners may obtain this waiver if they spend more than a specified amount on the repairs and meet certain other conditions. The regulations, which took effect in 1989, set the minimum amount an owner must spend on repairs at \$450, and required states to adjust this figure annually for inflation. The current waiver threshold is \$660.

The federal regulations, and subsequent state legislation, replaced an earlier state waiver provision. Under that provision, first enacted in 1978, the owner of a vehicle that failed its initial emissions test and, after the necessary repairs were made, a subsequent re-test, could qualify for a waiver based on “unreasonable cost of repair” (PA 78-335). The law initially established this minimum threshold at \$75. It subsequently reduced this amount to \$70 in 1979 (PA 79-238) and to \$40 in 1983 (PA 83-561).

## **EMISSIONS TEST WAIVER**

U.S. Environmental Protection Agency regulations, which took effect in 1989, set standards for states with enhanced emissions inspection programs, such as Connecticut. They required, among other things, that these states set a minimum cost for repairs necessary to qualify for a waiver from compliance (40 CFR 51.360). Under the regulation, this had to be least \$450, adjusted annually each January by the percentage that the Consumer Price Index (CPI) of the preceding calendar year differs from the 1989 CPI.

Consequently, the legislature in 1993 scrapped its earlier \$40 repair cost provision and set “an unreasonable cost of repair” as a cost in excess of that required by the federal regulations (PA 93-312).

The state Department of Motor Vehicles (DMV) has since specified the actual waiver amount through regulation (Conn Agency Regs. § 14-164c-11a (b)). The regulations specifying the current waiver threshold of \$660 were adopted in 2004.

More information on the waiver process can be found on the DMV website at [CT Emissions Program - FAQs - Failures and Re-tests](http://www.ctemissions.com/faqs-failuresretest.html) (<http://www.ctemissions.com/faqs-failuresretest.html>). More information on the history of the waiver standards can be found in OLR Report [2008-R-0028](http://cga.ct.gov/2008/rpt/2008-R-0028.htm) (<http://cga.ct.gov/2008/rpt/2008-R-0028.htm>).

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