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(Title page)

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State of Connecticut
REGULATION
of

NAME OF AGENCY
Department of Energy and Environmental Protection

Concerning

SUBJECT MATTER OF REGULATION
Revision of the Low Emission Vehicle II and Adoption of the Low Emission Vehicle III programs

Section 1. Subsections (a) to (c), (e) to (h) and (i) of Section 22a-174-36b of the Regulations of Connecticut State Agencies are amended to read as follows:

Section 22a-174-36b. Low Emission Vehicle II Program.

(a) Definitions and abbreviations. Provided that any term related to the administration of the Low Emission Vehicles II program not defined in this subsection shall be as defined or described in Title 13 of the California Code of Regulations, for the purposes of this section:

(1) "Advanced technology vehicle" means any PZEV, AT PZEV or ZEV.

(2) "Air contaminant emission control system" means the equipment designed for installation on a motor vehicle or motor vehicle engine for the purpose of reducing the air contaminants emitted from the motor vehicle or motor vehicle engine, or system or engine modification on a motor vehicle or motor vehicle engine which causes a reduction of air contaminants emitted from the motor vehicle or motor vehicle engine, including but not limited to exhaust control systems, fuel evaporation control systems, and crankcase ventilating systems.

(3) "Alternative fuel" means any fuel that is commonly or commercially known or sold as one of the following: M-100 fuel methanol, M-85 fuel methanol, E-100 fuel ethanol, E-85 fuel ethanol, compressed natural gas, liquefied petroleum gas, or hydrogen.

(4) "AT PZEV" means advanced technology partial zero emission vehicle.

(5) "CARB" means the California Air Resources Board.

(6) "Certified" means the finding by CARB that a motor vehicle, motor vehicle engine, or motor vehicle engine family, or air contaminant emission control system has satisfied the criteria adopted by CARB for the control of specified air contaminants from motor vehicles.

(7) "Dual-fuel" means a motor vehicle that is engineered and designed to be capable of operating on a petroleum fuel and on another fuel that is stored separately on-board the vehicle.

(8) "Emergency vehicle" means any publicly owned vehicle operated by a peace officer in performance of his or her duties, any authorized vehicle used for fighting fires or responding to emergency fire calls, any publicly owned authorized vehicle used by emergency medical technicians or paramedics, or used for towing or servicing other vehicles, or repairing damaged lighting or electrical equipment, or an ambulance.

(9) "Emission control label" means the permanent stickers required by CARB and affixed to all passenger cars, light duty trucks and medium-duty vehicles certified for sale in California.

(10) "Emissions-related part" means any automotive part that affects any regulated emissions from a motor vehicle or motor vehicle engine that is subject to California or federal emissions standards, as set forth in California Code of Regulations, Title 13, section 1900(b)(3).

(11) "EPA" means the United States Environmental Protection Agency.

(12) "Executive Order" means an Executive Order of CARB.

(13) "Fleet average emissions" means a motor vehicle manufacturer's average vehicle emissions of all non-methane organic gases and all greenhouse gases from all vehicles that are subject to this section, sold in the State of Connecticut in any applicable model year.

(14) "Fuel-flexible" means an alternative fuel motor vehicle that is engineered and designed for operation using any alternative fuel mixture or blend.

(15) "Greenhouse gas" means any of the following gases: carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons.

(16) "Greenhouse gas vehicle test group" means "greenhouse gas vehicle test group" as defined in California Code of Regulations, Title 13, section 1961.1.

(17) "Heavy-duty vehicle" means any motor vehicle having a manufacturer's gross vehicle weight rating greater than 6,000 pounds, except passenger cars.

(18) "Hybrid electric vehicle" or "HEV" means a motor vehicle which allows power to be delivered to the driver wheels solely by a battery powered electric motor but which also incorporates the use of a combustion engine to provide power to the battery, or any vehicle which allows power to be delivered to the drive wheels by either a combustion engine and/or by battery powered electric motor.

(19) "Independent low volume manufacturer" means "independent low volume manufacturer" as defined in California Code of Regulations, Title 13, section 1900.

(20) "Large volume manufacturer" means "large volume manufacturer" as defined in California Code of Regulations, Title 13, section 1900.

[(20)] (21) "Light-duty truck" or "LDT" means any 2008 and subsequent model-year motor vehicle certified to the standards in California Code of Regulations, Title 13, section 1961(a)(1) having a gross vehicle weight rating of 8500 pounds or less, and any other motor vehicle rated at 6000 pounds or less, that is designed primarily for the purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

[(21)](22) "Loaded vehicle weight" or "LVW" means vehicle curb weight plus 300 pounds.

[(22)](23) "Low Emission Vehicle II program" means the standards for motor vehicles, motor vehicle engines and related provisions that the State of California has adopted and is permitted to adopt under 42 USC 7543 and that the Commissioner is permitted to adopt under 42 USC 7507 as required by section 22a-174g of the Connecticut General Statutes for the implementation of such program in Connecticut.

[(23)](24) "Medium-duty passenger vehicle" means "medium-duty passenger vehicle" as defined in California Code of Regulations, Title 13, section 1900.

[(24)](25) "Medium-duty vehicle" means "medium-duty vehicle" as defined in California Code of Regulations, Title 13, section 1900.

[(25)](26) "Military tactical vehicles and equipment" means those vehicles defined by California Code of Regulations, 13, section 1905.

[(26)]"(27) Model year" means "model year" as defined in 40 CFR 85.2302 and determined in accordance with the provisions of 40 CFR 85.2301 through 40 CFR 85.2304, inclusive.

[(27)](28) "Neighborhood electric vehicle" or "NEV" means a motor vehicle certified to zero emission vehicle standards and meets the definition of "low speed vehicle" either in California Code of Regulations, Title 13, section 385.5 or in 49 CFR 571.500.

[(28)](29) "New vehicle" means any passenger car or light duty truck with 7,500 miles or fewer on its odometer.

[(29)](30) "NMOG" means non-methane organic gas;

[(30)](31) "Passenger car" or "PC" means any motor vehicle designed primarily for transportation of persons having a design capacity of twelve persons or less.

[(31)](32) "Offset vehicle" means a vehicle that has been certified by the State of California as set forth in the California Code of Regulations, Title 13, section 1960.5.

[(32)](33) "PZEV" means partial ZEV as defined in California Code of Regulations, Title 13, section 1962.

[(33)](34) "Small volume manufacturer" means "small volume manufacturer" as defined in California Code of Regulations, Title 13, section 1900.

[(34)](35) "Travel provision" means the provision of the California Code of Regulations that entitles a manufacturer to full credit for each Type III ZEV placed in service prior to model year 2012 in California or any other state that has adopted the California ZEV mandate.

[(35)](36) "Vehicle" means any motor vehicle.

[(36)](37) "VECs" means vehicle equivalent credits.

[(37)](38) "ZEV" means a zero emission vehicle.

(b) Applicability.

(1) This section shall apply to all 2008 [and subsequent] through 2014 model year passenger cars and light duty trucks sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired or received, in the State of Connecticut except that this subdivision shall not apply to those vehicles listed in subsection (d) of this section.

(2) This section shall apply to all 2009 [and subsequent] through 2014 model year medium-duty vehicles sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired or received, in the State of Connecticut except that this subdivision shall not apply to those vehicles listed in subsection (d) of this section.

(3) The greenhouse gas emission standards set forth in [subsection (c)(1)(H)]subparagraph(c)(1)(G) of this section and related provisions in this section shall apply to all 2009 [and subsequent] through 2016 model year passenger cars, light-duty trucks and medium-duty passenger vehicles sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired or received, in the State of Connecticut except that this subdivision shall not apply to those vehicles listed in subsection (d) of this section.

(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]through 2014 model year passenger car or light duty truck or a 2009 [or subsequent] through 2014 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), 1962(a) or 1962.1(a);

[(B)] [Until December 31, 2008, the emission control label and smog index label or environmental performance label requirements set forth in the California Code of Regulations, Title 13, section 1965;]

[(C)](B) The evaporative emission standards set forth in the California Code of Regulations, Title 13, section 1976;

[(D)](C) The refueling emissions standards set forth in the California Code of Regulations, Title 13, section 1978;

[(E)](D) The malfunction and diagnostic system requirements set forth in the California Code of Regulations, Title 13, 1968.1;

[(F)](E) The assembly-line testing procedure requirements set forth in the California Code of Regulations, Title 13, section 2062;

[(G)] (F) 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)] (G) The greenhouse gas emission standards set forth in the California Code of Regulations, Title 13, section 1961.1; and

[(I)] (H) 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[.] or the Federal Fuel Economy and Emission Label, set forth in 40 CFR parts 85,86, and 600.

(2) **ZEV mandate.**

(A) [In] For the 2008 through 2017 model [year]years, 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.

(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]For the 2009 through 2017 model [year]years, 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.

(E) Optional path. Large volume manufacturers and intermediate volume manufacturers that elect the optional path set forth in the California Code of Regulations, Title 13, subdivision 1962.1(d)(5)(E)(3) shall inform the commissioner in writing of such election no later than September 1, 2014.

(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.

(d) Exemptions. The following vehicles shall not be subject to this section:

(1) A vehicle transferred by inheritance;

(2) A vehicle transferred by decree of divorce, dissolution or legal separation entered by a court of competent jurisdiction;

(3) A vehicle purchased by a nonresident prior to establishing residency in the State of Connecticut;

(4) A vehicle sold for the purpose of being wrecked or dismantled;

(5) A vehicle sold directly from one dealer to another dealer;

(6) A vehicle sold for registration out of state;

(7) A vehicle sold or designed exclusively for off-highway use;

(8) A vehicle that has been certified to standards promulgated pursuant to the authority contained in 42 U.S.C. 7521 and which is in the possession of a rental agency in Connecticut and is next rented with a final destination outside of Connecticut;

(9) An emergency vehicle;

(10) A military tactical vehicle;

(11) A vehicle exempted by California Health and Safety Code, section 43656; or

(12) A vehicle acquired by a resident of this state for the purpose of replacing a vehicle registered to such resident that was damaged or became inoperative beyond

reasonable repair or was stolen while out of this state, provided that such replacement vehicle is acquired out of state at the time the previously owned vehicle was either damaged or became inoperative or was stolen.

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

Each manufacturer and each new 2008 through 2017 [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	[04/17/09] 12/31/12
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	[10/11/07] 12/31/12
Section 1960.1	Exhaust Emission Standards and Test Procedures - 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles	[03/26/04] 12/31/12
Section 1961	Exhaust Emission Standards and Test Procedures - 2004 [and Subsequent] through 2019 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[06/16/08] 12/31/12

Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2009 [and Subsequent] through 2016 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles.	[01/01/06] 8/7/12
Section 1962	Zero Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[4/17/09] 2/13/10
Section 1962.1	Zero Emission Vehicle Standards for 2009 [and Subsequent] through 2017 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	[4/17/09] 12/31/12
Section 1965	Emission Control and, Smog Index, and Environmental Performance Labels - 1979 and Subsequent Model Year Vehicles	[06/16/08] 8/7/12
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	[11/09/07] 8/7/12
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	[11/09/07] 8/7/12
Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	[01/04/08] 12/31/12
Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	[01/04/08] 8/7/12
Article 6 Emission Control System Warranty		
Section 2035	Purpose, Applicability and Definitions	11/09/07

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	[11/09/07] 8/7/12
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	[11/09/07] 8/7/12
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] 8/7/12
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.	12/30/83
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.	[01/04/08] 12/8/10
Section 2112	Definitions.	[11/15/03] 8/7/12
	Appendix A to Article 2.1.	[11/15/03]

		8/7/12
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.	[01/04/08] 12/8/10
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
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.	[01/04/08] 12/8/10
Section 2137	Vehicle Selection.	12/28/00
Section 2138	Restorative Maintenance.	11/27/99
Section 2139	Testing.	[8/21/02] 8/7/12
Section 2140	Notification of In-Use Results.	[8/21/02] 8/7/12
Article 2.4 Procedures for Reporting Failure of Emission-Related Components.		
Section 2141	General Provisions.	[01/04/08]

		12/8/10
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] 12/8/10
Section 2145	Field Information Report.	[11/27/99] 8/7/12
Section 2146	Emissions Information Report.	11/27/99
Section 2147	Demonstration of Compliance with Emission Standards.	[8/21/02] 8/7/12
Section 2148	Evaluation of Need for Recall.	[11/27/99] 8/7/12
Section 2149	Notification of Subsequent Action.	2/23/90
[Article 5 Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action]		
[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]
[Section 2172.2]	[Approval and Implementation of Corrective Action Plan.]	[01/04/08]
[Section 2172.3]	[Notification of Owners.]	[01/04/08]
[Section 2172.4]	[Repair Label.]	[01/04/08]
[Section 2172.5]	[Proof of Correction Certificate.]	[01/04/08]
[Section 2172.6]	[Preliminary Tests.]	[01/04/08]

[Section 2172.7]	[Communication with Repair Personnel.]	[01/04/08]
[Section 2172.8]	[Recordkeeping and Reporting.]	[01/04/08]
[Section 2172.9]	[Extension of Time.]	[01/04/08]
[Section 2173]	[Penalties.]	[01/04/08]
[Section 2174]	[Availability of Public Hearing.]	[01/04/08]
Chapter 4.4 Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks.		
Section 2235	Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks Requirements.	[9/17/91] 8/8/12

(f) Fleet average requirements, reporting and projections, and delivery reporting requirements.

(1) Effective for 2008 [and subsequent] through 2014 model years, the fleet average NMOG gas emission values from passenger cars and light-duty trucks vehicles produced and delivered for sale in the State of Connecticut by a manufacturer for each model year shall not exceed the fleet average numbers set forth in California Code of Regulations, Title 13, sections 1960.1(g)(2) and 1961(b)(1), except as provided in section 1960.1(g)(2) and 1961(b)(1). Effective for 2008 and subsequent model years, manufacturers may earn and bank NMOG credits in accordance with California Code of Regulations, Title 13, section 1961, except NMOG credits earned prior to model year 2011 shall be treated as though they were earned in model year 2011 and no debits shall be carried forward after model year 2011.

(2) Effective for 2009 [and subsequent]through 2014 model years, each manufacturer shall comply with the medium-duty vehicle phase-in requirements and, for 2004 and subsequent model years, may earn and bank VECs, both in accordance with California Code of Regulations, Title 13, section 1961, except VECs earned prior to model year 2012 shall be treated as though they were earned in model year 2012.

(3) A manufacturer that certifies vehicles equipped with direct ozone reduction technologies is eligible to receive NMOG credits for use in fleet average compliance determinations. A manufacturer shall submit to the commissioner a CARB Executive Order, obtained in accordance with California Code of Regulations Title 13, section 1960.1(g)(1), which shall determine the value of such credits for vehicles delivered for sale in the State of Connecticut, when the manufacturer submits its annual NMOG fleet average report.

(4) Credits and debits may be accrued and utilized based upon each manufacturer's sales of vehicles subject to this part in the State

of Connecticut, pursuant to the provisions set forth in the California Code of Regulations Title 13, sections 1960.1(g)(2) and 1961(c).

(5) Commencing with the 2008 model year, each manufacturer shall report to the commissioner, using the same format used to report such information to CARB, the average emissions of its fleet delivered for sale in the State of Connecticut. The report shall be submitted to the commissioner, or the commissioner's designee, no later than March 1st of the calendar year succeeding the end of the model year. Commencing with the 2009 model year, such report shall include medium-duty vehicles.

(6) Delivery reporting requirements. For the purposes of determining compliance with the requirements of this section, commencing with the 2008 model year, each manufacturer shall submit annually, to the commissioner, by March 1st of the calendar year succeeding the end of the model year, a report documenting total deliveries for sale of vehicles in each engine family over that model year in the State of Connecticut. Commencing with the 2009 model year, such report shall include medium-duty vehicles.

(7) The fleet average greenhouse gas exhaust emission levels for passenger cars, light-duty trucks, and medium-duty passenger vehicles that are produced and delivered for sale in the State of Connecticut by a large volume manufacturer for each 2009 [and subsequent]through 2016 model year are established as, and shall be determined in accordance with, the provisions set forth in California Code of Regulations, Title 13, sections 1961.1.

(8) The fleet average greenhouse gas exhaust emission levels for passenger cars, light-duty trucks, and medium-duty passenger vehicles that are produced and delivered for sale in the State of Connecticut by a small volume manufacturer or an independent low volume manufacturer for each 2016 [and subsequent]through 2016 model year are established as, and shall be determined in accordance with, the provisions set forth in California Code of Regulations, Title 13, sections 1961.1.

(9) Greenhouse gas credits and debits may be accrued and used based on each manufacturer's sale of vehicles subject to the greenhouse gas provisions of this section in the State of Connecticut in accordance with the provisions set forth in California Code of Regulations, Title 13, section 1961.1.

(g) Fleet Average Emissions Reporting Requirements.
(1) For the purposes of determining compliance with the requirements of subsections (c)(3) and (e) of this section, [commencing with] in the 2008 through 2014 model years, each manufacturer shall submit annually to the Department, by March 1st of the calendar year succeeding the end of the model year, a report

which demonstrates that such manufacturer has met the fleet average emissions requirements for its fleet delivered for sale in Connecticut. Commencing with the 2009 model year, such report shall include medium-duty vehicles.

[(2) Prior to the commencement of each model year, commencing with the 2008 model year, each manufacturer shall submit, to the Department, a projection of the fleet average emissions for vehicles to be delivered for sale in Connecticut during such model year. Commencing with the 2009 model year, such report shall include medium-duty vehicles.]

[(3)](2) [Commencing with] For the 2009 through 2016 model [year] years, each manufacturer shall report the average greenhouse gas emissions of its fleet delivered for sale in the State of Connecticut, using the same format used to report such information to CARB. Such report shall be filed with the commissioner by [March 1st] May 1st of the calendar year succeeding the end of the model year and shall include the number of greenhouse gas vehicle test groups certified pursuant to subsection (m)(5) of this section, delineated by model type, delivered for sale into the State of Connecticut.

(h) Fleet average enforcement. If, commencing with the 2011 model year and for each [subsequent]applicable model year thereafter, the report issued by a manufacturer pursuant to subsection (g) of this section demonstrates noncompliance with the fleet average emission standards incorporated by reference into this section and set forth in Table 36b-1 of this section, during a model year, the manufacturer [must]shall within sixty (60) days file a Fleet Average Enforcement Report with the commissioner documenting such noncompliance. The Fleet Average Enforcement Reports [must] shall identify all vehicle models delivered for sale into the State of Connecticut and their corresponding certification standards and the percentage of each model delivered for sale into the State of Connecticut and California in relation to total fleet sales in the respective state. Enforcement of the medium-duty vehicle phase-in requirements shall begin in the 2012 model year.

(i) Reporting and offset vehicle reporting.

(1) The manufacturer shall [submit one] make available upon request a copy of the California Executive Order and Certificate of Conformity relating to certification of new motor vehicles for each engine family to be sold in the State of Connecticut. [to the commissioner within thirty (30) days of receiving the Executive Order from CARB.] To the extent such reports are available electronically, the manufacturer shall submit such records in an electronic format acceptable to the commissioner.

(2) For the purposes of determining compliance with this section, the commissioner may require any vehicle manufacturer subject to

this section to submit any documentation the commissioner deems necessary to the effective administration and enforcement of this section including all certification materials submitted to CARB.

(3) Offset vehicle reporting. Commencing with the 2008 model year, by March 1st of the calendar year succeeding the end of the model year, each manufacturer shall report to the commissioner the number of offset vehicles, categorized by model type, delivered for sale into the State of Connecticut during such model year. The report shall also include the total number of the manufacturer's fleet delivered for sale into the State of Connecticut.

Sec 2. The Regulations of Connecticut State Agencies are amended by the addition of section 22a-174-36c, as follows:

Section 22a-174-36c. Low Emission Vehicle III Program. (NEW)

(a) Definitions and abbreviations. Provided that any term related to the administration of the Low Emission Vehicles III program not defined in this subsection shall be as defined or described in Title 13 of the California Code of Regulations and in Section 22a-174-36b of the Regulations of Connecticut State Agencies. In addition, the following definitions apply:

(1) "Transitional Zero Emission Vehicle" or ("TZEV") means transitional Zero emission vehicle as defined in California Code of Regulations, Title 13, section 1962.2.

(2) "East Region Pool" means east region pool as defined in California Code of Regulations, Title 13, section 1962.2.

(b) Applicability.

This section shall apply to all 2015 and subsequent model year passenger cars, light duty trucks, and medium-duty passenger vehicles sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired or received, in the State of Connecticut except that this subdivision shall not apply to those vehicles listed in subsection (d) of this section.

(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 2015 or subsequent model year passenger car, light duty truck, 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(h), 1961.2 and 1962.2;

(B) The evaporative emission standards set forth in the California Code of Regulations, Title 13, section 1961.2;

(C) The refueling emissions standards set forth in the California Code of Regulations, Title 13, section 1978;

(D) The malfunction and diagnostic system requirements set forth in the California Code of Regulations, Title 13, 1968.2;

(E) The assembly-line testing procedure requirements set forth in the California Code of Regulations, Title 13, section 2062;

(F) The specifications for fill pipes and openings of motor vehicle fuel tanks set forth in the California Code of Regulations, Title 13, section 2235;

(G) Beginning with the 2017 model year, the greenhouse gas emission standards set forth in the California Code of Regulations, Title 13, section 1961.3; and

(H) 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 or the Federal Fuel Economy and Emission Label, set forth in 40 CFR parts 85, 86, and 600.

(2) ZEV mandate.

(A) Beginning with the 2018 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 set forth in the California Code of Regulations, Title 13, section 1962.2 using Connecticut specific vehicle numbers.

(B) Optional path. Large Volume manufacturers and intermediate volume manufacturers that elect the optional path set forth in the California Code of Regulations, Title 13, subdivision 1962.1(d)(5)(E)(3) shall inform the commissioner in writing of such election no later than September 1, 2014.

(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 proportional credits for those sales.

(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), and (k) of this section.

(d) Exemptions. The following vehicles shall not be subject to this section:

(1) A vehicle transferred by inheritance;

(2) A vehicle transferred by decree of divorce, dissolution or legal separation entered by a court of competent jurisdiction;

(3) A vehicle purchased by a nonresident prior to establishing residency in the State of Connecticut;

(4) A vehicle sold for the purpose of being wrecked or dismantled;

(5) A vehicle sold directly from one dealer to another dealer;

(6) A vehicle sold for registration out of state;

(7) A vehicle sold or designed exclusively for off-highway use;

(8) A vehicle that has been certified to standards promulgated pursuant to the authority contained in 42 U.S.C. 7521 and which is in the possession of a rental agency in Connecticut and is next rented with a final destination outside of Connecticut;

(9) An emergency vehicle;

(10) A military tactical vehicle;

(11) A vehicle exempted by California Health and Safety Code, section 43656; or

(12) A vehicle acquired by a resident of this state for the purpose of replacing a vehicle registered to such resident that was damaged or became inoperative beyond reasonable repair or was stolen while out of this state, provided that such replacement vehicle is acquired out of state at the time the previously owned vehicle was either damaged or became inoperative or was stolen.

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

Each manufacturer and each new 2015 and subsequent model year passenger car, light-duty truck and medium-duty vehicle shall comply with each applicable standard set forth in Table 36c-1 and incorporated by reference herein:

Table 36c-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	12/31/12
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	12/31/12
Section 1960.1	Exhaust Emission Standards and Test Procedures - 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles	12/31/12
Section 1961	Exhaust Emission Standards and Test Procedures - 2004 through 2019 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	12/31/12

Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2009 through 2016 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles.	8/7/12
Section 1961.2	Exhaust Emission Standards and Test Procedures - 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	12/31/12
Section 1961.3	Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	12/31/12
Section 1962	Zero Emission Vehicle Standards for 2005 through 2017 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	2/13/10
Section 1962.2	Zero Emission Vehicle Standards for 2018 and subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	12/31/12
Section 1962.3	California Vehicle Charging Requirements	8/7/12
Section 1965	Emission Control and Smog Index Labels - 1979 and Subsequent Model Year Vehicles	8/7/12
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	8/7/12
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	8/7/12

Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	12/31/12
Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	8/7/12
Article 6 Emission Control System Warranty		
Section 2035	Purpose, Applicability and Definitions	11/10/07
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	8/7/12
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	8/7/12
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.	8/7/12
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.	12/30/83
Section 2110	Remedial Action for Assembly-Line Quality Audit Testing of Less than a Full Calendar Quarter of Production Prior to	11/27/99

	the 2001 Model-Year.	
Article 2.1 Procedures for In-Use Vehicle Voluntary and Influenced Recalls.		
Section 2111	Applicability.	12/8/10
Section 2112	Definitions.	8/7/12
	Appendix A to Article 2.1.	8/7/12
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.	12/8/10
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
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.	12/8/10
Section 2137	Vehicle Selection.	12/28/00
Section 2138	Restorative Maintenance.	11/27/99
Section 2139	Testing.	8/7/12
Section 2140	Notification of In-Use Results.	8/7/12

Article 2.4 Procedures for Reporting Failure of Emission-Related Components.		
Section 2141	General Provisions.	12/8/10
Section 2142	Alternative Procedures.	2/23/90
Section 2143	Failure Levels Triggering Recall.	11/27/99
Section 2144	Emission Warranty Information Report.	12/8/10
Section 2145	Field Information Report.	8/7/12
Section 2146	Emissions Information Report.	11/27/99
Section 2147	Demonstration of Compliance with Emission Standards.	8/7/12
Section 2148	Evaluation of Need for Recall.	8/7/12
Section 2149	Notification of Subsequent Action.	2/23/90
Chapter 4.4 Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks.		
Section 2235	Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks Requirements.	8/8/12

(f) Fleet average requirements.

(1) Effective for 2015 and subsequent model years, the fleet average NMOG plus NOx emission values from passenger cars, light-duty trucks and medium-duty vehicles produced and delivered for sale in the State of Connecticut by a manufacturer for each model year shall not exceed the fleet average numbers set forth in California Code of Regulations, Title 13, section 1961.2. Effective for 2015 and subsequent model years, manufacturers may earn and bank credits in accordance with California Code of Regulations, Title 13, section 1961.2.

(2) Credits and debits may be accrued and utilized based upon each manufacturer's sales of vehicles subject to this part in the State of Connecticut, pursuant to the provisions set forth in the California Code of Regulations Title 13, sections 1961.2.

(g) Reporting requirements.

(1) Compliance and fleet average reporting requirements. For the purposes of determining compliance with the requirements set forth in subsection (c)(3) of this section, commencing with the 2015 model year, each manufacturer shall submit annually to the Department, by March 1st of the calendar year succeeding the end of the model year, a report which demonstrates that such manufacturer has met the fleet average emissions requirements for its fleet delivered for sale in Connecticut. Such report shall include the

average emissions of its fleet delivered for sale in the State of Connecticut.

(2) Delivery reporting requirements. For the purposes of determining compliance with the requirements of this section, commencing with the 2015 model year, each manufacturer shall submit annually, to the Department, by March 1st of the calendar year succeeding the end of the model year, a report documenting total deliveries for sale of vehicles in each engine family over that model year in the State of Connecticut.

(3) The manufacturer shall make available to the commissioner upon request a copy of the California Executive Order and Certificate of Conformity relating to certification of new motor vehicles for each engine family to be sold in the State of Connecticut. To the extent such reports are available electronically, the manufacturer shall submit such records in an electronic format acceptable to the commissioner.

(4) For the purposes of determining compliance with this section, the commissioner may require any vehicle manufacturer subject to this section to submit any documentation the commissioner deems necessary to the effective administration and enforcement of this section including all certification materials submitted to CARB.

(h) Fleet average enforcement.

If, commencing with the 2015 model year and for each subsequent model year thereafter, the report issued by a manufacturer pursuant to subsection (g)(1) of this section demonstrates noncompliance with the fleet average emission standards incorporated by reference into this section and set forth in Table 36c-1 of this section, during a model year, the manufacturer shall within sixty (60) days file a Fleet Average Enforcement Report with the commissioner documenting such noncompliance. The Fleet Average Enforcement Report shall identify all vehicle models delivered for sale into the State of Connecticut and their corresponding certification standards and the percentage of each model delivered for sale into the State of Connecticut and California in relation to total fleet sales in the respective state.

(i) Warranty requirements.

(1) For all 2015 and subsequent model year vehicles subject to the provisions of this section, each manufacturer shall provide a warranty to the ultimate purchaser and each subsequent purchaser that complies with the requirements set forth in California Code of Regulations, Title 13, sections 2035 through 2038, 2040 and 2046.

(2) For all 2015 and subsequent model year vehicles subject to the provisions of this section, each manufacturer shall include the emission control system warranty statement that complies with the requirements set forth in California Code of Regulations, Title 13, sections 2039 modified as may be necessary to inform Connecticut vehicle owners of the applicability of the California warranty. The manufacturer shall also provide a telephone number on such statement appropriate for the State of Connecticut.

(j) Recalls.

(1) For all 2015 and subsequent model year 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, 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 notify owners of vehicles registered in the State of Connecticut in accordance with the requirements set forth in California Code of Regulations, Title 13, sections 2118 or 2127, provided that such notification shall contain a telephone number appropriate for use by vehicle owners or operators in the State of Connecticut.

(k) ZEV requirements and reporting.

(1) Each manufacturer subject to the zero emission vehicle provisions of this section shall demonstrate compliance with such provisions as required by, and in accordance with, Code of California Regulations, Title 13, section 1962.2.

(2) ZEV Compliance reporting. Each manufacturer shall submit a ZEV compliance report to the Department along with annual sales reports no later than May 1st following the completed model year. The compliance report shall include vehicle sales organized by engine family and identify the number and type of Connecticut credits earned. Such report may be amended based on late sales.

(3) Optional 177 State Compliance Path. Manufacturers that choose the optional 177 state path set forth in 1962.1(d)(5)(E)(3) shall notify the Commissioner no later than September 1, 2014.

(4) Pooling Compliance reporting requirements. For the purposes of determining compliance with optional path set forth in Title 13, 1962.1(d)(5)(E)(3), each manufacturer electing the alternative compliance path shall submit a report to the Department no later than May 1st following the completed model year. The report shall include vehicles placed into service in the east region pool, organized by vehicle type.

(5) Any manufacturer who fails to meet the requirements of its respective optional compliance path as determined by California in Title 13, subsection 1961.2(d)(5)(E)(3), shall be subject to primary compliance path of the ZEV mandate provisions set forth in Title 13, section 1962.2(b) from the year following the first year of noncompliance.

(l) Greenhouse gas emission standards and related requirements.

(1) Each manufacturer subject to the greenhouse gas provisions of this section shall demonstrate compliance with such provisions as required by, and in accordance with, Code of California Regulations, Title 13, section 1961.3.

(2) For all 2009 and subsequent model year vehicles, manufacturers may demonstrate compliance based on the total number of passenger cars, light-duty trucks, and medium-duty passenger vehicles certified to the California exhaust emission standards in California Code of Regulations, Title 13, section 1961.1, which are produced and delivered for sale in Connecticut, California, and all other states that have adopted California's greenhouse gas emission standards pursuant to section 177 of the Clean Air Act. A manufacturer that fails to comply under the provisions of this subdivision shall be subject to applicable penalties and shall be required to comply with the greenhouse gas standards pursuant to subdivision (1) of this subsection.

(3) National Compliance Option. For the 2012 through 2016 model years, a manufacturer may elect to demonstrate compliance with the California exhaust emissions standards by demonstrating compliance with the national greenhouse gas program pursuant to California Code of Regulations, Title 13, section 1961.1. A manufacturer with outstanding greenhouse gas debits at the end of the 2011 model year shall submit a plan to the Department describing how the debits will be offset utilizing credits earned under the national greenhouse gas program.

(4) Greenhouse gas reporting requirements. For the purpose of determining compliance with the greenhouse gas requirements of this section, each manufacturer shall report the average greenhouse gas emissions of its fleet delivered for sale in the State of Connecticut, using the same format used to report such information

to CARB. If the voluntary compliance option described in subsection (l)(2) of this section is used, a manufacturer shall report separate data for the multi-state pool and the Connecticut portion of such pool. Such report shall be filed with the commissioner by May 1st of the calendar year succeeding the end of the model year.

(m) Incorporation by reference. Availability and interpretation of referenced material.

(1) In accordance with the provisions of section 22a-174g of the Connecticut General Statutes, this section incorporates by reference certain sections of Title 13, California Code of Regulations relating to the implementation and the administration of the Low Emission Vehicle III program in the State of Connecticut. Table 36c-1 lists the sections of Title 13, California Code of Regulations incorporated by reference and the respective amended date for each section.

(2) Copies of the relevant sections of Title 13, California Code of Regulations incorporated by reference in this section are available by contacting:

Connecticut Department of Energy and Environmental Protection
Bureau of Air Management
Planning & Standards Division
79 Elm Street
Hartford, Connecticut 06106
(860) 424-3027

(3) For purposes of applying the incorporated sections of the California Code of Regulations, unless clearly inappropriate, "California" shall mean "Connecticut."

(n) Severability.

Each provision of this section is deemed severable, and in the event that any provision of this section is held to be invalid, the remainder of this section shall continue in full force and effect.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

Statement of Purpose

The Department of Energy and Environmental Protection is proposing to amend section 22a-174-36b and adopt section 22a-174-36c to make revisions to the Low Emission Vehicle (LEV) II program and adopt the LEV III program. The LEV II program establishes vehicle emission standards for passenger cars and light-duty trucks during the 2008-14 timeframe. The LEV II program also includes the Zero Emission Vehicle (ZEV) program, which requires the sale of cleaner vehicle in the state, and the vehicle greenhouse gas (GHG) program, that regulates GHG emissions from vehicles. The LEV III program will establish vehicle emission standards for the 2015-2025 timeframe and includes an extension of the ZEV program and vehicle GHG programs. The LEV programs are an integral part of Connecticut's clean air strategy, and are an integral part of the emissions control strategy for passenger vehicles.

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(Certification page—see Instructions on back)

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

1) **I hereby certify that the above** *(check one)* ☒ Regulations ☐ Emergency Regulations

2) **are** *(check all that apply)* ☒ adopted ☒ amended ☐ repealed **by this agency pursuant to the following authority(ies):** *(complete all that apply)*

   a. *Connecticut General Statutes* section(s) 22a-174g.

   b. Public Act Number(s) _____.
   (Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)

3) **And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the *Connecticut Law Journal* on** 19 March 2013;
(Insert date of notice publication if publication was required by CGS Section 4-168.)

4) **And that a public hearing regarding the proposed regulations was held on** 18 April 2013;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)

5) **And that said regulations are EFFECTIVE** *(check one, and complete as applicable)*
☒ When filed with the Secretary of the State
OR ☐ on *(insert date)* _____

DATE	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED
5/14/13		Commissioner, DEEP

***APPROVED** by the **Attorney General** as to legal sufficiency in accordance with CGS Section 4-169, as amended*

DATE	SIGNED *(Attorney General or AG's designated representative)*	OFFICIAL TITLE, DULY AUTHORIZED
5/21/13	Joseph Rubin	ASSOC. ATTY. GENERAL

*Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

(For Regulation Review Committee Use ONLY)

☐ Approved ☐ Rejected without prejudice

☐ Approved with technical corrections ☐ Disapproved in part, *(Indicate Section Numbers disapproved only)*

☐ Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED *(Administrator, Legislative Regulation Review Committee)*

Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED *(Secretary of the State)*	BY

(For Secretary of the State Use ONLY)

R-39 Rev. 03/2012
(Instructions page)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)

2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)

3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)

4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)

5. Existing language to be deleted must be enclosed in brackets [ ]. (See CGS 4-170(b).)

6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)

7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)

8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)

9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: http://www.cga.ct.gov/rr/ .

10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).

2. a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.

   b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.

3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.

4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.

5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

   Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.