

State of Connecticut

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REGULATION

of

Energy and Environmental Protection

Concerning

**Adoption of section 22a-174-37a - Emergency Regulation concerning
Zero and Low Emission Vehicles**

Section 1. Section 22a-174-37a of the Regulations of Connecticut State Agencies is adopted as follows:

(NEW)

(a) Definitions and abbreviations. For the purposes of this section, definitions set forth in Section 22a-174-36b of the Regulations of Connecticut State Agencies shall apply. Any term related to the administration of the Low Emission Vehicles program not defined in this subsection shall be as defined or described in Title 13 of the California Code of Regulations. 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.
- (3) "West Region Pool" means west 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

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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 and 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(g) and (h), 1960.1, 1961(a) and 1961.2;
- (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) The greenhouse gas emission standards set forth in the California Code of Regulations, Title 13, section 1961.1; and

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- (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) In 2015 and subsequent model 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 and 1962.1 using Connecticut specific vehicle numbers.
- (B) In 2018 and subsequent model 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 1962.2 using Connecticut specific vehicle numbers.
- (C) 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 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 (l) of this section.
- (d) **Exemptions.** The following vehicles shall not be subject to this section:
- (1) A vehicle transferred by inheritance;

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- (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 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.

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

Each manufacturer and each new 2015 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 37a-1 and incorporated by reference herein:

Table 37a-1		
<u>California Code of Regulations (CCR)</u>		
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	8/7/12
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	8/7/12
Section 1960.1	Exhaust Emission Standards and Test Procedures - 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles	8/7/12
Section 1960.5	Certification of 1983 and Subsequent Model-Year Federally	10/16/02

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	Certified Light-Duty Motor Vehicles for Sale in California.	
Section 1961	Exhaust Emission Standards and Test Procedures - 2004 through 2019 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	8/7/12
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2009 through 2016 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.	8/7/12
Section 1961.3	Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	8/8/12
Section 1962	Zero Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	2/13/10
Section 1962.1	Zero Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	8/7/12
Section 1962.2	Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty	8/7/12

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	Trucks, and Medium-Duty Vehicles	
Section 1964	Special Test Procedures for Certification and Compliance-New Modifier Certified Motor Vehicles.	2/23/90
Section 1965	Emission Control and, Smog Index, and Environmental Performance 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	8/7/12
Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	8/7/12
Article 6 Emission Control System Warranty		
Section 2035	Purpose, Applicability and	11/9/07

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	Definitions	
Section 2036	Defects Warranty Requirements for 1979 through 1989 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles; 1979 and Subsequent Model 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 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 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	2/15/79
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

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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.	12/8/10
Section 2112	Definitions.	8/7/12
	Appendix A to Article 2.1.	8/16/09
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

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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 and Engine Selection.	12/28/00
Section 2138	Restorative Maintenance.	11/27/99
Section 2139	Testing.	8/7/12
Section 2140	Notification and use of Test	8/7/12

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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.	11/27/99
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.	11/27/99
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, reporting and projections, and delivery reporting requirements.

(1) Effective for the 2015 and subsequent model years, the fleet average NMOG plus NO_x gas 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 the 2015 and subsequent model years 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

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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 of subsections (c)(3) and (e) of this section each manufacturer shall submit 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 each manufacturer shall submit, 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.

(h) Fleet average enforcement.

If 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 37a-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 Reports shall identify all vehicle models delivered for sale into the State of Connecticut and their corresponding certification standards and the percentage of

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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 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, provided that such notice shall contain a

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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 commissioner 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 select the optional 177 state path set forth in 1962.1(c) 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(c), each manufacturer electing the alternative compliance path shall submit a report to the commissioner 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 alternative compliance path as determined by California in Title 13, subsection 1961.2(e), shall be subject to primary compliance path of the ZEV mandate provisions set forth in Title 13, section 1962.2(b) from the model year following the first year of noncompliance.

(l) Greenhouse gas emission standards and related requirements.

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(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 2015 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.

(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 subdivision (2) of this subsection is used, a manufacturer shall report separate data for the multi-state pool and the Connecticut portion. Such report shall be filed with the commissioner by March 1st of the calendar year succeeding the end of the model year.

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

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(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 37a-1 lists the sections of Title 13, California Code of Regulations incorporated by reference.

(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: To avoid imminent peril to the public welfare of the citizens of Connecticut by ensuring the uninterrupted continuation of the Low Emission Vehicle program, the department is proposing this section to require the standards of the Low Emission Vehicle and Zero Emission Vehicle program for 2015 and subsequent model years. This action is required to comply with federal Clean Air Act lead-time requirements and ensure the department retains the

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authority to implement the standards applicable to model year 2015 vehicles. Additionally this action will provide the regulated community, the auto manufacturers, with certainty as to continued and uninterrupted implementation of the California clean car program in Connecticut.