

Exhibit E

HEARING REPORT

Prepared Pursuant to Section 4-168(d) of the Connecticut General Statutes and Section 22a-33a-3(d)(5) of the Department of Energy and Environmental Protection Rules of Practice

Regarding Regulations for the Abatement of Air Pollution

Proposed Revisions to Section 22a-174-36b and Adoption of Section 22a-174-36c of the Regulations of Connecticut State Agencies (R.C.S.A.)

Hearing Officer: Paul Kritzler

Date of Hearing: April 18, 2013

I. Overview

On March 4, 2013, the Commissioner of the Connecticut Department of Energy and Environmental Protection (Department) signed a notice of intent to revise section 22a-174-36b and adopt section 22a-174-36c of the R.S.C.A. Pursuant to such notice, the Department provided an opportunity for a public hearing and written comment. The public hearing was held at the Department headquarters in Hartford, Connecticut on April 18, 2013. Written comments were accepted through the end of the public comment period on April 19, 2013.

As required by section 4-168(d) of the Connecticut General Statutes (C.G.S.), this report describes the regulations proposed for hearing; the principal reasons for support of the Department's proposed revisions; the principal considerations presented in oral and written comments in opposition to the Department's proposed revisions; all comments and responses thereto on the proposed revisions; and the final wording of the proposed revisions. Those individuals who submitted timely comments are identified in Attachment 1.

This report also contains a statement pursuant to C.G.S. section 22a-6(h).

II. Compliance with Section 22a-6(h) of the Connecticut General Statutes

Pursuant to section 22a-6(h) of the C.G.S., the Commissioner of the Department is authorized to adopt regulations pertaining to activities for which the federal government has adopted standards or procedures. At the time of public notice, the Commissioner must distinguish clearly all provisions of a regulatory proposal that differ from federal standards or procedures either within the regulatory language or through supplemental documentation accompanying the proposal. In addition, the Commissioner must provide an explanation for all such provisions in the regulation-making record required under C.G.S. Title 4, Chapter 54 and make such explanation publicly available at the time of the notice of public hearing required under C.G.S. section 4-168. In accordance with the requirements of C.G.S. section 22a-6(h), the following statement was entered into the

public administrative record in the matter of the proposed revisions to various sections of the air quality regulations, as scheduled for public hearing on April 18, 2013.

This proposal includes two changes to the Department's air quality programs that will amend the existing Connecticut Low Emission Vehicle (LEV) II Zero Emission Vehicle (ZEV) programs and adopt the LEV III program as well as extend the ZEV program. The Department has performed a comparison of the proposed revisions with analogous federal laws and regulations, namely the Clean Air Act (CAA) and standards and procedures in 40 Code of Federal Regulations. A section-by-section comparison of the proposal with federal standards and procedures follows.

With respect to both revisions, the Environmental Protection Agency (EPA) on January 9, 2013 [granted a waiver](#) of Clean Air Act Preemption for California's Advanced Clean Car Program (which encompasses both the LEV III and ZEV programs) and a [within the Scope confirmation](#) for the ZEV amendments for 2017 and earlier model years. Such a waiver finds that the California standards must be at least as protective of public health and welfare, in the aggregate, as applicable federal standards, and that California's determination of such standards was not arbitrary and capricious. Additionally, granting this waiver indicates that California's standards are consistent with section 209(b) of the CAA, and that it has a need for such standards to meet its compelling and extraordinary conditions.

With respect to the amendment of RCSA section 22a-174-36b concerning the Low Emission Vehicle (LEV) II program, the revisions are intended to maintain the consistency of Connecticut's LEV program with California's LEV program. There are two federally sanctioned programs from which a state may choose to comply in the United States, the federal Tier II emissions program located in Title II of the CAA until 2017 and Tier III thereafter, or the California LEV program. In 2004, Connecticut adopted the California LEV II program. Since adoption, the "identity" provisions of CAA section 177 and C.G.S. section 22a-174g require the Department to update its LEV program in response to changes in California's LEV program. California last amended the LEV program on August 7, 2012. The amendments to the LEV II program are largely incorporated by reference, ensuring that Connecticut remains identical to the California program, which has received a federal waiver of preemption.

With respect to the adoption of section 22a-174-36c concerning the Low Emission Vehicle III Program, California adopted the LEV III program on August 7, 2012, and included provisions for vehicles for the 2015-2025 model year, harmonization of national standards, increased durability, better warranty protections, and increased technical vehicle volume requirements, all of which this proposal incorporates by reference into R.C.S.A. section 22a-174-36c. LEV III also assigns upstream emissions to ultra-low greenhouse gas technologies and requires a higher bar for air conditioning credits than the federal system. California also revised its ZEV program in August 2012, and extended the program from 2018 to 2022. The revisions also include a greater measure of compliance flexibility for ZEV credit banking requirements, all of which this proposal incorporates by reference into R.C.S.A. section 22a-174-36c. Since the Department adopted the California ZEV program through incorporation by reference, there are no differences between the revisions in R.C.S.A. section 22a-174-36c and the revisions to the California program.

III. Summary of the Revisions as Proposed

The Commissioner of the Department is proposing to amend existing, and adopt new permanent, regulations for the LEV and ZEV programs pursuant to Connecticut General Statutes (C.G.S.) Section 22a-174g. These programs, which are also referred to as the California Clean Cars program, are a critical element of the Department's strategy to reduce smog-forming emissions and other pollutants, including greenhouse gases, from passenger vehicles and light duty trucks. This proposal amends R.C.S.A. section 22a-174-36b and adopts new section 22a-174-36c, in a manner that is identical to recent actions by the California Air Resources Board regarding the California program and meets the statutory requirements of C.G.S. Section 22a-174g.

Specifically the proposal will adopt the following major elements:

- A reduction of fleet average emissions of new passenger cars (PCs), light-duty trucks (LDTs) and medium-duty passenger vehicles (MDPVs) to super ultra-low-emission vehicle (SULEV) levels by 2025;
- Replacement of separate Non-methane Organic Gas (NMOG) and oxides of nitrogen (NOx) standards with combined NMOG plus NOx standards;
- An increase of full useful life durability requirements from 120,000 miles to 150,000 miles;
- More stringent particulate matter (PM) standards for light- and medium-duty vehicles, which will help to reduce the health effects and premature deaths associated with these emissions;
- Zero fuel evaporative emission standards for PCs and LDTs, and more stringent evaporative standards for medium- and heavy-duty vehicles (HDVs);

IV. Support for the Proposal

The principal argument in support for the proposed rule changes is that, in addition to being required to update the LEV II and adopt the LEV III standards by both federal and state law, the proposed changes will lead to improved public health and air quality improvements through more stringent emissions standards that will lead to vehicles 75% cleaner than 2014 vehicles.

V. Opposition to the Proposal

The principal argument in opposition of the proposed rule changes is that the Department should withhold adoption of the proposed ZEV rules for 2018 and beyond due to concerns about the ZEV requirement. Opposition to the ZEV requirement arises out of concerns over the potential market given the cost of the vehicles, infrastructure challenges and other factors, which may negatively affect the sales of advanced technology vehicles.

VI. Summary of Comments

All comments submitted are summarized below with the Department's responses. Individuals submitting timely comment on the proposed amendments are identified in Attachment A to this report. Summaries of the comments submitted and the Department's responses are as follows:

A. General Comments

Comments by Global Automakers

1. Comment: Global Automakers supports the harmonization of the California Clean Cars Program and the EPA Tier III program as it relates to the GHG, fuel economy and criteria pollutant emission standards.

Response: The Department appreciates the support for a harmonized national program for GHG/ fuel economy and criteria pollutant emission standards. A harmonized national program should provide nationwide environmental benefits and economies of scale to assist automakers compliance efforts. The Department notes however that EPA has not finalized the Tier III proposal.

2. Comment: Success of the ZEV program will depend on a partnership between the automakers and the states to provide the infrastructure necessary to support new technology vehicles.

Response: The Department is committed to working with stakeholders to identify the appropriate infrastructure required to sustain an advanced technology vehicle market in Connecticut and encourage the purchase and use of electric vehicles (EV). To that end, the Department's [Comprehensive Energy Strategy](#) has identified electric vehicle EV charging infrastructure as an important goal of the statewide transportation energy strategy. The Department should explore all opportunities to leverage private investment in alternative fueled vehicle infrastructure and lead by example in the use of advanced technology vehicles. In addition, the State of Connecticut is investing approximately \$1 million in fast charging infrastructure along the I-95 corridor, a municipal grant program, and other initiatives to support development of additional public charging infrastructure throughout the state.

3. Comment: Global Automakers recommends technical amendments to the required reporting date for the GHG sales volumes in section 22a-174-36c (l) (4) to amend the reporting date from March 1st to May 1st in line with the reporting dates in California.

Response: The Department agrees with the recommended change and has made the appropriate revisions to the proposed language to make the reporting date May 1st. The proposed text for section 22a-174-36b subsection (g) now reads:

“[(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.”

The proposed text for new section 22a-174-36c subsection (l) now reads:

“(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 ~~March 1st~~ May 1st of the calendar year succeeding the end of the model year.”

4. Comment: Global Automakers recommend technical changes in subsection (e) to update the incorporation dates in line with the California rulemaking dates.

Response: The Department agrees with the recommended changes. Please see the response to Comment 17.

5. Comment: Global Automakers recommend the Department adopt California’s “deem to comply” provisions for the 2017 through 2025 model years. Currently the Department’s provisions only grant the “deem to comply” provisions through the 2016 model year, whereas California amended its program to grant the “deem to comply” provisions through model year 2025 in a December 2012 rulemaking.

Response: The Department agrees with Global Automakers and has amended the proposal in section 22a-174-36c(l)(3) in line with the suggested changes. The proposed text of section 22a-174-36c(l)(3) now reads:

“(3) National Compliance Option. For the 2012 through ~~2016~~ 2025 model years, a manufacturer may elect to demonstrate compliance with the California exhaust emissions standards by demonstrating compliance with the national greenhouse gas program...”

B. Comments in Opposition

Comments by the Connecticut Automotive Retailers Association

These comments represent those received at the hearing by David Boomer on behalf of the Connecticut Automotive Retailers Association and written comments received by James T. Fleming on behalf of the Connecticut Automotive Retailers Association.

6. Comment: Due to the adoption by EPA of the Tier III requirements, which harmonize with the California LEV program for Greenhouse Gas (GHG) and criteria pollutants, the Department should repeal its LEV and ZEV regulations.

Response: As stated in sections III and IV of this report, the LEV and ZEV program will significantly reduce emissions from passenger vehicles and light-duty trucks while also helping with the transition to the next generation of vehicle technology. While the Department strongly supports the EPA's adoption of Tier III standards as a means to reduce national levels of air pollution, EPA has yet to finalize this proposal. The Department is also required to remain consistent with the California LEV program by section 22a-174g of the C.G.S. and section 177 of the CAA.

7. Comment: The Department should not adopt ZEV program standards for 2018 and beyond due to economic concerns of the effects that such a program will have on Connecticut's auto retailers. If enacted, the standards would require automotive retailers to have 15 percent of their fleet of new light-duty vehicles available for sale at their dealerships be zero emission vehicles by 2025. This requirement could harm the Connecticut dealer's economic wellbeing if those vehicles cannot be sold or if consumers choose to purchase vehicles out of state.

Response: The Department believes, as do the auto manufacturers, that the market for ZEVs will significantly evolve over the next 13 years. Auto manufacturers are now bringing to the market a variety of vehicles to meet multiple customer needs, with more models planned for the future. At the same time, the CAA section 177 states in the region, who have also adopted the standards, including New York, New Jersey, Massachusetts, Rhode Island, Vermont, Maryland and Connecticut are working to develop infrastructure to ensure motorists' ease of use for ZEVs and eliminate "range anxiety" that may slow the uptake of ZEVs within the new vehicle market.

It is also important to keep in mind that the ZEV program serves as a convergence point for Connecticut's energy, environmental and economic interests. Energy price, which is a function of both energy supply and security, will play an integral role in consumer uptake of ZEVs by 2025. With these interrelated interests in mind, the Department developed the [Comprehensive Energy Strategy](#) (CES) with a focus on the future energy supply. The CES, citing the U.S. Energy Information Administration "Annual Energy Outlook 2011 report," estimates the price of gasoline in Connecticut will exceed \$5 per gallon by 2025. Higher gasoline prices will improve the market for ZEVs by offsetting initial purchase costs (which will decline over the next 13 years as it has for any newly introduced technology, like automatic transmissions, airbags or anti-lock brakes) with lower operating costs over the life of the vehicle. The Department's ongoing focus on energy diversification strategies will lead to more options, not just for stationary energy users, but for the transportation sector as well.

The ZEV program is not a dealer specific sales requirement; rather it is a fleet-wide requirement on the largest manufacturers being adopted throughout the Northeast and Mid-Atlantic. Adopting the 2018 ZEV standards now, which include credit banking, trading and regional pooling options, provides certainty and compliance flexibility for auto manufacturers who must meet the standards. The pooling option allows manufacturers to place more ZEVs with dealers or in states where they sell well and fewer ZEVs where they do not sell as well. Given the competitive nature of this regional program, the Department should work closely with the automobile retailers to ensure

Connecticut is better positioned than our neighboring states to receive advanced technology vehicles and develop the new jobs that will go along with keeping these vehicles on the road.

8. Comment: The required infrastructure, financial incentives and economic investment to support the ZEV mandate in 2018 does not currently exist in Connecticut.

Response: The Department is aware of the need for electric vehicle infrastructure and has initiated efforts to work through a robust stakeholder process to identify and adopt realistic and workable infrastructure options in partnership with interested stakeholders. The Department should continue to work closely with stakeholders to assess needs, develop and implement a plan that is informed and will facilitate the deployment of advanced technology vehicles. Additionally, see the Department's response to comment #2.

Comments by Auto Alliance of Automobile Manufacturers

These comments represent those received at the hearing by Laura Dooley on behalf of the Auto Alliance of Automobile Manufacturers (Auto Alliance) and written comments received by Stephen P. Douglas on behalf of the Auto Alliance.

9. Comment: The Auto Alliance recommends that the Department amend the regulation to include explicit NMOG plus NOx Fleet Average Pooling provisions. Specifically the Auto Alliance recommends adding to 22a-174-36c (f)(3) and (f)(4) to read as follows:

(3) 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 1961.2, which are produced and delivered for sale in Connecticut, California, and all other states that have adopted California's Low Emission Vehicle 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 the applicable penalties and shall be required to comply with the NMOG plus NOx fleet average emissions standards pursuant to subsection (h) of this section.

(4) Manufacturers may demonstrate compliance based on the total number of medium-duty passenger vehicles certified to the California exhaust emission standards in California Code of Regulations, Title 13, section 1961.2, which are produced and delivered for sale in Connecticut, California, and all other states that have adopted California's Low Emission Vehicle 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 the applicable penalties and shall be required to comply with the NMOG plus NOx fleet average emissions standards pursuant to subsection (h) of this section.

Response: The Department does not think inclusion of explicit provisions is necessary at this time. The Department incorporates 13 C.C.R. section 1961.2 by reference in subsection (e) of the proposed regulation. The incorporation of that section grants the

automobile manufacturers the ability to meet the requirement through any available path in the California regulation, including the pooling provisions for NMOG plus NOx fleet average requirements.

10. Comment: The Auto Alliance recommends the Department withhold adoption of the 2018 and beyond ZEV regulations to allow for additional information to make a more informed decision on adoption of the proposed regulations.

Response: Please see the response to Comment #7. Additionally, the California Air Resource Board (CARB) has stated its intention to undergo a mid-term review of the ZEV program in 2018, which will evaluate the program goals and requirements and consider any adjustments that may be necessary for the program at that time.

11. Comment: The Auto Alliance recommends technical amendments to the required reporting date for the GHG sales volumes in section 22a-174-36c(1)(4) to amend the reporting date from March 1st to May 1st in line with the reporting dates in California.

Response: See response to Comment #3.

12. Comment: The Auto Alliance recommends technical changes in subsection (e) to update the incorporation dates with the California rulemaking dates.

Response: The Department agrees with the recommended changes. Please see the response to Comment #17.

C. Comments in Support

Comments by Sierra Club

These comments represent those received at the hearing by Martin Mador on behalf of the Sierra Club and written comments received by Jessie Prentice-Dunn in conjunction with the Conservation Law Foundation, Connecticut Fund for the Environment, Environment Connecticut, Clean Water Action, and Environment Northeast

13. Comment: Adoption of the proposal will result in health and environmental benefits in Connecticut by reducing the emissions that contribute to smog formation, which can cause long-term health effects such as asthma. Adoption of these standards is also needed to guarantee Connecticut remain in attainment for NOx and respond to the threat of global warming, as required in the Global Warming Solutions Act. There are also expected economic benefits for consumers who will save up to \$6000 in fuel costs savings over the life of a new vehicle.

Response: The Department takes note and appreciates the support of Sierra Club for the proposal.

Comments by Jennifer Rushlow on behalf of Conservation Law Foundation (CLF)

14. Comment: CLF encourages the Department to take additional steps necessary to develop the infrastructure necessary to support new technology vehicles. Without the necessary infrastructure and with the continuation of the “travel provisions” until 2017, which allow

manufacturers to meet their commitments to the program from vehicles placed in California, Connecticut risks losing EV's to other regions in the immediate future. The "travel provisions" are a provision of the ZEV program which allow vehicle manufacturers to place vehicles for sale in California and travel a proportional value of that credit to the 177 states.

Response: See response to Comment #2.

Comments from CLF, Environment Northeast, Environment Connecticut, Sierra Club, Connecticut Fund for the Environment and Clean Water Action Connecticut (CLF et al.)

15. Comment: CLF et al. support the proposed adoption of the Advanced Clean Cars Program, as required by section 22a-174g of the C.G.S. and section 177 of the CAA. The proposal will help reduce mobile source pollution in the state and help to improve air quality. The GHG reductions from the proposed revisions will also help the Department reach the goals set forth in the Global Warming Solutions Act.

Response: The Department takes note and appreciates the support of CLF et al. for the proposal.

Comments from the Environmental Protection Agency, Region 1

16. Comment: EPA supports Connecticut's adoption of the proposal to revise the LEV II and ZEV programs and adopt the LEV III program.

Response: The Department takes note and appreciates the support of EPA for the proposal.

17. Comment: EPA would not be able to approve these Connecticut regulations into the Connecticut State Implementation Plan without revisions to 22a-174-36b and 22a-174-36c, specifically subsection (e). See attachment 4 for EPA suggested revisions.

Response: The Department appreciates EPA's careful review of its proposal. The Department has reviewed EPA's suggested revisions and has revised the incorporation dates in sections 22a-174-36b(e) and 22a-174-36c(e) as follows, consistent with the operational dates in the relevant sections of the California Code of Regulations:

22a-174-36b:

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| <p>Table 36b-1</p> <p>California Code of Regulations (CCR)</p> <p>Title 13</p> <p>Provisions Incorporated by Reference</p> |
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| Title 13 CCR | Title | Section Amended Date |
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| Chapter 1 Motor Vehicle Pollution Control Devices | | |
| Article 1 General Provisions | | |
| Section 1900 | Definitions | [04/17/09] <u>12/31/12</u> |
| <u>Article 2 Approval of Motor Vehicle Pollution Control Devices (New Vehicles)</u> | | |
| Section 1956.8(g) and (h) | Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy Duty Engines and Vehicles | [10/11/07] <u>12/31/12</u> |
| 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] <u>12/31/12</u> |
| Section 1961 | Exhaust Emission Standards and Test Procedures - 2004 [and Subsequent] <u>through 2019</u> Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles | [06/16/08] <u>12/31/12</u> |
| Section 1961.1 | Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2009 [and Subsequent] <u>through 2016</u> Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. | [01/01/06] <u>8/7/12</u> |
| Section 1962 | Zero Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles | [4/17/09] <u>2/13/10</u> |
| Section 1962.1 | Zero Emission Vehicle Standards for 2009 [and Subsequent] <u>through 2017</u> Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles | [4/17/09] <u>12/31/12</u> |
| Section 1965 | Emission Control and, Smog Index, and Environmental Performance Labels - 1979 and Subsequent Model Year Vehicles | [06/16/08] <u>8/7/12</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 | [11/09/07] <u>8/7/12</u> |

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| 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] <u>8/7/12</u> |
| Section 1976 | Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions | [01/04/08] <u>12/31/12</u> |
| 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] <u>8/7/12</u> |
| 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] <u>8/7/12</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] <u>8/7/12</u> |
| 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- | 11/27/99 |

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| | Line Quality Audit Testing of Less than a Full Calendar Quarter of Production Prior to the 2001 Model-Year. | |
| 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 |

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| 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 | [01/04/08] |

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| | Corrective Action Plan.] | |
| [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] <u>8/8/12</u> |
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22a-174-36c:

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|---|---|----------------------|
| 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 |

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| 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 | 11/10/07 |

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| | Definitions | |
| 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 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. | 8/7/12 |
| 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 |

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| 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 |

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VII. Comments of the Hearing Officer

The hearing officer suggests the following additional revisions to the proposal to correct minor errors.

(1) Concerning the table located in Section 22a-174-36b subsection (e). The title of the table should be revised from “Table 36c-1” to “Table 36b-1” to reflect the text of the table as it exists in the current regulation.

(2) Concerning the exemption in Section 22a-174-36b subsection (d) (7). The present text reads “A vehicle sold designed exclusively for off-highway use;” and should be revised to read “A vehicle sold or designed exclusively for off-highway use;” to be grammatically correct.

(3) Concerning the exemption in Section 22a-174-36c subsection (d) (7). The present text reads “A vehicle sold designed exclusively for off-highway use;” and should be revised to read “A vehicle sold or designed exclusively for off-highway use;” to be grammatically correct.

(4) Concerning the exemption in Section 22a-174-36b subsection (f) (8). The proposed text currently reads:

“(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.”

The text should be revised to properly reflect the California regulation’s applicability until 2025:

“(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 2025 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.”

(5) Concerning the optional path citation in 22a-174-36c(c) (2) (B). The citation to the California Code of Regulations currently reads “1962.1(d)(5)(E)3” and should be revised to “1962.1(d)(5)(E)(3)” for proper citation.

(6) Concerning the optional path citations in 22a-174-36c(k) (3), (k) (4) and (k) (5). The proposed text does not contain the correct citation to the California Code of Regulations. The current text reads:

“(3) Optional 177 State Compliance Path. Manufacturers that choose 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 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 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 year following the first year of noncompliance.”

The final text should be revised to read the proper citation to the California Code of Regulations. Additionally the word phrase “alternative compliance path” in (5) should be revised to read “optional compliance path” to remain consistent with the rest of the section:

(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] optional 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.”

VIII. Final Text of the Proposed Amendment

May 15, 2013

The final text of the proposed amendments to R.C.S.A. section 22a-174-36b and R.C.S.A. section 22a-174-36c, as indicated in this hearing report is located at Attachment 3 to this report.

IX. Conclusion

I recommend that the proposed final revisions, as contained herein in Attachment 3, be submitted by the Commissioner of the Department of Energy and Environmental Protection for Approval by the Attorney General and the Legislative Regulations Review Committee.

Paul Kritzer
Hearing Officer

Date

May 15, 2013

Attachment 1
List of Individuals Providing Comment

May 15, 2013

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May 15, 2013

**Attachment 2
Proposal**

May 15, 2013

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.

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[(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;

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[(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.

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(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 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] 8/7/12 |

| Article 2 Approval of Motor Vehicle Pollution Control Devices (New Vehicles) | | |
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| Section 1956.8 (g) and (h) | Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy Duty Engines and Vehicles | [10/11/07] <u>8/7/12</u> |
| 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] <u>8/7/12</u> |
| Section 1961 | Exhaust Emission Standards and Test Procedures - 2004 [and Subsequent] <u>through 2019</u> Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles | [06/16/08] <u>8/7/12</u> |
| Section 1961.1 | Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2009 [and Subsequent] <u>through 2016</u> Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. | [01/01/06] <u>8/7/12</u> |
| Section 1962 | Zero Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles | [4/17/09] <u>2/13/10</u> |
| Section 1962.1 | Zero Emission Vehicle Standards for 2009 [and Subsequent] <u>through 2017</u> Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles | [4/17/09] <u>8/7/12</u> |
| Section 1965 | Emission Control and, Smog Index, and Environmental Performance Labels - 1979 and Subsequent Model Year Vehicles | [06/16/08] <u>8/7/12</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 | [11/09/07] <u>8/7/12</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 | [11/09/07] <u>8/7/12</u> |

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| Section 1976 | Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions | [01/04/08] <u>8/7/12</u> |
| Section 1978 | Standards and Test Procedures for Vehicle Refueling Emissions | [01/04/08] <u>8/7/12</u> |
| 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] <u>8/7/12</u> |
| 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] <u>8/7/12</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] <u>8/7/12</u> |
| 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. | | |
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| Section 2111 | Applicability. | 01/04/08 |
| Section 2112 | Definitions. | [11/15/03] 8/7/12 |
| | 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. | 01/04/08 |
| 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 |
| 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 |

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| 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] 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 |
| 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 |

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| 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] <u>8/7/12</u> |
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(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 2025 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

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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 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.

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.

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;

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- (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.

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(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 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 | 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 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 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 | 8/17/12 |
| Section 1961.3 | Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles | 8/17/12 |
| 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 | 8/17/12 |

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| Section 1962.3 | California Vehicle Charging Requirements | 8/17/12 |
| Section 1965 | Emission Control and Smog Index Labels - 1979 and Subsequent Model Year Vehicles | 12/04/03 |
| 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 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 |

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| 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. | 11/27/99 |
| 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. | 1/4/08 |
| Section 2112 | Definitions. | 8/7/12 |
| | 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. | 1/04/08 |
| 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 |

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| 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. | 1/04/08 |
| 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. | 12/28/00 |
| 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. | 9/17/91 |
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(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.

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(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 Reports 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.

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(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.

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(3) Optional 177 State Compliance Path. Manufacturers that choose 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 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 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 year following the first year of noncompliance.

(1) 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,

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using the same format used to report such information to CARB. If the voluntary compliance option described in subsection (1)(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 March 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

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

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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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Attachment 3
Final Text of the Proposal, Based on Recommendations in the
Hearing Officer's Report

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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.

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[(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;

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[(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.

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(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] <u>12/31/12</u> |
| 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] <u>12/31/12</u> |
| Section 1961 | Exhaust Emission Standards and Test Procedures - 2004 [and Subsequent] <u>through 2019</u> Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles | [06/16/08] <u>12/31/12</u> |
| Section 1961.1 | Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2009 [and Subsequent] <u>through 2016</u> Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. | [01/01/06] <u>8/7/12</u> |
| Section 1962 | Zero Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles | [4/17/09] <u>2/13/10</u> |
| Section 1962.1 | Zero Emission Vehicle Standards for 2009 [and Subsequent] <u>through 2017</u> Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles | [4/17/09] <u>12/31/12</u> |
| Section 1965 | Emission Control and, Smog Index, and Environmental Performance Labels - 1979 and Subsequent Model Year Vehicles | [06/16/08] <u>8/7/12</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 | [11/09/07] <u>8/7/12</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 | [11/09/07] <u>8/7/12</u> |

| | | |
|---|---|-------------------------------|
| Section 1976 | Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions | [01/04/08] <u>12/31/12</u> |
| Section 1978 | Standards and Test Procedures for Vehicle Refueling Emissions | [01/04/08] <u>8/7/12</u> |
| 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] <u>8/7/12</u> |
| 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] <u>8/7/12</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] <u>8/7/12</u> |
| 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] <u>8/8/12</u> |
| | | |

(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

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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.

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(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

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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.

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.

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:

- (3) "Transitional Zero Emission Vehicle" or ("TZEV") means transitional Zero emission vehicle as defined in California Code of Regulations, Title 13, section 1962.2.
- (4) "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;

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- (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.

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(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 |

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| 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 |

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| 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 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. | 8/7/12 |
| 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 |

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| 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 |
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(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.

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(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.

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(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.

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(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.

(1) 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

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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 (1)(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

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.