STATE OF CONNECTICUT
Regulation of Environmental Protection

Section 22a-174-36b. Low Emission Vehicles 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) "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) "Loaded vehicle weight" or “LVW” means vehicle curb weight plus 300 pounds.

(22) “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) “Medium-duty passenger vehicle” means “medium-duty passenger vehicle” as defined in California Code of Regulations, Title 13, section 1900.

(24) “Medium-duty vehicle” means “medium-duty vehicle” as defined in California Code of Regulations, Title 13, section 1900.

(25) “Military tactical vehicles and equipment” means those vehicles defined by California Code of Regulations, 13, section 1905.

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

(29) “NMOG” means non-methane organic gas;

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

(31) “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) “PZEV” means partial ZEV as defined in California Code of Regulations, Title 13, section 1962.

(33) “Small volume manufacturer” means “small volume manufacturer” as defined in California Code of Regulations, Title 13, section 1900.

(34) “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) "Vehicle" means any motor vehicle.

(36) “VECs” means vehicle equivalent credits.

(37) “ZEV” means a zero emission vehicle.

(b) Applicability.

(1) This section shall apply to all 2008 and subsequent 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 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) of this section and related provisions in this section shall apply to all 2009 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 2008 or subsequent model year passenger car or light duty truck or a 2009 or subsequent model year medium-duty vehicle or medium-duty passenger vehicle in the State of Connecticut unless such vehicle is certified to California emission standards and meets:

(A) The exhaust emission standards set forth in the California Code of Regulations, Title 13, sections 1956.8(g) or (h), 1960.1, 1961(a), 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) The evaporative emission standards set forth in the California Code of Regulations, Title 13, section 1976;

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

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

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

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

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

(I) On and after January 1, 2009, the emission control label and environmental performance label requirements, including smog and greenhouse gas index scores, set forth in the California Code of Regulations, Title 13, section 1965.

(2) ZEV mandate.

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

(B) Alternative compliance mechanisms. As an alternative means of compliance with the requirements of subparagraph (A) of this subdivision, an automobile manufacturer may instead opt to comply with the provisions of subsection (m) of this section.

(C) Until such time that NEVs can be legally registered in Connecticut and operated with restrictions no more stringent than imposed by the State of California, manufacturers that generate ZEV credits in California through the sale of NEVs shall receive Connecticut credits for those sales. Such credits shall be transferred annually using the ZEV credit account transfer ratio determined in accordance with subsection (m)(3), as applicable to the manufacturer.

(D) Beginning with the 2009 model year, each manufacturer's sales fleet of passenger cars and light duty trucks produced and delivered for sale in the State of Connecticut shall contain at least the same percentage of ZEVs subject to the same requirements, including early credit, banking, and travel provisions, set forth in the California Code of Regulations, Title 13, section 1962.1 using Connecticut specific vehicle numbers.

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

(d) Exemptions. (1) The following vehicles shall not be subject to this section:

(A) A vehicle transferred by inheritance;

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

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

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

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

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

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

(H) 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;

(I) An emergency vehicle;

(J) A military tactical vehicle;

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

(L) 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.

(2) Light-duty trucks from 3,751 pounds LVW to 8,500 pounds GVW that are certified to the Option 1 LEV II standard for oxides of nitrogen set forth in the California Code of Regulations, Title 13, section 1961(a)(1) are exempt from the greenhouse gas emission standards set forth in subsection (c)(1)(H) of this section. Passenger cars, Light-duty trucks 0-3750 pounds LVW, and medium-duty passenger vehicles are not eligible for this exemption.

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

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

Table 36b-1 **California Code of Regulations (CCR)** **Title 13** **Provisions Incorporated by Reference**		
Title 13 CCR	**Title**	**Section Amended Date**
Chapter 1 Motor Vehicle Pollution Control Devices		
Article 1 General Provisions		
Section 1900	Definitions	4/17/09
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
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
Section 1961	Exhaust Emission Standards and Test Procedures – 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	06/16/08
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 and Subsequent Model Passenger Cars, Light- Duty Trucks and Medium-Duty Vehicles.	01/01/06
Section 1962	Zero Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	4/17/0
Section 1962.1	Zero Emission Vehicle Standards for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	4/17/09

Section 1965	Emission Control, Smog Index, and Environmental Performance Labels – 1979 and Subsequent Model Year Vehicles	06/16/08
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
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
Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	01/04/08
Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	01/04/08
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
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
Section 2039	Emission Control System Warranty Statement.	12/26/90
Section 2040	Vehicle Owner Obligations	12/26/90
Section 2046	Defective Catalyst	1/16/79

Chapter 2 Enforcement of Vehicle Emission Standards and Enforcement Testing.		
Article 1 Assembly Line Testing.		
Section 2062	Assembly-line Test Procedures 1998 and Subsequent Model-years.	11/27/99
Article 2 Enforcement of New and In-use Vehicle Standards		
Section 2101	Compliance Testing and Inspection – New Vehicle Selection, Evaluation and Enforcement Action.	11/27/99
Section 2109	New Vehicle Recall Provisions.	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
Section 2112	Definitions.	11/15/03
	Appendix A to Article 2.1.	11/15/03
Section 2113	Initiation and Approval of Voluntary and Influenced Recalls.	1/26/95
Section 2114	Voluntary and Influenced Recall Plans.	11/27/99
Section 2115	Eligibility for Repair.	1/26/95
Section 2116	Repair Label.	1/26/95
Section 2117	Proof of Correction Certificate.	1/26/95
Section 2118	Notification.	1/26/95
Section 2119	Record keeping and Reporting Requirements.	11/27/99
Section 2120	Other Requirements Not Waived.	1/26/95
Article 2.2 Procedures for In-Use Vehicle Ordered Recalls.		
Section 2122	General Provisions.	01/4/08
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
Section 2140	Notification of In-Use Results.	8/21/02
Article 2.4 Procedures for Reporting Failure of Emission-Related Components.		
Section 2141	General Provisions.	01/04/08
Section 2142	Alternative Procedures.	2/23/90
Section 2143	Failure Levels Triggering Recall.	11/27/99
Section 2144	Emission Warranty Information Report.	11/27/99
Section 2145	Field Information Report.	11/27/99
Section 2146	Emissions Information Report.	11/27/99
Section 2147	Demonstration of Compliance with Emission Standards.	8/21/02
Section 2148	Evaluation of Need for Recall.	11/27/99
Section 2149	Notification of Subsequent Action.	2/23/90
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	Requirements.	9/17/91

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

(1) Effective for 2008 and subsequent 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 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 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 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 the 2008 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. 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) Commencing with the 2009 model year, 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 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 within sixty (60) days file a Fleet Average Enforcement Report with the commissioner documenting such noncompliance. The Fleet Average Enforcement Reports must 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 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 bof 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.

(j) Warranty requirements.

(1) For all 2008 and subsequent model year vehicles subject to the provisions of this section and for all 2009 and subsequent model year medium-duty vehicles subject to the provisions of this section, each manufacturer shall 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 2008 and subsequent model year vehicles subject to the provisions of this section and for all 2009 and subsequent model year medium-duty vehicles subject to the provisions of this section, each manufacturer shall 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.

(k) Recalls.

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

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

(l) 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 II program and subsequent greenhouse gas requirements in the State of Connecticut. Table 36b-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 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.”

(m) Alternative compliance mechanisms.

(1) A manufacturer may, as an alternative means of compliance with the requirements of subsection (c)(2) of this section, proceed in accordance with the provisions of subdivision (2) or (3) of this subsection.

(2) A manufacturer may earn Connecticut ZEV credits for the introduction into Connecticut of PZEVs, AT PZEVs and ZEVs provided that:

(A) The vehicle credit values for this alternative compliance path shall be the same as in the California Code of Regulations, Title 13, section 1962.

(B) After the credit value for a vehicle is established by CARB pursuant to California Code of Regulations, Title 13, section 1962, a Connecticut multiplier will be applied to such credit value for that vehicle in accordance with Table 36b-2. The Connecticut multiplier shall apply to PZEVs, AT PZEVs and ZEVs produced for sale in Connecticut prior to the 2004 model year. Such multiplier shall not be applied to type III ZEVs.

Table 36b-2
Connecticut Multiplier

Model Year	**Requirement**	**PZEV Credit Multiplie**	**AT PZEV Credit Multiplier**	**ZEV Credit Multiplier**
2004	Voluntary Early Introduction	1.5	2.25	3
2005	Voluntary Early Introduction	1.5	2.25	3
2006	Voluntary Early Introduction	1.3	1.7	2

2007	Voluntary Early Introduction	1.15	1.3	1.5
2008	Mandatory Compliance	1.15	1.3	1.5
2009	Equivalency with California Program	11	1	

(C) Connecticut ZEV credit use, life, banking and trading will be calculated as per California Code of Regulations, Title 13, section 1962.

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

(E) Each manufacturer operating under this alternative compliance path shall make available for purchase or lease in Connecticut any advanced technology vehicle models, including all ZEVs except type III ZEVs, sold or leased in California.

(F) The commissioner shall calculate the amount of credits earned based on the report received pursuant to subparagraph (D) of this subdivision. The commissioner shall establish ZEV compliance accounts for each manufacturer and allocate the credits earned to such compliance account, including separate accounts for PZEV, AT PZEV, NEV, Type 0 ZEVs, Type I ZEVs, Type II ZEVs, Type III ZEVs, transportation system and extended service. For each account, in the event that the number of credits earned under this subdivision is less than the number of credits that would have been awarded to a manufacturer under subdivision (3) of this subsection, the commissioner shall calculate the difference and apply a number of credits equal to such difference to such manufacturer's compliance account.

(3) The commissioner shall set aside a number of Connecticut ZEV credits proportionally equivalent to the number of ZEV credits possessed by the requesting manufacturer for use in the State of California at the beginning of the 2008 model year. This transfer shall be performed only after all credit obligations for the 2007 and earlier model years have been satisfied in California. The commissioner shall multiply the manufacturer's California credit balances by the ratio of the average number of PCs and LDT1s produced and delivered for sale in Connecticut to the combined average number of PCs and LDT1s produced and delivered for sale in California in model years 2000 through 2002 or, alternatively, by the ratio of PCs and LDT1s produced and delivered for sale in Connecticut to the combined number of PCs and LDT1s produced and delivered for sale in California in model year 2008. In either case, the commissioner shall determine the model year 2008 ZEV sales requirements in Connecticut using the same time period that determined the credit

transfer ratio. The commissioner shall notify such manufacturer of the number of ZEV credits, allocated in accordance with subdivision (2)(F) of this subsection, available for use by July 31, 2008 and annually thereafter until such credits are fully consumed. Credits issued pursuant to this subdivision may only be used in Connecticut for compliance with the ZEV provisions of subsection (c)(2) of this section subject to the same requirements and limitations on credit use set forth in the California Code of Regulations, Title 13, section 1962 adjusted for Connecticut specific vehicle numbers. Furthermore, each manufacturer operating under this alternative compliance path shall:

(A) By May 1, 2008, provide the commissioner with either:

(i) the total number of PC and LDT1 vehicles produced and delivered for sale in Connecticut and California for 2000 through 2002 model years, or

(ii) the total projected number of PC and LDT1 vehicles to be produced and delivered for sale in Connecticut and California in model year 2008.

(B) (i) By March 1, 2009, any manufacturer that provides the projected number of vehicles specified in subparagraph (A)(ii) of this subdivision shall provide the commissioner with the actual number of PC and LDT1 vehicles produced and delivered for sale in Connecticut and California in model year 2008.

(ii) The commissioner shall, by June 30 2009, recalculate and adjust, either upward or downward, the number of ZEV credits granted based on actual model year 2008 production and delivery data submitted under subparagraph (B)(i) of this subdivision.

(C) By May 1, 2008, provide the commissioner with the total number of banked California ZEV credits after all 2007 model year and earlier obligations have been satisfied in California; and

(D) Until such time as full compliance is achieved with the requirements of subsection (c)(2) of this section, make available for purchase or lease in Connecticut any advanced technology vehicle models, including all ZEVs except type III ZEVs, that are sold, leased or offered for sale in California.

(4) Any manufacturer who fails to meet the requirements of its respective alternative compliance path shall be subject to full compliance with the ZEV mandate provisions set forth in subsection (c)(2) of this section.

(5) Optional alternative compliance with greenhouse gas emission standards.

(A) Greenhouse gas vehicle test groups that are certified pursuant to California Code of Regulations, Title 13, section 1961.1(e)(2)(a) in the State of California

may receive equivalent credit if delivered for sale and use in the State of Connecticut; and

(B) A manufacturer shall submit to the commissioner the data set forth in California Code of Regulations, Title 13, section 1961.1(e)(2)(a)(i) for Connecticut specific sale and use in order to receive the credit identified in subparagraph (A) of this subdivision.

(n) Greenhouse gas emission standards and related requirements.

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 1961.1.

(o) 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.