

STATE OF CONNECTICUT
Department of Motor Vehicles

Section 14-164c. Periodic Motor Vehicle Emissions Inspection and Maintenance

Section 1

Section 14-164c-1a of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-164c-1a. Definitions.

The following definitions shall apply to section 14-164c-1a to 14-164c-17a of the Regulations of Connecticut State Agencies:

- (1) "ASM 25/25 Test" means a single mode ASM 25/25 test procedure as specified in section 85.2(D)(2) of the EPA acceleration simulation mode test procedure, emission standards, quality control requirements, and equipment specifications pursuant to the EPA acceleration simulation mode test procedures, emission standards, quality control requirements, and equipment specifications: technical guidance (EPA-AA-RSPD-IM-96-2) July 1996, as may be amended.
- (2) "Commissioner" means the commissioner of motor vehicles.
- (3) "Commissioner's certificate" means a written instrument issued by the commissioner extending the time for compliance with a periodic inspection.
- (4) "Compliance" means meeting emissions standards, or waiver of such standards.
- (5) "Contractor" means an independent contractor which operates the system of official emissions inspection stations.
- (6) "Dealer" includes any person licensed pursuant to chapter 246 of the general statutes and who is actively engaged in buying, selling, or exchanging motor vehicles in this state and who, incidental to such business, repairs motor vehicles, or causes them to be repaired by persons in his employ.
- (7) "Department" means the department of motor vehicles.
- (8) "DEP" means the department of environmental protection,

- (9) “Diagnostics” means the identification of the problem area or areas which cause a vehicle to fail to meet emissions or other inspection standards.
- (10) “Emissions” means products of combustion and volatile organic compounds including carbon monoxide, oxides of nitrogen and hydrocarbons emitted into the atmosphere from any motor vehicle and its engine.
- (11) “Emissions inspector” means an individual employed by an independent contractor, the department or a fleet emissions station qualified to conduct inspections.
- (12) “Emissions standards” means the current maximum allowable emissions for vehicles defined by the Commissioner of Environmental Protection in section 22a-174-27 of the Regulations of Connecticut State Agencies, as amended. Emissions standards shall include standards for exhaust emissions, air pollution control system integrity standards (pressure test) and purge system standards (purge test) for selected vehicles.
- (13) “EPA” means the United States Environmental Protection Agency.
- (14) “Fail mark” means a mark indicated on a vehicle inspection report which signifies the vehicle does not meet emissions standards.
- (15) “Fail sticker” means a sticker issued for a motor vehicle on which an emissions inspection has been performed if the vehicle does not meet emissions standards.
- (16) “Failure and repair report” means that part of the vehicle inspection report describing the nature of the failure of the vehicle to meet emissions standards and the repairs made to correct the reason for failure.
- (17) “Fleet sticker” means that sticker issued for a fleet motor vehicle which meets emissions standards.
- (18) “Idle test” means an exhaust emissions test sampling and analysis performed while the vehicle engine is operating at or approximately at the vehicle manufacturer's recommended normal curb idle speed. The idle test may involve conditioning the vehicle on a dynamometer at a vehicle drive wheel speed of approximately thirty (30) miles per hour.
- (18) “Gas cap test” means a test of integrity of the gas cap of a vehicle as tested on a special rig using compressed air to determine whether gas fumes may leak through the gas cap's seal.
- (19) “Initial inspection” means the first emissions inspection of a vehicle during a periodic inspection.

- (20) “Inspection” means the mandatory periodic vehicle emissions inspection. The term includes “Initial Inspection” and “Reinspection”.
- (21) “Junk yard” means a motor vehicle junk business or motor vehicle junk yard as defined in section 14-67g of the Connecticut General Statutes to which junk plates may be issued.
- (22) “Model-year” means the year designated by the manufacturer of the motor vehicle and appearing on the registration certificate.
- (23) “Motor vehicle” means motor vehicle as defined in subdivision (47) of subsection (a) of section 14-1 of the Connecticut General Statutes.
- (24) “New vehicles at the time of initial registration” means all motor vehicles coming within the definition of “New Motor Vehicle” as defined in section 14-1 of the Connecticut General Statutes, which are of the previous, current or succeeding model-year, relative to the current calendar year, for a period not to exceed one year from the month of issuance of the first permanent registration for such motor vehicles.
- (25) “New vehicle sticker” means that sticker issued upon initial registration of a motor vehicle of the previous, current or succeeding model-year in relation to the calendar year of such initial registration.
- (26) “On-road testing” means an emissions inspection as provided in subsection (f) of section 14-164c of the Connecticut General Statutes.
- (27) “Pass mark” means a mark indicated on the vehicle inspection report which signifies that the vehicle meets emissions standards.
- (28) “Pass sticker” means that sticker issued for a motor vehicle for which an emissions inspection has been performed if the vehicle meets emissions standards.
- (29) “Permanent replacement windshield sticker” means that sticker affixed by an official emissions inspection station to a motor vehicle which has a replacement windshield for the purpose of replacing a previous validly issued sticker.
- (30) “Reinspection” means an inspection conducted within thirty days after a vehicle has failed its initial inspection and after proof of appropriate vehicle repairs is submitted.
- (31) “Repairer” means a qualified person licensed to repair motor vehicles in accordance with the provisions of section 14-51 of the Connecticut General Statutes. “Repairer” includes a limited repairer.

- (32) “State” means the State of Connecticut.
- (33) “Sticker” means a label applied to the inside of the windshield or as otherwise provided by the commissioner showing the status of the vehicle with respect to its compliance with periodic emissions inspection requirements .
- (34) “Temporary compliance sticker” means that sticker affixed to a motor vehicle displaying valid dealers' or repairers' plates, junk plates or transporter plates.
- (35) “Temporary new vehicle sticker” means that sticker which is affixed by a new car dealer to a new motor vehicle upon registration of the vehicle for a purchaser by the dealer.
- (36) “Temporary replacement windshield sticker” means that sticker affixed by a glass dealer or a repair shop to a replacement motor vehicle windshield.
- (37) “Transporter” means a person who has been issued a transporter's registration and number plate in accordance with the provisions of section 14-35 of the Connecticut General Statutes.
- (38) “Vehicle” means the term as defined in subdivision (89) of subsection (a) of section 14-1 of the Connecticut General Statutes.
- (39) “Vehicle description information” means the information describing the vehicle such as identification number, make, registration class and registration number, year of vehicle and name of registrant.
- (40) “Vehicle inspection report” means a document issued by the contractor on behalf of the commissioner which, when validated by a pass or fail mark constitutes proof of inspection. Waiver, failure and repair report, diagnostics, vehicle test results, vehicle description information, and certification of inspection are all parts constituting the vehicle inspection report, in accordance with Title 40, Code of Federal Regulations, Part 51.358(a)(3).
- (41) “Waiver sticker” means that sticker issued for a motor vehicle which has qualified for a waiver pursuant to subsection(d) of section 14-164c of the Connecticut General Statutes.

Section 2

Section 14-164c-2a of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-164c-2a. The state inspection requirements.

- (a) The owner of any motor vehicle registered in this state, which is not within the exempted classes of motor vehicles set forth in subsection (c) of section 14-164c of the general statutes, shall present such motor vehicle for periodic inspection at such times as provided in an inspection schedule established by the commissioner. The purpose of such inspection shall be to determine whether such vehicle is in compliance with the emissions standards as determined by the Commissioner of Environmental Protection. The fee for such inspection shall be as established by the commissioner in accordance with the provisions of subsection (g) of section 14-164c of the Connecticut General Statutes.
 - (1) A commissioner's certificate may be issued for good cause shown when a motor vehicle cannot be presented for inspection at the time scheduled for periodic inspection. A request for a commissioner's certificate shall be made in writing by the owner, except that a lessee or other person rightfully entitled to possession or custody of a vehicle may make the request, and proof of such right to possession or custody may be required. No commissioner's certificate shall be issued to extend the time for the inspection for more than one month from the previously scheduled time, provided a vehicle continuously outside of this state for an extended period of time as determined by the commissioner may be issued a commissioner's certificate extending the time for the inspection to no more than fifteen days after the return of such vehicle to this state.
 - (2) If a person presents a motor vehicle for inspection more than thirty (30) days after the time for periodic inspection established by the commissioner, a late fee of twenty dollars (\$20.00) shall be assessed as provided in subsection (g) of section 14-164c of the general statutes.
- (b) Used motor vehicles not otherwise exempt from inspection which are not in compliance shall be presented for initial inspection as provided in subsection (a) of this section prior to the issuance of permanent registrations for such used motor vehicles.

Section 3

Section 14-164c-5a of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-164c-5a. Vehicles not admitted for inspection.

- (a) Vehicles not having a valid registration certificate or having any of the following unacceptable conditions shall not be admitted to an official emissions inspection station for emissions inspection:
 - (1) An exhaust system with obvious leakage or any other condition which could, in the opinion of the inspector, affect the validity of the emissions test;
 - (2) Vehicles with excessive oil leaks, fuel leaks, or coolant leaks;
 - (3) Emission of visible air pollutants for longer than five consecutive seconds, except that different standards may be provided by the commissioner for diesel powered vehicles;
 - (4) Drive axle tires that are under-inflated, worn or damaged to such a degree that it would be unsafe to operate the vehicle on the testing equipment;
 - (5) Loud internal engine noises or other evidence which would indicate imminent major mechanical failure
 - (6) Vehicles without gas caps.
- (b) A record of vehicles not admitted for emissions inspection in accordance with subsection (a) of this section shall be maintained. Operators of vehicles not admitted for any of the conditions of subsection (a) of this section shall not be assessed an inspection fee. Rejection of a vehicle under any or all of the conditions of subsection (a) of this section shall not be construed as a release from the requirement to obtain an inspection in accordance with the inspection schedule established by the commissioner.
- (c) The commissioner may refuse to inspect, or may determine that any such vehicle is not in compliance with emissions standards, if a vehicle presented for inspection has not fully complied with a manufacturer's recall related to or affecting emissions in accordance with Title 40, Code of Federal Regulations, Part 51.370. Such vehicles shall be identified by reference to a list of the vehicle identification numbers of vehicles subject to emissions related recalls available to the commissioner.

Section 4

Section 14-164c-6a of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-164c-6a. The mandatory vehicle emissions inspection

- (a) An emissions inspection shall be conducted by measuring the emissions from the vehicle and comparing individual components thereof with the emissions standards for each component. The ASM 25/25 test shall be performed on all gasoline and gaseous fuel powered vehicles. A gas cap test shall be performed on all non-exempt vehicles. An inspection shall be performed on vehicles for the presence of a catalytic converter number when required by the manufacturer of model years 1975 and an idle test procedure with loaded preconditioning shall be performed for vehicles unable to be tested by ASM 25/25 test.
- (b) All vehicles shall be inspected in accordance with inspection techniques and procedures provided by the Commissioner of Environmental Protection in accordance with the provisions of subsection (b) of section 14-164c of the Connecticut General Statutes.
- (c) If a person alters any component of a motor vehicle, or adds or alters any substance that is usable in connection with a motor vehicle, or alters any document, with the intent of misrepresenting the emissions of a motor vehicle subject to emissions inspection, the motor vehicle shall be deemed not in compliance with emissions standards, and shall be subject to suspension or revocation of registration in accordance with the provisions of subsection (a) of section 14-111 of the Connecticut General Statutes. Such person may also be subject to criminal penalties in accordance with Title 53a of the Connecticut General Statutes.
- (d) During the performance of the ASM 25/25 test, the operator and any other occupants of a motor vehicle being inspected may be required to exit such motor vehicle and enter a designated waiting area. An emissions inspector shall enter and operate the vehicle throughout the designated driving cycle on a dynamometer. The requirements of this section are intended to protect the safety of operators and passengers, and to ensure that the necessary inspection data is obtained.

Section 5

Section 14-164c-11a of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-164c-11a. Waivers.

- (a) A waiver shall be issued only after a vehicle has failed a reinspection performed after all qualifying repairs have been completed, and evidence satisfactory to the commissioner is presented that an unreasonable cost of repair, as defined in subsection (b) of this section, is required to bring the vehicle into compliance as provided in subsection (d) of section 14-164c of the Connecticut General Statutes. A waiver also may be issued in a demonstrated case of economic hardship as authorized by Title 40, Code of Federal Regulations, Part 51.360, as more particularly set forth in subsection (f) of this section.
- (b) An unreasonable cost of repair shall be an actual expenditure of a minimum of one hundred twenty-five (125) dollars on emissions related repairs. Beginning on January 1, 1998, for all vehicles of model years 1981 and later, an unreasonable cost of repair shall be an actual expenditure for emissions related repairs of a minimum of two hundred and fifty (250) dollars. Beginning on January 1, 2000, for all vehicles of model years 1981 and later, an unreasonable cost of repair shall be an actual expenditure for emissions related repairs of a minimum of four hundred and fifty dollars. The latter amount shall be adjusted in January of each year (beginning January 1, 2001) by the percentage, if any, by which the consumer price index for the preceding calendar year differs from the consumer price index of 1989. The amount required to be expended for emissions related repairs during the current calendar year in order to qualify for a waiver shall be posted in plain view at each emissions inspection facility.
- (c) All expenditures made pursuant to subsection (b) of this section for vehicles of model-year 1981 and later shall be for actual vehicle repairs made after available emissions related warranty coverage or written denial of such warranty coverage by the vehicle manufacturer. All such repairs for vehicles of model-year 1981 and later shall be made by a repairer licensed by the commissioner pursuant to section 14-52 of the general statutes. Such repairer shall have one or more mechanics in its employ recognized by the commissioner as qualified to perform emissions repairs. A list of such repairers employing mechanics so certified including the names of such certified mechanics shall be made available without charge at all branches of the department and all emissions inspection facilities. Repairs performed by the vehicle owner or operator, or a person not certified by the commissioner, shall not be included as expenditures. Repairs required because of tampering with the air pollution control system or any emissions related mechanism shall not be included as expenditures, and waivers shall not be issued to vehicles for tampering related repairs. Repair

estimates shall not be considered for purposes of obtaining a waiver.

- (d) Notwithstanding the provisions of subsections (a), (b) and (c) of this section, the commissioner may determine compliance of a vehicle that has failed an ASM 25/25 retest by means of a complete, documented physical and functional diagnosis and inspection of the vehicle, in accordance with the provisions of Title 40, Code of Federal Regulations, Part 51.360, showing that no additional emissions related repairs are needed. Such retest shall be performed only by employees of the department of motor vehicles, and not by a contractor.
- (e) Any owner of a motor vehicle requesting a waiver under this section shall make a formal application on such form as the commissioner may prescribe.
- (f) An extension of time, not to exceed the period of inspection frequency, may be granted to obtain needed repairs on a vehicle in the case of economic hardship of the owner when waiver requirements have not been met. Only one such extension may be granted for any vehicle. The Commissioner shall provide a procedure for a person to request an extension of time, and the commissioner shall make a notation on the records of the department that such extension has been granted. Economic hardship shall be determined in individual cases in accordance with guidelines in regulations adopted by the commissioner, and shall include the owner's or driver's employment status and ability to pay, including but not limited to receipt of public assistance, food stamps, aid for dependent children, utilities assistance, Medicaid, Connpace, or similar programs of assistance from government agencies.
- (g) Vehicles meeting the waiver requirements of this section shall be issued a waiver sticker. Any motor vehicle displaying a valid waiver sticker shall be deemed in compliance with emissions standards and may be operated on the highways of this state.
- (h) No waiver sticker shall be issued for any vehicle which fails an inspection by reason of non-compliance with section 14-164c-4a.
- (i) No waiver shall be granted to a vehicle owned or operated by an employee of a contractor except by the department of motor vehicles.

Section 6

Section 14-164c-12a of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-164c-12a. Fleet emissions inspection station.

- (a) The commissioner may license the owners of fleets of twenty-five (25) or more vehicles to perform fleet inspections as provided in subsections (b) through (h) of this section.
- (b) To qualify for a license as a fleet emissions inspection station an applicant shall satisfy the following:
 - (1) Have a fleet of twenty-five (25) or more vehicles which are required to be inspected pursuant to subsection (c) of section 14-164c of the Connecticut General Statutes. No vehicles other than those owned or leased by the fleet emissions inspection station licensee shall be inspected by such licensee;
 - (2) Not be engaged in the business of repairing vehicles for profit;
 - (3) Have sufficient equipment accredited by the commissioner of motor vehicles, an approved location, and a facility suitable for the conduct of emissions inspections;
 - (4) Properly complete an application for a fleet emissions inspection station license on a form furnished by the commissioner.
- (c) In the event the applicant desires to establish a fleet emissions inspection station at more than one location, a separate application shall be submitted for each location. Where the applicant applies for more than one license or for an additional licensed location, the commissioner may reject an application on the basis that the applicant's fleet is of such a size and so located that the issuance of a fleet emissions inspection license at this location is not warranted.
- (d) The fees for fleet emissions inspections shall be in accordance with the provisions of subsection (g) of section 14-164c of the Connecticut General Statutes.
- (e) The commissioner shall establish policies and procedures for the purpose of maintaining fleet inspection records and shall prescribe the necessary forms to provide proof of compliance and fees collected.
- (f) Each motor vehicle required to be inspected pursuant to section 14-164c of the Connecticut General Statutes, which is within a fleet, will be assigned an inspection period as determined by the commissioner. Each fleet vehicle shall be presented for

initial inspection during the assigned inspection period, and shall be issued a fleet sticker by the fleet emissions inspection station only if the fleet vehicle is in compliance with emissions standards. No fleet vehicle shall be deemed in compliance with subsection (d) of section 14-164c of the Connecticut General Statutes, or operated on the highways of this state without a current fleet sticker. The operation of any fleet vehicle not in compliance with the requirements of this section is deemed to be an infraction for each violation, as authorized by subsection (j) of section 14-164c of the general statutes.

- (g) The licensing of any fleet emissions inspection station shall be within the discretion of the commissioner, and if a license is not granted to any applicant therefor, the vehicles in such fleet shall be required to be inspected at official emissions inspection stations in the manner of other vehicles for which emissions inspection is required.

Section 7

The Regulations of Connecticut State Agencies is amended by adding Sec. 14-164c-13a through Sec. 14-164c-17a:

Sec. 14-164c-13a. Proof of repair of motor vehicles failing emissions inspection.

No motor vehicle to which a fail sticker is affixed shall again be inspected, or reinspected, without proof that the vehicle has been repaired. Such proof shall include presentation of the vehicle inspection report indicating thereon any repairs made to the vehicle by the operator or owner thereof, and indicating any repairs made to the vehicle by a repair facility licensed in accordance with section 14-52 of the Connecticut General Statutes. If repairs have been made to a gasoline powered vehicle by a licensed repair facility, the inspection report shall show the name, address and license number of the repairer, the cost of new parts and labor for emissions related repairs, and a description of the emissions related repairs performed. Except as provided in subsection (a) of section 14-164c-9a, an inspection fee shall be required. prior to any inspection of a vehicle having a fail sticker.

Sec. 14-164c-14a. Requirements for registered emissions repair facilities.

- (a) Any Connecticut new car dealer, used car dealer or general repairer, licensed in accordance with the provisions of section 14-52 of the Connecticut General Statutes, may make application to the commissioner for registration as a registered emissions repair facility for gasoline and gaseous fuel powered vehicles. The commissioner shall specify the requirements for such registration, which shall include proof of the ability of the applicant to perform emissions diagnosis and repair.
- (b) The applicant shall certify that it has in its employ, and shall continuously maintain in its employ, a certified emissions repair technician as provided in section 14-164c-15a.
- (c) The applicant shall agree to notify the commissioner in writing by the next business day of any change in the employment status of any certified emissions repair technician which it employs.
- (d) The commissioner and the contractor shall maintain a list of local emissions repair facilities registered in accordance with this section and in good standing, which list shall be updated on a regular basis and distributed without cost to each operator of a motor vehicle which fails an emissions inspection.

Sec. 14-164c-15a. Requirements for certified emissions repair technicians.

- (a) Any person may apply to the commissioner for registration as a certified emissions repair technician for gasoline and gaseous fuel powered vehicles upon compliance

with the following requirements:

- (1) The person shall complete successfully a training course prescribed by the commissioner as provided in subsection (b); and
 - (2) The person shall thereafter take and pass a state certification test at a time and place determined by the commissioner; and
 - (3) The person shall submit proof acceptable to the commissioner that he is employed by a registered emissions repair facility or by the owner of a fleet of vehicles as provided in subsection (a) of section 14-164c-12a.
- (b) The training course shall comprise a course or courses given at both state technical and vocational schools, at community colleges, and at private training schools certified by the commissioner. Alternatively, a certified emissions repair technician may be trained by a manufacturer where such training is approved by the commissioner. Two levels of courses shall be given, a basic course for entry level persons, and an advanced course for persons who have emissions repair experience and knowledge as determined by the commissioner. ASE certification may be substituted for the basic course within the discretion of the commissioner.
- (c) A certified emissions repair technician may be required by the commissioner to take and pass a re-certification test as follows:
- (1) Four (4) years after initial certification; or
 - (2) When such technician has an emissions repair success record, as provided in section 14-164c-16a, which is, in the sole discretion of the commissioner, below a reasonable standard in accordance with records maintained by the commissioner.

Sec. 14-164c-16a. Registered emissions repair facility and certified emissions repair technician success record.

- (a) The commissioner and the contractor shall maintain a record of the repair success rate of each registered emissions repair facility and of each certified emissions repair technician based on the performance of previously failed gasoline or gaseous fuel powered vehicles upon subsequent emissions inspection or reinspection. The commissioner shall assign a unique identification number to each such registered emissions repair facility and to each certified emissions repair technician, which numbers shall be inserted on the vehicle inspection report upon repair of a gasoline powered vehicle by a registered emissions repair facility and certified emissions repair technician. Upon subsequent inspection or reinspection of a vehicle, the commissioner and the contractor shall collect the unique numbers and the results of the inspection or reinspection, and shall maintain a record of the gasoline powered vehicles which pass and the gasoline powered vehicles which fail the inspection or

reinspection. Such record shall be used to produce a list which provides the success and failure record for each certified emissions repair facility and each registered repair technician performing the repairs of gasoline powered vehicles.

- (b) Each operator of a motor vehicle which fails an emissions test shall be given, without charge, a list of registered emissions repair facilities for gasoline or gaseous fuel powered vehicles in the local area, including a record of the success rate of each emissions repair facility and/or each certified repair technician. No information regarding success rates shall be listed for an emissions repair facility which has not repaired at least twenty (20) vehicles.

Sec. 14-164c-17a. Denial or revocation of registration

For good cause shown, the commissioner may refuse to issue, or, if issued, cancel, revoke, suspend or withdraw the registration of any registered emissions repair facility or certified emissions repair technician, subject to an opportunity for a prior hearing conducted in accordance with the provisions of chapter 54 of the general statutes.

STATEMENT OF PURPOSE: To provide for alternative and effective testing procedures for motor vehicle emissions testing, and to provide standards for registered emissions repair facilities and emission repair technicians.