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Periodic Motor Vehicle Emissions Inspection and Maintenance**Secs. 14-164c-1—14-164c-12.**

Repealed, January 1, 1995.

Sec. 14-164c-1a. Definitions

The following definitions shall apply to sections 14-164c-1a to 14-164c-18a of the Regulations of Connecticut State Agencies:

(1) “Acceleration Simulation Mode (ASM) 25/25 Test” means the test procedure for the exhaust emissions of gasoline-powered vehicles found in the EPA technical guidance document, “Acceleration Simulation Mode Test Procedures, Emissions Standards, Quality Control Requirements, and Equipment Specifications,” EPA-420-P-03-001 (2003),” as may be amended from time to time, except for the following provisions: (A) the test procedure is limited to the ASM 25/25 mode; (B) dynamometer identification plates are not required; (C) the dynamometer power absorber unit is not required to operate in the reverse direction; (D) inertia simulation is not required; and (E) other exceptions shall be noted by the department as applicable and warranted.

(2) “Certificate of origin” means the original written instrument or document required to be executed and delivered by the manufacturer to an agent, dealer, or person purchasing directly from the manufacturer, certifying the origin of the vehicle, as provided in subsection (1) of section 14-165 of the Connecticut General Statutes.

(3) “CFR” means the Code of Federal Regulations, as the same may be amended from time to time.

(4) “Commissioner” means the Commissioner of Motor Vehicles.

(5) “Commissioner’s certificate” means a written instrument issued by the commissioner extending the time for compliance with a periodic emissions inspection.

(6) “Compliance” means meeting requirements under this state’s enhanced vehicle emissions inspection program.

(7) “Contract” means an agreement entered into between the commissioner and a contractor to establish and operate a system of official emissions inspection stations, as authorized by subsection (e) of section 14-164c of the Connecticut General Statutes.

(8) “Contractor” means an independent contractor, which operates a system of official emissions inspection stations.

(9) “Dealer” includes any person licensed pursuant to chapter 246 of the Connecticut 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. A dealer may be hired by the contractor or authorized by the commissioner to conduct emissions inspections in accordance with section 14-164c of the Connecticut General Statutes and the regulations promulgated thereunder.

(10) “Department” means the Department of Motor Vehicles or its duly authorized agents or representatives.

(11) “DEP” means the Department of Environmental Protection or its duly authorized agents or representatives.

(12) “Diagnostics” means the identification of the problem area or areas, which cause a vehicle to fail to meet emissions or other inspection standards.

(13) “EDBMS” means the Connecticut Department of Motor Vehicle’s Emissions Database Management System that has been established for this state’s enhanced vehicle emissions inspection program.

(14) “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.

(15) “Emissions inspection” means any procedure authorized and approved by the commissioner that is used for determining compliance with federal and state motor vehicle emissions standards.

(16) “Emissions inspector” means an individual trained and certified to perform emissions inspections in accordance with the requirements of 40 CFR section 51.367 and section 14-164c-18a of the Regulations of Connecticut State Agencies, as amended.

(17) “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 fuel evaporative control system standards for vehicles subject to this state’s enhanced vehicle emissions inspection program.

(18) “Enhanced vehicle emissions inspection program” means the program administered by the commissioner and the department pursuant to chapter 246a of the Connecticut General Statutes and sections 14-164c-1a to 14-164c-18a, inclusive, of the Regulations of Connecticut State Agencies, in order to meet the requirements of 40 CFR Part 51, Subpart S.

(19) “EPA” means the United States Environmental Protection Agency or its duly authorized agents or representatives.

(20) “Fail mark” means a mark indicated on a vehicle inspection report which signifies the vehicle does not meet emissions standards.

(21) “Fail sticker” means a sticker that may be issued for a motor vehicle on which an emissions inspection has been performed if the vehicle does not meet emissions standards.

(22) “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.

(23) “Gas cap leak test” means the vehicle’s gas cap will be tested for leakage as defined in the EPA technical guidance documents, “I/M240” and “Evaporative Technical Guidance”, EPA 420-R-00-007, as amended, in order to meet the requirements of 40 CFR section 85.2222(d).

(24) “Gross vehicle weight rating” or “GVWR” means that value specified by the manufacturer as the maximum loaded weight of a single or combination vehicle, or its registered gross weight, whichever is greater, as further defined in section 14-1 of the Connecticut General Statutes.

(25) “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.

(26) “Initial inspection” means the first emissions inspection of a vehicle during each biennial period in which the vehicle is required to be inspected.

(27) “Inspection” means the mandatory periodic vehicle emissions inspection. The term includes “Initial Inspection” and “Reinspection.”

(28) “Model-year” means the year designated by the manufacturer of the motor vehicle and appearing on the registration certificate.

(29) “Motor vehicle” means motor vehicle as defined in section 14-1 of the Connecticut General Statutes.

(30) “New vehicles at the time of initial registration” means all motor vehicles coming within the definition of “New Motor Vehicle” as provided 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 five (5) years from the month of issuance of the first permanent registration for such motor vehicles.

(31) “New vehicle sticker” means that sticker that may be 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 to vehicles that have not previously undergone emissions inspection in this state.

(32) “Official emission inspection station” means an emission inspection facility, other than a self-test emissions inspection station, that is (a) operated by a licensed dealer or repairer hired by the contractor and which meets qualifications and standards for the performance of emissions inspections established under the contract, or (b) operated by a licensed dealer or repairer appointed directly by the commissioner in accordance with the provisions and requirements of subsection (f) of section 14-164c of the Connecticut General Statutes.

(33) “On-board diagnostic II (OBDII) inspection” means an inspection of the on-board diagnostic system of applicable 1996 and newer motor vehicles pursuant to EPA 420-R-01015, as amended, in order to meet the requirements of 40 CFR Parts 51 and 85.

(34) “On-road testing” means an emissions inspection as provided in subsection (j) of section 14-164c of the Connecticut General Statutes, and as defined in 40 CFR section 51.37.

(35) “Opacity test” means the testing procedure for diesel-powered vehicles with a GVWR of 10,000 pounds or less that measures the amount of light transmitted through an exhaust plume.

(36) “Pass mark” means a mark indicated on the vehicle inspection report that signifies that the vehicle meets emissions standards.

(37) “Pass sticker” means the sticker that may be issued for a motor vehicle, for which an emissions inspection has been performed, if the vehicle meets emissions standards.

(38) “Permanent replacement windshield sticker” means that sticker that may be affixed to a motor vehicle which has a replacement windshield for the purpose of replacing a previous validly issued sticker.

(39) “Pre-conditioned two speed idle test” means the exhaust emissions test described in 40 CFR section 85.2220.

(40) “Recycler” means a motor vehicle recycle business or a motor vehicle recycler licensed pursuant to chapter 246 of the Connecticut General Statutes to which dismantler plates may be issued.

(41) “Reinspection” means a paid or unpaid inspection conducted within thirty (30) days after a vehicle has failed its initial inspection.

(42) “Repairer” means a qualified person licensed to repair motor vehicles in accordance with the provisions of chapter 246 of the Connecticut General Statutes including any person licensed as a limited repairer. A repairer may be authorized by the commissioner to conduct emissions inspections in accordance with section 14-164c of the Connecticut General Statutes and the regulations promulgated thereunder.

(43) “Self-test emissions inspection station” means a facility to conduct emissions inspections operated by the owner or operator of a fleet of twenty-five (25) or more motor vehicles with respect to such owned or operated motor vehicles only, as

licensed by the commissioner in accordance with subsection (i) of section 14-164c of the Connecticut General Statutes.

(44) “Self-test sticker” means that sticker that may be issued for a self-test motor vehicle, identified in section 14-164c-12a of the Regulations of Connecticut State Agencies, which meets emissions standards.

(45) “State” means the State of Connecticut.

(46) “Steady-state loaded test” means the testing procedure for the exhaust emissions of a vehicle where a constant load is placed on the vehicle at a fixed vehicle speed.

(47) “Sticker” means a label that may be 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.

(48) “Temporary compliance sticker” means that sticker that may be affixed to a motor vehicle displaying valid dealers’ or repairers’ plates, dismantler plates or transporter plates.

(49) “Temporary new vehicle sticker” means that sticker which may be affixed by a new car dealer to a new motor vehicle upon registration of the vehicle for a purchaser by the dealer.

(50) “Temporary replacement windshield sticker” means that sticker that may be affixed by a glass dealer or a repair shop to a replacement motor vehicle windshield.

(51) “Transporter” means a person who has been issued a transporter’s registration and number plate pursuant to chapter 246 of the Connecticut General Statutes.

(52) “Vehicle” means the term as defined in section 14-1 of the Connecticut General Statutes.

(53) “Vehicle description information” means the information describing the vehicle such as identification number, make, registration class and registration number, year of vehicle, emissions compliance date and name of registrant or lessee, or both.

(54) “Vehicle identification number” or “VIN” means a series of Arabic numbers and Roman letters that is assigned to each new motor vehicle that is manufactured within or imported into the United States, as is more fully defined in section 14-1 of the Connecticut General Statutes.

(55) “Vehicle inspection report” means a document issued by the contractor or a licensed dealer or repairer authorized by the commissioner to conduct emissions inspections, 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 40 CFR section 51.358(a)(3).

(56) “Waiver sticker” means that sticker that may be issued for a motor vehicle which has qualified for a waiver pursuant to subsection (d) of section 14-164c of the Connecticut General Statutes.

(Effective January 1, 1995, amended April 7, 1998, May 28, 2004)

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 Connecticut General Statutes, shall present such motor vehicle for periodic emissions 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 (k) of section 14-164c of the Connecticut General Statutes.

(1) Unless otherwise directed by the commissioner, the period of inspection frequency for all non-exempt motor vehicles shall be two years. The commissioner may, for the more effective administration of the enhanced inspection program, adjust or alter the period of inspection frequency as stated herein, or may extend the time scheduled for the inspection of any motor vehicle. The commissioner shall, in the case of any such changes that are directed, provide appropriate notification to the owners of all motor vehicles affected thereby.

(2) 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 thirty (30) days after the return of such vehicle to this state.

(3) 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 (k) of section 14-164c of the Connecticut General Statutes.

(4) For the purpose of determining exemption eligibility of a motor vehicle manufactured twenty-five or more years ago pursuant to subsection (c) section 14-164c of the Connecticut General Statutes, "twenty-five or more years ago" shall mean the number of years arrived at by subtracting the model year of the motor vehicle seeking the exemption from the current calendar year.

(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.

(Effective January 1, 1995, amended April 7, 1998, May 28, 2004, October 31, 2007, January 22, 2008)

Sec. 14-164c-3a. Miscellaneous inspection procedures

(a) New vehicles at the time of initial registration may be issued a new vehicle sticker which shall have an expiration date not to exceed five (5) years from the month of issuance of the first permanent registration for such motor vehicle. Such expiration date shall serve as the time for the periodic emissions inspection for such vehicle on or before the date of expiration of the new vehicle sticker.

(b) Any new or used car dealer or repairer or motor vehicle recycler licensed in this state may be issued a temporary compliance sticker which shall be used only for the purpose of transporting the motor vehicle displaying such sticker to a repair facility or to an official emissions inspection station. Any holder of a transporter's registration issued pursuant to section 14-35 of the Connecticut General Statutes may be issued a temporary compliance sticker for the purpose of transporting a motor vehicle as provided in said section 14-35. A temporary compliance sticker shall have a validity period not to exceed thirty (30) days and both the effective date and the date of expiration shall be noted on such sticker by the dealer, recycler, repairer or transporter to whom such sticker was issued. The temporary compliance sticker shall be affixed to the vehicle as provided in subsection (b) of section 14-164c-7a. Each dealer, recycler, repairer or transporter shall submit a listing of motor

vehicles for which temporary compliance stickers have been issued at times as required by the commissioner. Such listing shall be on a form furnished by the commissioner. A temporary compliance sticker may be used only by the dealer, recycler, repairer or transporter to whom it was issued and may not be sold or otherwise transferred to another dealer, recycler, repairer, transporter or person.

(c) Any new car dealer may be issued a demonstrator sticker, which shall be affixed by the new car dealer as provided in subsection (b) of section 14-164c-7a of the Regulations of Connecticut State Agencies only to a new motor vehicle bearing a new car dealer plate and only for the purpose of demonstrating the vehicle. The effective date shall be entered by the dealer on the demonstrator sticker when the sticker is initially affixed to the vehicle, and the sticker shall be valid for six (6) months from its effective date, or until the vehicle is registered, whichever is the lesser time

(d) Each non-exempt, used motor vehicle sold or transferred to a customer by a licensed new or used car dealer shall be in compliance with the periodic motor vehicle emissions inspection and maintenance requirements at the time of sale or transfer, as evidenced by the vehicle inspection report.

(e) For stickers which are applied to the vehicle windshield in accordance with subsection (b) of section 14-164c-7a of the Regulations of Connecticut State Agencies, any glass dealer or repair shop may be issued a temporary replacement windshield sticker which shall be affixed by the dealer or shop to a replacement motor vehicle windshield. The effective date shall be entered by the dealer or shop on the temporary replacement windshield sticker, and the sticker shall be valid for ten (10) days from its effective date. The procedure for obtaining a permanent replacement windshield sticker shall be as follows:

(1) The glass dealer or repair shop shall remove the original sticker from the replaced windshield, attach the original sticker on a form provided by the commissioner, fill out and sign the form and give the completed form and the original sticker to the motor vehicle owner or operator; and

(2) A permanent replacement windshield sticker of the same type and for the same time fixed by the original sticker may be issued and affixed to the replacement windshield as provided in subsection (b) of section 14-164c-7a of the Regulations of Connecticut State Agencies by the Department of Motor Vehicles upon presentation by the vehicle owner or operator of the completed form with the original sticker attached, the vehicle registration certificate, the most current vehicle inspection report [for the vehicle] and the subject vehicle.

(f) Any motor vehicle displaying a valid sticker as provided in subsections (a), (b), (c), or (d) of this section shall be deemed to be in compliance with the provisions of subsection (d) of section 14-164c of the Connecticut General Statutes, and may be operated on the highways of this state. Operation of any motor vehicle not in compliance with the requirements of this section shall be an infraction as defined in subsection (n) of section 14-164c of the Connecticut General Statutes.

(g) Notwithstanding the provisions of this section, any motor vehicle subject to emissions inspection is also subject to on-road testing, as provided in subsection (j) of section 14-164c of the Connecticut General Statutes.

(Effective January 1, 1995; amended May 28, 2004)

Sec. 14-164c-3b. Exemption from inspection requirement for late model vehicles

(a) As used in this section: the following terms shall have the following meanings:

(1) "Anniversary date" means January 1, 2003 and each January first thereafter, as provided in Section 14-164c of the Connecticut General Statutes;

(2) “Inspection Fleet” means all motor vehicles that are subject to the periodic inspection and compliance or waiver requirements established in accordance with Section 14-164c of the Connecticut General Statutes;

(3) “Model year” means the manufacturer’s model year designation of a motor vehicle that appears within the vehicle identification number that is assigned and affixed in accordance with 49 CFR Part 565;

(4) “Rolling exemption” means the determination by the commissioner of the class of motor vehicles exempt from periodic inspection and compliance or waiver requirements. The members of the class belong to the four (4) most recent model years, such that, on July 1, 2002, the class shall be comprised of all motor vehicles with model year designations of 2003, 2002, 2001, and 2000 and, on and after the first anniversary date, such designations shall be 2004, 2003, 2002 and 2001, with the oldest model year being excluded and the newest model year included on each subsequent anniversary date.

(b) On and after July 1, 2002, the commissioner shall exempt from periodic inspection and compliance or waiver requirements established in accordance with Section 14-164c of the Connecticut General Statutes, each motor vehicle that is four (4) or less model years of age, beginning with model years 2003, 2002, 2001 and 2000. The model year designations of motor vehicles four (4) or less model years of age shall be adjusted each year on the anniversary date. The exemption provided by this section shall be a rolling exemption, wherein each new model year that is added shall replace the oldest model year. Motor vehicles of such oldest model year shall, on and after each anniversary date, be added to the inspection fleet and, unless otherwise exempt in accordance with the provisions of subdivisions (1) to (12), inclusive, of subsection (c) of section 14-164c of the Connecticut General Statutes, become subject to the periodic inspection and compliance or waiver requirement.

(c) The exemption provided in this regulation shall lapse upon a finding by the Administrator of the United States Environmental Protection Agency or by the Secretary of the United States Department of Transportation that such exemption causes the state to violate applicable federal environmental or transportation planning requirements. In such event, the commissioner shall mail or cause to be mailed a notice to the registered owner of each motor vehicle that has been exempt. The notice shall inform such owner of the addition of such owner’s motor vehicle to the inspection fleet, the requirements to submit to inspection in accordance with a schedule prescribed by the commissioner, and such other information as the commissioner deems necessary to enable the owner to comply with the provisions of section 14-164c of the Connecticut General Statutes.

(Adopted effective December 10, 2003)

Sec. 14-164c-4a. Deactivation of air pollution control system or mechanism

(a) Any motor vehicle presented for inspection which is required, pursuant to the regulations of the Commissioner of Environmental Protection as authorized by sections 14-164c and 22a-174 of the Connecticut General Statutes, to be equipped with an “air pollution control system or mechanism,” as defined by subsection (a) of section 22a-174-200 of the Regulations of Connecticut State Agencies, shall be deemed to have failed to meet emissions standards if such control system or mechanism is found to have been removed, to have been dismantled or is otherwise inoperable. Such control system or mechanism may be inspected prior to emissions inspection, during emissions inspection, after a vehicle has failed a required emissions inspection, or in connection with on-road testing.

(b) Any motor vehicle not meeting emissions standards pursuant to subsection (a) of this section, whether during periodic emissions inspection or on-road testing, shall be required to pass a reinspection within thirty (30) days of such failure or the owner thereof shall be subject to denial of registration for such vehicle as provided in subsection (n) of section 14-164c of the Connecticut General Statutes.

(Effective January 1, 1995; amended May 28, 2004)

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

(a) Vehicles 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) 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;

(4) Loud internal engine noises or other evidence which would indicate imminent major mechanical failure;

(5) Vehicles without gas caps;

(6) Vehicles with missing or unverifiable vehicle identification numbers;

(7) Animals in the vehicle; or

(8) Uncooperative vehicle operator.

(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 40 CFR section 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.

(Effective January 1, 1995, amended April 7, 1998, May 28, 2004)

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

(a) An ASM 25/25 test or an OBDII test, when applicable, shall be performed on all gasoline and gaseous fuel powered vehicles. A gas cap leak test shall be performed on all non-exempt vehicles. An inspection shall be performed on vehicles for the presence of a catalytic converter and gas cap when required by the manufacturer, and a pre-conditioned two-speed idle test procedure may be performed for vehicles unable to be tested by an ASM 25/25 test. For non-exempt diesel-powered light duty vehicles, a steady-state loaded mode opacity test, or an OBDII test, when applicable, shall be performed. For diesel-powered vehicles with a GVWR of greater than 8,500 pounds, a snap acceleration smoke test may be performed.

(b) All vehicles shall be inspected in accordance with inspection techniques and standards provided by the Commissioner of Environmental Protection and procedures adopted by the Department of Motor Vehicles pursuant to federal and state law.

(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 an emissions inspection, 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 test. The vehicle owner or operator shall be permitted to observe the emissions inspection of the motor vehicle. This observation may include video monitoring from a designated waiting area. 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.

(Effective January 1, 1995, amended April 7, 1998, May 28, 2004)

Sec. 14-164c-6b. Vehicle inspection report

(a) The vehicle inspection report shall contain all data elements prescribed herein, and by 40 CFR section 51.358(a)(3), including but not limited to the following:

- (1) The test serial number;
- (2) The date of the test;
- (3) The vehicle identification number;
- (4) The year and make of the vehicle;
- (5) Vehicle class code and registration number;
- (6) Identity of the emissions inspector conducting the inspection, along with the registration number of the inspection facility, and dealer and repairer license number, if applicable;
- (7) Emissions test results and standards for the vehicle;
- (8) Pass or fail mark;
- (9) The reason(s) for the failure, if applicable;
- (10) Instructions, when applicable, that the vehicle is to be returned to an official emissions inspection station for reinspection, and that, in order to receive a free reinspection, the vehicle must return to the station that conducted the original inspection within 30 days;
- (11) When applicable, space to indicate repair by operators or owners (if so permitted and accomplished);
- (12) When applicable, space to indicate repair by a garage or repair facility (name, address and license number);
- (13) When applicable, space to indicate the cost of new parts and labor for emissions related repairs;
- (14) When applicable, space to indicate the emissions related repair(s) performed; and
- (15) The identity of the certified repair technician, and if applicable, the dealer or repairer license number.

(b) A copy of the vehicle inspection report shall be given to the vehicle operator upon completion of the test.

(Adopted effective May 28, 2004)

Sec. 14-164c-7a. Procedure for vehicles which meet emissions standards at the time of inspection

(a) Vehicles meeting emissions standards shall be issued a vehicle inspection report, and whether an initial inspection or a reinspection, shall have a pass mark

indicated on all copies of the vehicle inspection report at the termination of the inspection, and a pass sticker may be issued for each such vehicle. In addition, the emission test record shall promptly be transmitted to the EDBMS.

(b) Each sticker, if applicable, shall be affixed either to the inside lower left-hand corner, driver side of the windshield of the vehicle, or as otherwise determined by the commissioner.

(c) The pass marks and stickers, if applicable, shall be of a design and nature as determined by the commissioner.

(d) The contractor, its authorized agent, or a licensed dealer or repairer authorized and appointed by the commissioner to conduct emissions inspections shall be responsible for promptly transmitting the emission test record to EDBMS, indicating a pass mark on all copies of the vehicle inspection report and, if applicable, for affixing a pass sticker to such vehicle.

(e) Only certified emissions inspectors shall be permitted to utilize pass marking devices and such devices shall not be used for any purpose other than marking certificates of inspection of vehicles that meet the requirements of this state's enhanced vehicle emissions inspection program. Such pass marking devices and stickers, if applicable, shall be safeguarded by the contractor, its authorized agent, or a licensed dealer or repairer authorized by the commissioner to conduct emissions inspections.

(Effective January 1, 1995; amended May 28, 2004)

Sec. 14-164c-8a. Procedures for vehicles which do not meet emissions standards

(a) Operators of vehicles subject to emissions inspections that do not meet the emissions standards as defined by the Commissioner of Environmental Protection when presented for inspection shall be issued a vehicle inspection report with a fail mark, and a fail sticker may be affixed as provided in subsection (b) of section 14-164c-7a of the Regulations of Connecticut State Agencies. A fail sticker shall be valid for a period not to exceed thirty (30) days. If a vehicle does not thereafter meet emissions standards, or is not issued a waiver, the commissioner may suspend the registration of such vehicle in accordance with the provisions of chapter 54 of the Connecticut General Statutes.

(b) A vehicle registered in this state which is not presented for emissions inspection in accordance with the schedule established by the commissioner, and for which a commissioner's certificate has not been issued, shall not have its registration renewed and, the commissioner may take administrative action in accordance with the provisions of section 14-164c and chapter 54 of the Connecticut General Statutes.

(Effective January 1, 1995; amended May 28, 2004)

Sec. 14-164c-9a. Reinspection of vehicles which do not meet emissions standards

(a) Except as provided in subsection (a) of section 14-164c-8a of the Regulations of Connecticut State Agencies, a reinspection shall be required of every vehicle which has been inspected and which does not meet emissions standards. A vehicle shall be eligible for one free reinspection within thirty (30) days as provided in subsection (k) of section 14-164c of the Connecticut General Statutes. A person presenting a vehicle for reinspection shall be required to provide proof that the vehicle has been repaired before it will be reinspected.

(b) A vehicle meeting the emissions standards at the time of reinspection shall have a pass mark indicated on all copies of the vehicle inspection report and such

pass mark shall be reported in a timely manner to the EDBMS at the termination of the reinspection. In addition, a pass sticker may be affixed to the vehicle.

(c) An operator of a vehicle not meeting emissions standards at reinspection shall receive a vehicle inspection report with a fail mark, and such fail mark shall be reported in a timely manner to the EDMS. A fail sticker may be affixed to the vehicle.

(d) Except as provided in subsection (a) of section 14-164c-8a of the Regulations of Connecticut State Agencies, any vehicle not meeting emissions standards at reinspection and not issued a waiver in accordance with the provisions of section 14-164c-11a of the Regulations of Connecticut State Agencies shall again be presented for inspection and an inspection fee shall be paid as established by the commissioner. A late fee may also be required in accordance with the law.

(Effective January 1, 1995; amended May 28, 2004)

Sec. 14-164c-10a. Requirements for inspection equipment and hours of operation

(a) Each official emissions inspection station shall be equipped with emissions analyzers and other necessary testing equipment and instrumentation, along with an appropriate means of recording and transmitting emissions inspection data and vehicle information approved by the commissioner. All testing equipment and instrumentation shall be maintained in accordance with the provisions of CFR sections 51.363 (c) and 51.358.

(b) Equipment used by each official emissions inspection station in its inspections shall be subject to both scheduled and unscheduled checks for accuracy and condition by the Department of Motor Vehicles.

(c) The equipment used for testing emissions shall meet all standards or equipment requirements promulgated or established by the Commissioner of Environmental Protection.

(d) The Department of Environmental Protection and its designated employees shall have all vehicle inspection records made available to them, and shall have the authority to sample and inspect vehicles, testing equipment and procedures, as agreed between the Commissioner of Motor Vehicles and the Commissioner of Environmental Protection.

(e) A standard minimum schedule for hours of operation of each official emissions inspection station established by the contractor shall be Mondays through Fridays from 8 a.m. to 5 p.m. and Saturdays from 8 a.m. to 1 p.m. Such hours of operation may be extended subject to the commissioner's approval.

(Effective January 1, 1995; amended May 28, 2004)

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 40 CFR section 51.360.

(b) For all vehicles that are subject to this state's enhanced vehicle emissions inspection program, an unreasonable cost of repair, in accordance with subsection (d) of section 14-164c of the Connecticut General Statutes, shall be an actual expenditure for emissions-related repairs of a minimum of six hundred and sixty dollars (\$660.00). The amount stated shall be adjusted in January of each year by

the percentage, if any, by which the consumer price index for the preceding calendar year differs from the consumer price index of 1989, as determined by the Emissions Planning and Strategies Division of the EPA. 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 that are subject to this state's enhanced vehicle emissions inspection program 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 that are subject to this state's emissions program shall be made by a repairer licensed by the commissioner pursuant to chapter 246 of the Connecticut General Statutes. Such repairer shall be registered and shall have one or more certified repair technicians in its employ recognized by the commissioner as qualified to perform emissions repairs, in accordance with section 14-164c-14a and 14-164c-15a of the Regulations of Connecticut State Agencies. A list of such repairers employing such certified technicians 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 tamper-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 emissions inspection by means of a complete, documented physical and functional diagnosis and inspection of the vehicle, in accordance with the diagnostic failure provisions of 40 CFR section 51.360, showing that no additional emissions-related repairs are necessary.

(e) Any owner of a motor vehicle requesting a waiver under this section shall make a formal application on such form as the commissioner shall prescribe.

(f) Vehicles meeting the waiver requirements of this section may be issued a waiver sticker. Any motor vehicle that has been granted a waiver shall be deemed in compliance with emissions standards and may be operated on the highways of this state. No waiver shall be granted except by the Department of Motor Vehicles.

(g) No waiver sticker shall be issued for any vehicle, which fails an inspection by reason of non-compliance with section 14-164c-4a of the Regulations of Connecticut State Agencies.

(Effective January 1, 1995, amended April 7, 1998, June 24, 1999, May 28, 2004, June 5, 2008)

Sec. 14-164c-11b. Guidelines for waiver due to economic hardship

(a) As used in this section, "waiver" means an extension of the period of time, not to exceed the period of inspection frequency for a motor vehicle in accordance with the schedule established by the commissioner, for attaining compliance with the applicable emissions standards for a motor vehicle.

(b) 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

an applicant 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 consideration of the applicant'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.

(c) As used in this section, the following guidelines shall apply to all applications for a waiver of emissions compliance for economic hardship:

(1) Employment status: The applicant shall submit an affidavit on a form prescribed by the commissioner that he or she is not gainfully employed, or if employed, the applicant's annual income is at or below the poverty level as established by state and federal guidelines.

(2) Assistance status: The applicant shall submit satisfactory evidence as to all governmental and utility assistance programs of which the applicant is a beneficiary, and as to the level of benefits received in each such program.

(3) Other requirements: The applicant shall attest to the fact that he or she has no other assets that can be used for the needed repairs of the failed vehicle.

(d) Each application for a waiver for economic hardship, together with all supporting documentation, shall be fairly reviewed and considered. All such information submitted to the commissioner shall be maintained on a confidential basis and shall be used by the commissioner solely for the purposes of this section, except to the extent that disclosure of the information, in whole or in part, may be required by law. A decision of the commissioner to deny any such application shall not be subject to further review or proceedings, absent a showing of changed conditions or extraordinary circumstances.

(e) Each applicant granted a waiver shall notify the commissioner in a timely manner of any change in his or her financial condition which would make such person ineligible for a waiver due to economic hardship. The commissioner may revoke any waiver that has been granted if he becomes aware of any facts to indicate that the person granted the waiver no longer has a sufficient hardship.

(Adopted effective October 27, 2000; amended May 28, 2004)

Sec. 14-164c-12a. Self-test emissions inspection station

(a) The commissioner may license the owners of twenty-five (25) or more vehicles registered in the owner's business name, to include the State of Connecticut and municipalities, to perform inspections as provided in subsections (b) through (g) of this section.

(b) To qualify for a license as a self-test emissions inspection station an applicant shall satisfy the following:

(1) Have 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 self-test 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 conducting emissions inspections;

(4) Have an appropriate means of recording and transmitting emissions inspection data and vehicle information, as prescribed by the commissioner; and

(5) Properly complete an application for a self-test emissions inspection station license on a form furnished by the commissioner.

(c) In the event the applicant desires to establish a self-test 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 self-test emissions inspection license at this location is not warranted.

(d) The fees for self-test emissions inspections shall be in accordance with the provisions of subsection (k) of section 14-164c of the Connecticut General Statutes.

(e) The commissioner shall establish policies and procedures for the purpose of maintaining self-test inspection records and shall prescribe the necessary forms to provide proof of compliance and fees collected. In addition, the self-testing emissions inspection station shall transmit evidence of compliance with the emissions inspection program to the EDBMS in a timely manner, as prescribed by the commissioner.

(f) Each motor vehicle required to be inspected pursuant to subsection (c) of section 14-164c of the Connecticut General Statutes will be assigned an inspection period as determined by the commissioner. Each such vehicle shall be presented for inspection during the assigned inspection period, and may be issued a sticker by the self-test emissions inspection station only if such vehicle is in compliance with emissions standards. No such 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 unless such vehicle is in compliance with the emissions inspection program. The operation of any vehicle not in compliance with the requirements of this section is deemed to be an infraction for each violation, as authorized by subsection (n) of section 14-164c of the Connecticut General Statutes.

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

(Effective January 1, 1995, amended April 7, 1998, May 28, 2004)

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

No motor vehicle which has failed an emissions inspection shall 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 chapter 246 of the Connecticut General Statutes. If repairs have been made to a 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. In addition, each such licensed repair facility shall provide the vehicle owner or operator with a copy of the repair invoice identified in section 14-65h of the Connecticut General Statutes, and such invoice shall be presented at the time of inspection or reinspection. Except as provided in subsection (a) of section 14-164c-9a of the Regulations of Connecticut State Agencies, an inspection fee shall be required prior to any inspection of a vehicle which has previously failed an emissions inspection.

(Adopted effective April 7, 1998; amended May 28, 2004)

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

(a) Any Connecticut new car dealer, used car dealer or repairer, licensed in accordance with the provisions of chapter 246 of the Connecticut General Statutes, may make application to the commissioner for registration as a registered emissions repair facility. 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. A separate application shall be made in connection with each separate location in which emissions repairs shall be conducted.

(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 of the Regulations of Connecticut State Agencies.

(c) The applicant shall agree to notify the commissioner in writing by the next business day of any change in the employment status, or certification status, of any certified emissions repair technician in its employ.

(d) All work performed by such registered emissions repair facility shall be documented in an invoice, as set forth in section 14-65h of the Connecticut General Statutes. One copy of the invoice shall be given to the customer and one copy shall be retained by such registered emissions repair facility for such time as prescribed by the commissioner. 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.

(Adopted effective April 7, 1998; amended May 28, 2004)

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 upon compliance with the following requirements:

(1) The person shall complete successfully a training course prescribed by the commissioner as provided in subsection (b) of this section; 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 as provided in section 14-164c-14a of the Regulations of Connecticut State Agencies.

(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. Such approved manufacturer training affords the individual with emissions repair experience and knowledge with the opportunity to test out of preliminary courses, in order to continue to an advanced level course. ASE or manufacturer's certification may be substituted for preliminary course requirements, as determined by 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) three (3) years after initial certification; or

(2) When such technician has an unsatisfactory emissions repair success record, as provided in section 14-164c-16a of the Regulations of Connecticut State Agencies, as determined by the commissioner.

(Adopted effective April 7, 1998; amended May 28, 2004)

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 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 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 vehicles which pass and the 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 certified emissions repair technician performing the repairs of 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 vehicles in the local area, which shall include a record of each emissions repair performed by such facility and the success rate of each such repair. At least twenty (20) vehicles must have been repaired by the facility before computing the success rate. The success rate of each facility shall be calculated by using data captured for the last twenty (20) inspections performed.

(Adopted effective April 7, 1998; amended May 28, 2004)

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, subject to an opportunity for a prior hearing conducted in accordance with the provisions of chapter 54 of the Connecticut General Statutes.

(Adopted effective April 7, 1998; amended May 28, 2004)

Sec. 14-164c-18a. Requirements for certified emissions inspectors

All persons conducting emissions inspections shall be certified in accordance with the requirements of 40 CFR section 51.367. Under no circumstances shall the contractor or any official emissions inspection station cause or permit an emissions inspection or any part thereof to be performed by a person who is not currently certified. The contractor will conduct an inspector training and certification program as described in the contract, including the elements of periodic retraining and recertification of inspectors.

(Adopted effective May 28, 2004)