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**DEPARTMENT OF MOTOR VEHICLES**

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**Periodic Motor Vehicle Emissions Inspection and Maintenance**

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Section 1. Section 14-164c-11a of the Regulations 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 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.

**Statement of purpose:** Section 14-164c-11a of the Regulations of Connecticut State Agencies is concerned with waivers that may be obtained by vehicle owners under the Emissions Inspection and Maintenance Program.

**Summary of main provisions:** The current regulation contains language, in subsection (c), which should not have been included and is obviously misplaced and incorrect. This proposed amendment removes the portion of two sentences which should not have been present, the amendment approved in 2004.

As corrected, the regulation will now, in correct form, state that cost of repairs required due to tampering with the air pollution control system or emissions related mechanisms shall not be considered expenditures includable in the minimum amount of repair which would qualify for a waiver.

**Legal effects of the regulation:** In practice there will be no legal effect as a result of this amendment. The current administration of this section complies with the corrected version of subsection (c) of the regulation.

Be it known that the foregoing regulations are amended as hereinabove stated by the aforesaid agency pursuant to Sec. 14-164c of the General Statutes.

Wherefore, the foregoing regulations are hereby amended as hereinabove stated, effective when filed with the Secretary of the State.

In Witness Whereof: November 30, 2007, Robert M. Ward, Commissioner.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: February 21, 2008.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: May 27, 2008.

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes, Secretary of the State: June 5, 2008.

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