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## Diesel-Powered Commercial Motor Vehicle Emissions Standards

### Sec. 14-164i-1. Definitions

For the purposes of Sections 14-164i-1 through 14-164i-11, inclusive, of the Regulations of Connecticut State Agencies, the following terms shall have the following meanings:

(1) “Air pollution control system or mechanism” means a system or mechanism as defined by subsection (a) of section 22a-174-200 of the Regulations of Connecticut State Agencies.

(2) “Commissioner” means the Commissioner of Motor Vehicles or the commissioner’s authorized representative.

(3) “Compliance” means meeting the inspection standards for diesel-powered commercial motor vehicles as specified in section 14-164i-2 of the Regulations of Connecticut State Agencies, or meeting the alternative opacity standards as specified in section 14-164i-10 of the Regulations of Connecticut State Agencies.

(4) “Dealer and repairer emissions examiner” means a person employed by a Connecticut dealer and repairer emissions station who is certified by the commissioner to conduct an inspection.

(5) “Dealer and repairer diesel emissions inspection station” means a Connecticut dealer and repairer licensee approved by the commissioner to conduct an inspection.

(6) “Department” means the Department of Motor Vehicles.

(7) “Diesel emissions” means diesel smoke that is emitted into the environment from any diesel-powered commercial motor vehicle.

(8) “Diesel emissions inspection report” or “Inspection report” means a document, issued by the commissioner at the time of inspection, in such form as the commissioner shall prescribe, containing a designation of pass or fail, which shall constitute proof of inspection.

(9) “Diesel powered commercial motor vehicle” or “Vehicle” means a vehicle powered by a diesel engine and designed or used to transport passengers or property, except a vehicle used within one hundred fifty miles of a farm in connection with the operation of such farm, fire fighting apparatus or other authorized emergency vehicles, or a recreational vehicle in private use, which (A) has a gross vehicle weight rating of twenty-six thousand and one pounds or more; (B) is designed to transport sixteen or more passengers, including the driver, but does not include a school bus, as defined in section 14-1(a)(74) of the Connecticut General Statutes.

(10) “Emissions inspector” means an employee of the Department of Motor Vehicles in the inspector job classification.

(11) “Emissions related repairs” means any emissions repair intended to bring a diesel-powered commercial motor vehicle, which has received a fail designation during an inspection, into compliance with the established inspection standards.

(12) “Fail designation” means a designation on an inspection report which signifies that the diesel-powered commercial motor vehicle does not meet the inspection standards specified in section 14-164i-2 or section 14-164i-10 of the Regulations of Connecticut State Agencies.

(13) “Fleet” means a group of ten (10) or more diesel-powered commercial motor vehicles.

(14) “Fleet emissions examiner” means the owner or lessee of a fleet or a designated employee of the owner or lessee certified by the commissioner to conduct an inspection.

(15) “Initial inspection” means the first diesel emissions inspection of a diesel-powered commercial motor vehicle at a roadside inspection, fleet inspection, or dealer inspection.

(16) “Inspection” means a snap-acceleration smoke opacity test, developed by the commissioner in relation to the Society of Automotive Engineers (SAE) J1667 Recommended Practice, and conducted according to established test and administrative procedures.

(17) “Inspection standards” means the acceptable level of peak smoke opacity for diesel-powered commercial motor vehicles as determined in accordance with section 14-164I(a) of the Connecticut General Statutes.

(18) “Invalid test” means the diesel-powered commercial motor vehicle’s exhaust sample which does not meet the prerequisite opacity sample volume for a proper emissions test reading.

(19) “Model year” means the year designated by the manufacturer or distributor of a diesel-powered commercial motor vehicle in accordance with the requirements of federal law.

(20) “Motor vehicle inspector” means an employee of the Department having inspection authority pursuant to section 14-163c-9 of the Regulations of Connecticut State Agencies.

(21) “Opacity” means the percentage of light transmitted from a source, which is prevented from reaching a light detector.

(22) “Operator” means the person driving the diesel-powered commercial motor vehicle or operating the vehicle during a diesel-powered commercial motor vehicle emissions roadside inspection.

(23) “Pass designation” means a designation on an inspection report which signifies that the diesel-powered commercial motor vehicle has met the inspection standards on the date the inspection was conducted.

(24) “Peak smoke opacity” means the highest numerical value of smoke opacity obtained through the testing procedures for the snap-acceleration smoke opacity test.

(25) “Person” shall have the meaning set forth in section 14-164i(g) of the Connecticut General Statutes.

(26) “Preliminary snap-acceleration test cycles” means a procedure utilized to clean out the exhaust of a diesel-powered commercial motor vehicle and to stabilize the engines exhaust emissions.

(27) “Roadside inspection” means a diesel emissions inspection authorized by section 14-164i(b) of the Connecticut General Statutes.

(28) “SAE” means the Society of Automotive Engineers.

(29) “Smoke opacimeter” means a type of smokemeter, approved by the commissioner, designed to measure the opacity of a plume or sample of smoke by means of a light extinction principle.

(30) “Snap-acceleration smoke opacity test” means a test adopted by the Society of Automotive Engineers for the testing of diesel-powered commercial motor vehicles, known as the SAE J1667 Recommended Practice test. The test includes five phases: vehicle preparation and safety check; test preparation and equipment set-up; driver familiarization and vehicle preconditioning; execution of the snap-acceleration test; and calculation and reporting of final results.

(Effective September 28, 1998; amended December 29, 2006)

## **Sec. 14-164i-2. Smoke opacity inspection standards**

The smoke opacity inspection standards for diesel-powered commercial motor vehicles, as established by the Department of Environmental Protection, are as follows:

(1) For model years 1991 and newer, the level of peak smoke opacity shall not exceed forty (40) percent; and

(2) For model years 1990 and older, the level of peak smoke opacity shall not exceed fifty-five (55) percent.

(Effective September 28, 1998; amended December 29, 2006)

### **Sec. 14-164i-3. Roadside inspection requirements and procedure**

(a) The Department shall develop a vehicle screening method, or methods, for conducting roadside inspections of diesel-powered commercial motor vehicles that operate on the highways of this state. The purpose of such inspections shall be to determine whether such vehicles are in compliance with the inspection standards for diesel-powered commercial motor vehicles.

(b) The roadside inspection of diesel-powered commercial motor vehicles shall be performed or supervised by a motor vehicle inspector at a safety or weight inspection station, or at any other location designated by the commissioner.

(c) The inspection procedures for the roadside inspection of diesel-powered commercial motor vehicles are as follows:

(1) The vehicle's wheels are chocked for safety;

(2) A measurement of the vehicle's exhaust pipe is obtained;

(3) The test equipment is setup on the vehicle's exhaust outlet;

(4) The vehicle's brakes are disengaged to activate all emissions control equipment;

(5) The vehicle's transmission is placed in neutral;

(6) The vehicle's accelerator is rapidly depressed and held at governed speed for a few seconds, then returned to idle. This procedure is repeated in relation to SAE J1667 Recommended Practice requirements while the equipment measures the opacity of the smoke. The final result will be the average of the last three test readings; and

(7) The operator will be given an inspection report documenting the final results of the diesel emissions inspection.

(Effective September 28, 1998; amended December 29, 2006)

### **Sec. 14-164i-4. Procedure for diesel-powered commercial motor vehicles which meet inspection standards at the time of roadside inspection**

(a) A motor vehicle inspector shall issue the owner, carrier or operator of a diesel-powered commercial motor vehicle meeting the inspection standards at the termination of the inspection, an inspection report on a form approved by the commissioner indicating a pass designation. The report shall be kept in the vehicle for the entire designated period of compliance and shall be made available to any motor vehicle inspector or law enforcement officer, upon request. The period of compliance is one (1) year from the date of inspection. The motor vehicle inspector shall affix a sticker to the vehicle indicating a pass designation. The motor vehicle inspector shall record the date of inspection on the back of the sticker.

(b) A pass designation shall only be provided to diesel-powered commercial motor vehicles found in compliance with the established inspection standards at the time of inspection.

(c) Any diesel-powered commercial motor vehicle that has been inspected within the previous one year period, and has received a pass designation, may be exempted from inspection, unless in the opinion of the motor vehicle inspector, the vehicle's exhaust emissions appear to contain an excessive level of diesel smoke.

(Effective September 28, 1998; amended December 29, 2006)

### **Sec. 14-164i-5. Procedure for diesel-powered commercial motor vehicles which do not meet smoke opacity inspection standards at the time of roadside inspection**

(a) A motor vehicle inspector shall issue the owner, carrier or operator of a diesel-powered commercial motor vehicle not meeting the smoke opacity inspection

standards at the termination of the inspection, an inspection report indicating a fail designation.

(b) Each person who operates or permits the operation of any diesel-powered commercial motor vehicle that fails the diesel emissions inspection shall be subject to the penalties provided in section 14-164i(f) of the Connecticut General Statutes.

(c) The owner of any diesel-powered commercial motor vehicle receiving a fail designation shall be required to submit documentation to the Department within forty-five (45) days of the diesel emissions inspection date, that the vehicle has undergone emissions related repairs. Failure to have the vehicle repaired within the forty-five (45) day period, and to provide documentation of such emissions repair within said time period, shall result in the suspension of the vehicle's registration or the privilege to operate the vehicle on the highways of the state. Any diesel-powered commercial motor vehicle not meeting the smoke opacity inspection standards pursuant to section 14-164i-2 of the Regulations of Connecticut State Agencies shall be subject to the requirements of this subsection and section 14-164i-6 of the Regulations of Connecticut State Agencies.

(d) Any diesel-powered commercial motor vehicle presented for the roadside inspection which is required, pursuant to the regulations of the Commissioner of Environmental Protection as authorized by section 22a-174 of the Connecticut General Statutes, to be equipped with an air pollution control system or mechanism, shall be deemed to have failed to meet the inspection standards if such control system or mechanism is found to have been dismantled or is otherwise inoperable. Such control system or mechanism may be inspected prior to an emissions inspection, during an emissions inspection, or after a vehicle has failed a required emissions inspection.

(Effective September 28, 1998; amended December 29, 2006)

#### **Sec. 14-164i-6. Suspension of registration. Notice of right to hearing**

(a) If any operator of a diesel-powered commercial motor vehicle which is required to be inspected in accordance with sections 14-164i-1 to 14-164i-11, inclusive, of the Regulations of Connecticut State Agencies, fails to stop or otherwise to submit to such roadside inspection, the commissioner may (1) suspend the registration or privilege to operate the vehicle on the highways of the state, and (2) notify the jurisdiction in which the vehicle is registered and request said jurisdiction to suspend the registration of the vehicle. Prior to the suspension, the commissioner shall send, by bulk certified mail, a written suspension notice informing the owner that the vehicle's registration will be suspended in the State of Connecticut, as of the effective date specified in the suspension notice. Each such owner notified shall, have the right, prior to said effective date of suspension, to request an administrative hearing, which shall be conducted in accordance with chapter 54 of the Connecticut General Statutes.

(b) Upon failure by an owner of a diesel-powered commercial motor vehicle to submit documentation of such emissions repairs, as required in section 14-164i-5(c) of the Regulations of Connecticut State Agencies, the commissioner shall send, by bulk certified mail, a written suspension notice informing the owner that the vehicle's registration will be suspended in the State of Connecticut, as of the effective date specified in the suspension notice. Each such owner notified shall have the right, prior to said effective date of suspension, to request an administrative hearing, which shall be conducted in accordance with chapter 54 of the Connecticut General Statutes.

(Effective September 28, 1998; amended December 29, 2006)

**Sec. 14-164i-7. Requirements for roadside inspection equipment and personnel**

(a) The department shall equip each motor vehicle inspector with:

- (1) A smoke opacimeter that meets the SAE J-1667 standards;
- (2) A gauge to determine the vehicle's exhaust outlet diameter;
- (3) Wheel chocks;
- (4) Protective masks;
- (5) Diesel emissions inspection reports and other administrative reports;
- (6) A computerized data processor; and
- (7) A properly equipped enforcement vehicle.

(b) Each motor vehicle inspector shall have training in the conduct of the snap-acceleration smoke opacity test, and shall be certified to perform a smoke opacity test.

(Effective September 28, 1998; amended December 29, 2006)

**Sec. 14-164i-8. Fleet diesel emission inspection program requirements**

(a) Minimum requirements to participate in a program for fleet inspections, authorized by section 14-164i(b) of the Connecticut General Statutes, are as follows:

(1) Fleet owner must employ a mechanic who has a minimum of two years full-time experience repairing diesel powered commercial motor vehicles.

(2) Fleet owner shall have smoke testing equipment approved by the commissioner and capable of performing the Snap-Acceleration Smoke Opacity Test procedure for diesel powered commercial motor vehicles. The test equipment must provide a printout which indicates the date of the test, the identification number of the vehicle tested and the results of the test in numerical readings.

(3) Each fleet owner shall have a certified fleet emission examiner. Certification is granted upon successful completion of an examiner training course approved by the commissioner. The fleet owner shall maintain each certification and upgrade according to schedules established by the commissioner.

(b) A fleet emissions examiner shall be the only individual (s) authorized to conduct emissions inspections on the vehicles owned by said fleet, and affix a sticker, provided by the commissioner indicating a pass designation, to a vehicle which has passed an inspection. A copy of the inspection report shall be kept in the vehicle, as verification of a pass inspection, and will be made available to the commissioner or to any law enforcement officer upon request. The copy of the pass inspection report shall be kept in the vehicle for the entire designated period of compliance. The period of compliance is one (1) year from the date of inspection. The fleet emission examiner shall record the date of such inspection on the back of the sticker. The fleet owner, or his representative, shall forward a copy of each inspection report to the commissioner.

(c) Any fleet owner participating in this program shall maintain records concerning such inspections as required by the commissioner. All records for each inspection conducted shall be maintained for a period of two (2) years from the date each inspection was performed. All records maintained shall be made available for examination by the commissioner during the fleet owner's regular business hours.

(Adopted effective December 29, 2006)

**Sec. 14-164i-9. Licensed dealer and repairer diesel emission inspection program requirements**

(a) Minimum requirements for a licensed dealer or repairer to become a dealer and repairer diesel emissions inspection station, as authorized by section 14-164i(b)(2) of the Connecticut General Statutes, are as follows:

(1) The licensee shall satisfactorily demonstrate to the commissioner that its primary business activity is the sale and/or repair of diesel powered commercial motor vehicles;

(2) The licensee shall be a qualified mechanic or have a qualified mechanic in its employ who meets the requirements of sections 14-63-2 to 14-63-4a, inclusive, of the Regulations of Connecticut State Agencies;

(3) The licensee shall have smoke testing equipment approved by the commissioner and capable of performing the J-1667 Society of Automotive Engineers (SAE) snap-acceleration smoke test procedure for diesel powered commercial motor vehicles. The test equipment must provide a printout which indicates the date of the test, the identification number of the vehicle tested and the results of the test in numerical readings; and

(4) The licensee shall have a certified dealer and repairer emissions examiner in its employ. Certification is granted upon successful completion by the examiner of an inspection training course approved by the commissioner. Certification must be maintained and upgraded according to schedules established by the commissioner.

(b) The licensee must be approved by the commissioner, in writing, to become a dealer and repairer diesel emissions inspection station.

(c) No individual, except a licensed dealer or repairer emissions examiner, shall conduct inspections at a dealer and repairer diesel emissions inspection station, and affix a sticker, provided by the commissioner indicating a pass designation to a vehicle which has passed an inspection. The dealer or repairer emission examiner shall record the date of such inspection on the sticker. A copy of the inspection report shall be kept in the vehicle as verification of a pass inspection, and will be made available to motor vehicle inspectors or other authorized officials upon request. The copy of the pass inspection report shall be kept in the vehicle for the entire designated period of compliance. Unless otherwise stated, the period of compliance is one (1) year from the date of inspection. The licensee, or his representative, shall forward a copy of each inspection report to the commissioner.

(d) A licensee conducting inspections pursuant to this section shall maintain such records concerning such inspections, as required by the commissioner. All records for each inspection conducted shall be maintained for a period of two (2) years from the date each inspection has been performed. All records maintained shall be made available for examination by the commissioner during the licensee's regular business hours.

(Adopted effective December 29, 2006)

### **Sec. 14-164i-10. Emission inspection alternative opacity standard**

(a) The commissioner may grant compliance based on an alternative opacity standard upon request from the owner of a diesel powered commercial motor vehicle when such vehicle has been tested but has failed to meet the inspection standards stated in section 14-164i-2 of the Regulations of Connecticut State Agencies. The request shall be submitted in writing on a form approved by the commissioner. To obtain such alternative compliance the owner shall:

(1) Provide proof of a minimum expenditure of one thousand dollars (\$1,000) on initial repairs following inspection failure. Costs incurred for repairs conducted due to tampering with air pollution control systems or any emission related mechanism, required by federal law on a vehicle as manufactured, shall not be included in calculating initial minimum expenditure of one thousand dollars (\$1,000);

(2) Provide an itemization of such repair expenditures, to include a written explanation of repairs conducted, labor costs, and all parts costs;

(3) Obtain the signature of the mechanic who performed the repairs, affirming that said person is certified pursuant to sections 14-164i-8 or 14-164i-9 of the Regulations of Connecticut State Agencies, and that the repairs were, in fact, completed; and

(4) Present the vehicle and all pertinent inspection documents to an emission inspector for a re-inspection and verification of alternative opacity standard requirements.

Alternative compliance shall not be granted unless the re-inspection shows a reduction in opacity from the initial inspection. Such opacity reading shall not be exceeded for the duration of the alternative opacity standard period. Exceeding the alternative opacity standard established on this re-inspection shall be considered a fail designation.

(b) Upon approval of such alternative compliance, the commissioner shall notify the vehicle owner and forward a copy of the approval in writing. A motor vehicle inspector or emissions agent shall affix a sticker, indicating that compliance based on an alternative opacity standard has been granted, to the front windshield of the vehicle. The vehicle owner shall keep a copy of the written approval in the subject vehicle for the duration of the entire compliance period. The alternative opacity standard is valid for a period of one (1) year from the date the alternative opacity standard has been granted. The copy of the written alternative compliance approval will be made available to a motor vehicle inspector or agent, or other authorized official, upon request.

(Adopted effective December 29, 2006)

### **Sec. 14-164i-11. Suspension and revocation of certification**

The commissioner may, after notice and opportunity for hearing, suspend or revoke the approval of a dealer and repairer diesel emissions inspection station or the certification of a dealer and repairer diesel emissions examiner or fleet emissions examiner, and may in addition recall and take possession of any or all test certifications and sticker inventory if, in the opinion of the commissioner, such stickers have been incorrectly or improperly issued. Such action or actions may be taken for the following:

(1) Any violation of program standards and requirements, as set forth in section 14-164i of the Connecticut General Statutes or sections 14-164i-1 to 14-164i-10, inclusive, of the Regulations of Connecticut State Agencies; or

(2) Any violations of any law pertaining to the business of the dealer and repairer diesel inspection station, as a licensee of the Department.

(Adopted effective December 29, 2006)