

250-RICR-120-05-37

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 120 – AIR RESOURCES

SUBCHAPTER 05 – AIR POLLUTION CONTROL

PART 37 – Rhode Island's Low-Emission and Zero-Emission Vehicle Programs

37.1 Purpose and Authority

37.1.1 Purpose

The purpose of this regulation is to specify the requirements for Rhode Island's Low-Emission and Zero-Emission Vehicle Programs that implement California vehicle emission standards under section 177 of the federal Clean Air Act.

37.1.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and R.I. Gen. Laws Chapter 23-23, and have been promulgated pursuant to the procedures set forth in the Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35. Pursuant to the authority in 42 U.S.C. § 7543 and 42 U.S.C. § 7507, Rhode Island is adopting California Air Resources Board vehicle standards.

37.2 Application

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state laws, goals and policies.

37.3 Severability

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

37.4 Incorporated Materials

- A. These Regulations hereby adopt and incorporate 40 C.F.R. § 86.1827-01 (2018), 40 C.F.R. § 86, Subpart S (2016) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these Regulations.
- B. Pursuant to 42 U.S.C. § 7507, these Regulations hereby adopt and incorporate certain sections of 13 and 17 California Code of Regulations as noted below in

Tables 1 and 2 by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these Regulations.

1. As authorized by 42 U.S.C. § 7507, for the purpose of applying the incorporated sections of the CCR, unless clearly inappropriate or alternatively defined in this regulation, "California" shall mean "Rhode Island" unless the context clearly indicates otherwise. For example, "delivered for sale in California" and "placed in service in California" shall mean vehicles "delivered for sale in Rhode Island" or "placed in service" are interpreted, except for determinations of whether a manufacturer is a large, medium, small, independent, low volume, or low volume manufacturer, as referring to vehicles in "Rhode Island".

Table 1

| | | |
|--------------|--|------|
| Title 13 CCR | Title | |
| Division 3 | Air Resources Board | |
| Chapter 1 | Motor Vehicle Pollution Control Devices. | |
| Article 1 | General Provisions. | |
| 1900 | Definitions. | 2022 |
| 1904 | Applicability to Vehicles Powered by Fuels Other Than Gasoline or Diesel. | |
| Article 2 | Approval of Motor Vehicle Pollution Control Devices (New Vehicles) | |
| 1956.8 | Exhaust Emissions Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles, 2021 and Subsequent Zero-Emission Powertrains, and 2022 Subsequent Model Heavy-Duty Hybrid Powertrains. | 2022 |
| 1960.1 | Exhaust Emissions Standards and Test Procedures - 1981 through 2006 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles | 2012 |

| Title 13 CCR | Title | |
|--------------|--|------|
| 1960.5 | Certification of 1983 and Subsequent Model-year Federally Certified Light-Duty Motor Vehicles for Sale in California. | 2002 |
| 1961 | Exhaust Emission Standards and Test Procedures – 2004 through 2019 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. | 2012 |
| 1961.1 | Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 through 2016 Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. | 2012 |
| 1961.2 | Exhaust Emission Standards and Test Procedures – 2015 through 2025 Model Passenger Cars, Light-Duty Trucks, and 2015 through 2028 Model Year Medium-Duty Vehicles. | 2022 |
| 1961.3 | Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles. | 2022 |
| 1961.4 | Exhaust Emission Standards and Test Procedures - 2026 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. | 2022 |
| 1962 | Zero-Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. | 2010 |
| 1962.1 | Zero-Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. | 2016 |
| 1962.2 | Zero-Emission Vehicle Standards for 2018 through 2025 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, | 2022 |
| 1962.3 | Electric Vehicle Charging Requirements. | 2022 |

| Title 13 CCR | Title | |
|--------------------------|---|------|
| 1962.4 | Zero-Emission Vehicle Requirements for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks. | 2022 |
| 1962.5 | Data Standardization Requirements for 2026 and Subsequent Model Year Light-Duty Zero Emission Vehicles and Plug-in Hybrid Electric Vehicles. | 2022 |
| 1962.6 | Battery Labeling Requirements. | 2022 |
| 1962.7 | In-Use Compliance, Corrective Action and Recall Protocols for Zero Emission for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks. | 2022 |
| 1962.8 | Warranty Requirements for Zero Emission and Batteries in Plug-in Hybrid Electric 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks. | 2022 |
| 1963 | Advanced Clean Trucks Purpose, Applicability, Definitions, and General Requirements. | 2021 |
| 1963.1 | Advanced Clean Trucks Deficits. | 2021 |
| 1963.2 | Advanced Clean Trucks Credit Generation, Banking, and Trading. | 2021 |
| 1963.3 | Advanced Clean Trucks Compliance Determination. | 2021 |
| 1963.4 | Advanced Clean Trucks Reporting and Recordkeeping. | 2021 |
| 1963.5(a)(1) through (3) | Advanced Clean Trucks Enforcement. | 2021 |
| 1964 | Special Test Procedures for Certification and Compliance - New Modifier Certified Motor Vehicles. | 2022 |

| Title 13 CCR | Title | |
|--------------|--|------|
| 1965 | Emission Control, Smog Index, and Environmental Performance Labels – 1979 and Subsequent Model-year Motor Vehicles. | 2022 |
| 1968.1 | Malfunction and Diagnostic System Requirements – 1994 and Subsequent Model-year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Engines. | 1999 |
| 1968.2 | Malfunction and Diagnostic System Requirements - 2004 and Subsequent Model-year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines. | 2022 |
| 1968.5 | Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines. | 2016 |
| 1969 | Motor Vehicle Service Information - 1994 and Subsequent Model Passenger Cars, Light-Duty trucks, and Medium-Duty engines and vehicles, and 2007 and Subsequent Model Heavy-Duty Engines. | 2022 |
| 1971.1 | On-board Diagnostic System Requirements - 2010 and Subsequent Model-year Heavy-Duty Engines. | 2022 |
| 1976 | Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions. | 2022 |
| 1978 | Standards and Test Procedures for Vehicle Refueling Emissions. | 2022 |
| Article 6 | Emission Control System Warranty. | |
| 2035 | Purpose, Applicability, and Definitions. | 2022 |
| 2036 | Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model | 2022 |

| | | |
|--------------|--|------|
| Title 13 CCR | Title | |
| | Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers. | |
| 2037 | Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles. | 2022 |
| 2038 | Performance Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles. | 2022 |
| 2039 | Emissions Control System Warranty Statement. | 1990 |
| 2040 | Vehicle Owner Obligations. | 2019 |
| 2041 | Mediation; Finding of Warrantable Condition. | 1990 |
| 2046 | Defective Catalyst. | 2022 |
| Article 7 | Procedures for Certifying Used Modifier-Certified Motor Vehicles and Licensing Requirements for Vehicles Emission Test Laboratories. | |
| 2047 | Certification Procedures for Used Modifier-certified Motor Vehicles. | 2022 |
| Chapter 2 | Enforcement of Vehicle Emission Standards and Surveillance Testing. | |
| Article 1 | Assembly-Line Testing. | |
| 2062 | Assembly-line Test Procedures - 1998 and Subsequent Model Years. | 2012 |
| Article 1.5 | Enforcement of Vehicle Emission Standards and Surveillance Testing for 2005 and Subsequent Model Year Heavy-Duty Engines and Vehicles. | |

| | | |
|--------------|--|------|
| Title 13 CCR | Title | |
| 2065 | Applicability of Chapter 2 to 2005 and Subsequent Model Year Heavy-Duty Engines and Vehicles. | 2019 |
| Article 2 | Enforcement of New and In-Use Vehicle Standards. | |
| 2101 | Compliance Testing and Inspection - New Vehicle Selection, Evaluation, and Enforcement Action. | 1999 |
| 2109 | New Vehicle Recall Provisions. | 1983 |
| 2110 | Remedial Action for Assembly-line Quality Audit Testing of Less Than a Full Calendar Quarter of Production Prior to the 2001 Model Year. | 1999 |
| Article 2.1 | Procedures for In-Use Vehicle Voluntary and Influenced Recalls. | |
| 2111 | Applicability. | 2022 |
| 2112 | Definitions. | 2022 |
| | Appendix A to Article 2.1. | |
| 2113 | Initiation and Approval of Voluntary and Influenced Emission-related Recalls. | 2022 |
| 2114 | Voluntary and Influenced Recall Plans. | 2022 |
| 2115 | Eligibility for Repair. | 2022 |
| 2116 | Repair Label. | 2022 |
| 2117 | Proof of Correction Certificate. | 2022 |
| 2118 | Notification. | 2022 |
| 2119 | Recordkeeping and Reporting Requirements. | 2022 |

| | | |
|--------------|---|------|
| Title 13 CCR | Title | |
| 2120 | Other Requirements Not Waived. | 1995 |
| 2121 | Penalties. | 2022 |
| Article 2.2 | Procedures for In-Use Vehicle Ordered Recalls. | |
| 2122 | General Provisions | 2010 |
| 2123 | Initiation and Notification of Ordered Emission-related Recalls | 2022 |
| 2125 | Ordered Recall Plan. | 2022 |
| 2126 | Approval and Implementation of Recall Plan. | 2022 |
| 2127 | Notification of Owners. | 2022 |
| 2128 | Repair Label. | 2022 |
| 2129 | Proof of Correction Certificate. | 2022 |
| 2130 | Capture Rates and Alternative Measures. | 2022 |
| 2131 | Preliminary Tests. | 2022 |
| 2132 | Communication with Repair Personnel. | 1995 |
| 2133 | Recordkeeping and Reporting Requirements. | 2022 |
| 2134 | Penalties. | 1995 |
| 2135 | Extension of Time. | 1995 |
| Article 2.3 | In-Use Vehicle Enforcement Test Procedures. | |
| 2136 | General Provisions. | 2022 |

| | | |
|--------------|---|------|
| Title 13 CCR | Title | |
| 2137 | Vehicle, Engine, and Trailer Selection. | 2022 |
| 2138 | Restorative Maintenance. | 2022 |
| 2139 | Testing. | 2022 |
| 2140 | Notification and Use of Test Results. | 2022 |
| Article 2.4 | Procedures for Reporting Failures of Emission-Related Components. | |
| 2141 | General Provisions. | 2022 |
| 2142 | Alternative Procedures. | 2022 |
| 2143 | Failure Levels Triggering Recall and Corrective Action. | 2022 |
| 2144 | Emission Warranty Information Report. | 2022 |
| 2145 | Field Information Report. | 2022 |
| 2146 | Emissions Information Report. | 2022 |
| 2147 | Demonstration of Compliance with Emission Standards. | 2022 |
| 2148 | Evaluation of Need for Recall. | 2022 |
| 2149 | Notification and Subsequent Action. | 2022 |
| Article 5 | Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action. | |
| 2166 | General Provisions. | 2022 |
| 2166.1 | Definitions. | 2022 |

| Title 13 CCR | Title | |
|--------------|---|------|
| 2167 | Required Recall and Corrective Action for Failures of Exhaust Aftertreatment Devices, Onboard Computers or Systems, Urea Dosers, Hydrocarbon Injectors, Exhaust Gas Recirculation Valves, Exhaust Gas Recirculation Coolers, Turbochargers, Fuel Injectors. | 2022 |
| 2168 | Required Corrective Action and Recall for Emission-Related Component Failures. | 2022 |
| 2169 | Required Recall or Corrective Action Plan. | 2022 |
| 2169.1 | Approval and Implementation of Corrective Action Plan. | 2022 |
| 2169.2 | Notification of Owners. | 2022 |
| 2169.3 | Repair Label. | 2022 |
| 2169.4 | Proof of Correction Certificate. | 2022 |
| 2169.5 | Preliminary Tests. | 2022 |
| 2169.6 | Communication with Repair Personnel. | 2022 |
| 2169.7 | Recordkeeping and Reporting Requirements. | 2022 |
| 2169.8 | Extension of Time. | 2022 |
| 2170 | Penalties. | 2022 |
| Chapter 4 | Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives | |
| Article 2 | Aftermarket Parts | |
| 2222 | Add-On Parts and Modified Parts. | 2022 |

| | | |
|--------------|---|------|
| Title 13 CCR | Title | |
| Chapter 4.4 | Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks. | |
| 2235 | Requirements. | 2012 |

Table 2

| | | |
|----------------|--|------|
| Title 17 CCR | Title | |
| Division 3 | Air Resources | |
| Chapter 1 | Air Resources Board. | |
| Subchapter 10 | Climate Change. | |
| Article 4 | Regulations to Achieve Greenhouse Gas Emission Reductions. | |
| Sub-article 12 | Greenhouse Gas Emission Requirements for New 2014 and Subsequent Model Heavy-Duty Vehicles. | |
| 95660 | Purpose. | 2022 |
| 95661 | Applicability. | 2022 |
| 95662 | Definitions. | 2022 |
| 95663 | Greenhouse Gas Exhaust Emission Standards and Test Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles. | 2022 |

37.5 Definitions

- A. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to Part 0 of this Subchapter (General Definitions) and, as authorized by 42 U.S.C. § 7507, certain sections of 13 and 17 CCR incorporated by reference in § 37.4(B) of this Part. As used in this regulation, the following terms shall, where the context permits, be construed as follows:

1. "Add-on part" means any aftermarket part which is not a modified part or a replacement part.
2. "Aftermarket Part" means any part of a motor vehicle emission control system sold for installation on a vehicle after the original retail sale of the vehicle.
3. "California-certified" means approved by CARB for sale in California.
4. "California Air Resources Board" or "CARB" means the California state agency established and empowered to regulate sources of air pollution in California, including motor vehicles, pursuant to Division 26 (Air Resources) of the California Health & Safety Code.
5. "California standards" means those emission standards for motor vehicles and new motor vehicle engines, in force and effect at the time of adoption of these regulations, that the State of California CARB has adopted and is permitted to adopt pursuant to the authority of 42 U.S.C. § 7543 and which other states are permitted to adopt pursuant to 42 U.S.C. § 7507.
6. "CCR" means the California Code of Regulations.
7. "Dealer" means any person engaged in the business of selling, offering to sell, soliciting or advertising the sale of new vehicles who holds a valid sales and service agreement, franchise or contract, granted by the manufacturer or distributor for the retail sale of said manufacturer's or distributor's new vehicles.
8. "Emergency vehicle" means any publicly owned vehicle operated by a peace officer in performance of their duties, any authorized emergency vehicle used for fighting fires or responding to emergency fire calls, any publicly owned authorized vehicle used by an emergency medical technician or paramedic, or used for towing or servicing other vehicles, or repairing damaged lighting or electrical equipment, any motor vehicle of mosquito abatement, vector control, or pest abatement agencies and used for those purposes, or any ambulance used by a private entity under contract with a public agency.
9. "Emission control label" means a paper, plastic, metal or other permanent material, welded, riveted or otherwise permanently attached to an area within the engine compartment (if any) or to the engine in such a way that it will be visible to the average person after installation of the engine in new vehicles certified for sale in California, in accordance with 13 CCR, incorporated by reference in § 37.4(B) of this Part.
10. "Environmental performance label" means a paper or plastic decal securely affixed by the manufacturer to a window of all passenger cars, light-duty trucks, and medium-duty passenger vehicles which discloses

the global warming and smog score for the vehicle in accordance with 13 CCR, incorporated by reference in § 37.4(B) of this Part.

11. "Fleet average emission" means a vehicle manufacturer's average vehicle emissions of all greenhouse gases, non-methane organic gases (NMOG), or NMOG plus oxides of nitrogen (NOx), as applicable, from all new vehicles delivered for sale or lease in Rhode Island in any model year.
12. "Greenhouse gas" means any of the following gases: carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons.
13. "GHG Credit" means greenhouse gas credit.
14. "Gross vehicle weight rating" or "GVWR" means the value specified by the vehicle manufacturer as the maximum designed loaded weight of a single vehicle, consistent with good engineering judgment.
15. "Heavy-duty vehicle" means as defined in 13 CCR § 1900 or 17 CCR § 95662, as applicable, incorporated by reference in § 37.4(B) of this Part.
16. "Heavy-duty engine" means as defined in 13 CCR § 1900 or 17 CCR § 95662, as applicable, incorporated by reference in § 37.4(B) of this Part.
17. "Light-duty truck" means any 2000 and subsequent model motor vehicle certified to standards in 13 CCR §§ 1961(a)(1), 1961.2, or 1961.4, incorporated by reference in § 37.4(B) of this Part. rated at 8,500 pounds gross vehicle weight or less, and any other motor vehicle, rated at 6,000 pounds gross weight or less, that is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.
18. "LEV" means a low-emission vehicle.
19. "Mail out" means a widely distributed general correspondence issued by CARB whenever said board needs information from the public, or when it wishes to inform the public of new information.
20. "Manufacturer" means any independent low volume, small, intermediate or large volume vehicle manufacturer, as defined in 13 CCR § 1900, incorporated by reference in § 37.4(B) of this Part.
21. "Manufacturers advisory correspondence" means a document issued by CARB, which is a policy interpretation for further clarification of the CCR applicable to motor vehicles.
22. "Medium-duty engine" means as defined in 13 CCR § 1900 or 17 CCR § 95662, as applicable, incorporated by reference in § 37.4(B) of this Part.

23. "Medium-duty passenger vehicle" means as defined in 13 CCR § 1900, incorporated by reference in § 37.4(B) of this Part.
24. "Medium-duty vehicle" means as defined in 13 CCR § 1900 or 17 CCR § 95662, as applicable, incorporated by reference in § 37.4(B) of this Part.
25. "Model year" means a motor vehicle manufacturer's annual production period which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year. In the case of any vehicle manufactured in two (2) or more stages, the time of manufacture shall be the date of completion of the chassis, except for a vehicle or engine subject to 17 CCR § 95662(a)(16), incorporated by reference in § 37.4(B) of this Part.
26. "Motor vehicle" means a vehicle which is self-propelled but does not include a self-propelled wheelchair, invalid tricycle, or motorized quadricycle, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.
27. "New vehicle" means any vehicle with 7,500 miles or fewer on its odometer.
28. "Near-zero emission vehicle" or "NZEV" means one of the following:
 - a. An on-road plug-in hybrid electric vehicle which has the same definition as that in 40 CFR § 86.1803-01, amended on July 1, 2011, incorporated by reference herein, that achieves all-electric range as defined in 13 CCR § 1963(c)(1), incorporated by reference in § 37.4(B) of this Part; or
 - b. An on-road hybrid electric vehicle that has the capability to charge the battery from an off-vehicle conductive or inductive electric source and achieves all-electric range as defined in 13 CCR § 1963(c)(1), incorporated by reference in § 37.4(B) of this Part.
29. "NMOG credit" means non-methane organic gas credit.
30. "NMOG + NOx credit" means the combined emissions of non-methane organic gases and oxides of nitrogen credit.
31. "NOx" means oxides of nitrogen.
32. "Passenger car" means any motor vehicle designed primarily for transportation of persons and having a design capacity of twelve persons or less.
33. "Qualifying Community-based Clean Mobility Program" means a program determined by the Department to qualify as a community-based clean

mobility program pursuant to guidance issued by the Department. The Department must determine that a program qualifies as a community-based clean mobility program before a manufacturer may earn vehicle value pursuant to the requirements of 13 CCR § 1962.4, incorporated by reference in § 37.4(B) of this Part.

34. "Recall" means:
 - a. The issuing of notices directly to consumers that vehicles in their possession or control should be corrected, and/or;
 - b. Efforts to actively locate and correct vehicles in the possession or control of consumers.
35. "Recall campaign" means that plan approved by CARB or the Department, by which the manufacturer will affect the recall of non-complying vehicles.
36. "Smog index label" means a decal securely affixed by the manufacturer to a window of all passenger car and light-duty trucks which discloses the smog index for the vehicle in accordance with 13, CCR § 1965, incorporated by reference in § 37.4(B) of this Part.
37. "Tampering" means removing, disconnection, or modifying any emissions controls systems, which renders one or more components ineffective. Examples include, but are not limited to, the removal of the catalytic converter or light for the Malfunction Indicator Lamp (MIL), bypassing the Exhaust Gas Recirculation (EGR) valve, Air Injection, or Diesel Exhaust Fluid (DEF) systems, etc. Tampering also includes the installation of software, firmware, or other electric or mechanical devices that bypass, defeat, or otherwise render the vehicle's emissions control systems inoperative, including the use of simulators.
38. "Test vehicle" means an experimental or prototype motor vehicle which appears to have very low emission characteristics or a used motor vehicle within which an experimental motor vehicle pollution control device is installed, and which has also received a test vehicle or fleet permit from CARB pursuant to Manufacturers Advisory Correspondence no. 83-01.
39. "Trailer" means as defined in 17 CCR § 95662, incorporated by reference in § 37.4(B) of this Part.
40. "Used motor vehicle" means motor vehicle that is not a new motor vehicle.
41. "VECs" means vehicle equivalent credits.
42. "Vehicle or motor vehicle" means any passenger car, light-duty truck, medium-duty passenger vehicle, medium-duty vehicle, or heavy-duty vehicle as appropriate.

43. "Zero-Emission vehicle" or "ZEV" means a vehicle that produces zero exhaust emission of any criteria pollutant (or precursor pollutant) or greenhouse gas, excluding emissions from air conditioning systems, under any possible operational modes or conditions.
44. "ZEV Credit" or "ZEV value" means a unit, expressed numerically, generated in accordance with 13 CCR §§ 1962.2, 1962.4, and 1963.2, incorporated by reference in § 37.4(B) of this Part.

37.6 Applicability

- A. As authorized by 42 U.S.C. § 7507, certain sections of 13 and 17 CCR are incorporated by reference in § 37.4(B) of this Part. Wherever this regulation refers to 13 or 17 CCR without a reference to a specific section of the CCR, the reference is made to all those sections listed in, and that version of those subsections as of the operative/effective dates provided for in Table 1 or Table 2 in § 37.4 of this Part, respectively.
- B. Wherever this Part refers to a specific section of the CCR, the reference is made to that version of the section as of the effective date provided for in Table 1 or Table 2 in § 37.4 of this Part.

37.7 New Vehicle Emission Requirements

- A. No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import, acquire, receive, purchase, or rent a new vehicle that is a 2000 or subsequent model-year passenger car or light-duty truck or a 2004 or subsequent model year medium-duty vehicle in Rhode Island unless the vehicle is California-certified and complies with the following criteria:
 1. The exhaust emission standards, as applicable in 13 CCR including:
 - a. Low Emission Vehicle Program, §§ 1900, 1956.8, 1960.1, 1961, 1961.2, and 1961.4;
 - b. The Greenhouse Gas Emission Standards Program, §§ 1961.1 and 1961.3, and;
 - c. The Zero Emission Vehicle Program, §§ 1962, 1962.1, 1962.2, 1962.4, 1962.5, and 1962.6.
 2. The emission control label requirements, the smog index label or the environmental performance label requirements for 2002 through 2009 model year vehicles, and the environmental performance label requirements for 2010 and subsequent model year vehicles in accordance with 13 CCR § 1965.
 3. The evaporative emissions standards in 13 CCR § 1976.

4. The refueling emissions standards in 13 CCR § 1978.
 5. The malfunction and diagnostic system requirements in 13 CCR §§ 1968.1 and 1968.2.
 6. The assembly-line testing procedure requirements in 13, CCR § 2062.7. The specifications for fill pipes and openings of motor vehicle fuel tanks in 13 CCR § 2235.
- B. Effective for model year 2027 and subsequent model years, any manufacturer that certifies on-road vehicles over 8,500 pounds GVWR for sale or lease in Rhode Island must comply with:
1. The Advanced Clean Trucks rule as incorporated by reference in § 37.4 of this Part and in 13 CCR §§ 1963 through 1963.5.
- C. No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import, acquire, receive, purchase, or rent a new vehicle that is a 2027 or subsequent model-year medium- and heavy-duty engine or vehicle, or trailer in Rhode Island unless the vehicle is California-certified and complies with the following criteria:
1. All applicable emissions standards, testing procedures, warranty, reporting, recall and other applicable requirements of the Heavy-Duty Engine and Vehicle Omnibus Regulation as incorporated by reference in § 37.4 of this Part and in 13 and 17 CCR;
 2. All applicable emissions standards, testing procedures, warranty, reporting, recall and other applicable requirements of California Greenhouse Gas Emissions Standards for Medium- and Heavy-Duty Engines, Vehicles, and Trailers (Phase 2) as incorporated by reference in § 37.4 of this Part and 13 and 17 CCR.
- D. Pursuant to the requirements of 42 U.S.C. 7507, the Department shall apply technical guidance issued by CARB relative to the implementation of 13 and 17 CCR, including but not limited to Manufacturers Advisory Correspondences and Mail outs shall be applicable to all vehicles subject to this regulation.

37.8 Manufacturer Fleet Requirements

- A. Each manufacturer shall meet the following fleet requirements for the new vehicles delivered for sale or lease, or for the purposes of Advanced Clean Trucks sold to the ultimate purchaser, in Rhode Island.
1. Effective model years 2004 through 2014, each manufacturer shall comply with the Fleet Average NMOG Emission Requirements (or NMOG + NO_x for 2014 model year only) and LEV II phase-in requirements for passenger cars and light-duty trucks and, for 2000 and subsequent model years, may

earn and bank NMOG credits, both in accordance with 13 CCR § 1961, except NMOG credits earned prior to model year 2004 shall be treated as though they were earned in model year 2004.

2. Effective model years 2004 through 2014, each manufacturer shall comply with the LEV II medium-duty vehicle phase-in requirements and, for model years 2004 through 2014, may earn and bank VECs, both in accordance with 13 CCR § 1961, except VECs earned prior to model year 2007 shall be treated as though they were earned in model years 2007. Starting with model year 2007 through 2014, all medium-duty vehicles are subject to the LEV II standards in accordance with 13 CCR § 1961.
3. Effective model years 2015 through 2025, passenger cars and light-duty trucks, and model years 2015 through 2028 medium-duty vehicles, each manufacturer shall comply with the fleet average NMOG + NO_x emission requirements and the LEV III phase-in requirements, and may earn and bank NMOG + NO_x credits or VECs as applicable, all in accordance with 13 CCR § 1961.2.
4. Effective for model years 2027 and subsequent model years, each manufacturer shall comply with the fleet average NMOG + NO_x emission requirements and the LEV IV phase-in requirements for passenger cars, light-duty trucks, and medium-duty vehicles, and may earn and bank NMOG + NO_x credits or VECs as applicable, in accordance with 13 CCR § 1961.4.
5. Effective for model years 2009 through 2016, each manufacturer shall comply with the Fleet Average Greenhouse Gas Emission Requirements for passenger cars, light-duty trucks, and medium-duty passenger vehicles, and for 2000 and subsequent model years may earn and bank GHG credits, in accordance with, 13 CCR § 1961.1.
6. Effective for model year 2017 and subsequent model years, each manufacturer shall comply with the fleet average emission greenhouse gas requirements for passenger cars, light-duty trucks, and medium-duty passenger vehicles, and may earn and bank GHG credits, in accordance with 13 CCR § 1961.3.
7. Effective for model years 2007 through 2008, each manufacturer shall comply with the Zero Emission Vehicle sales requirements and, starting with 2000 model year vehicles, may earn and bank ZEV credits, both in accordance with 13 CCR § 1962.
8. Effective for model years 2009 through 2017, each manufacturer shall comply with the Zero Emission Vehicle sales requirement, and starting with 2000 model year vehicles, may earn and bank ZEV credits, both in accordance with 13 CCR § 1962.1.

9. Effective for model year 2018 through 2025, each manufacturer shall comply with the Zero Emission Vehicle sales requirement and, starting with 2000 model year vehicles, may earn and bank ZEV credits both in accordance with 13 CCR § 1962.2.
10. Effective for model year 2027 and subsequent model years, each manufacturer shall comply with the Zero Emission Vehicle sales requirements and, starting with 2025 model year vehicles, may earn and bank ZEV value, both in accordance with 13 CCR § 1962.4.
11. Effective for model year 2027 and subsequent model years, each manufacturer shall comply with the Advanced Clean Trucks sales requirement for medium and heavy-duty vehicles as applicable, and for 2024 and subsequent model years may earn, bank, and trade ZEV and NLEV credits both in accordance with 13 CCR §§ 1963 through 1963.5.
12. Effective for model year 2027 and subsequent model years, each manufacturer shall comply with the Heavy-Duty Engine and Vehicle Omnibus Regulation emissions standards for applicable medium- and heavy-duty engines and vehicles, and for 2022 and subsequent model years may earn, bank, and trade credits in accordance with 13 CCR § 1956.8, unless provided an exemption in § 37.9 of this Part.
13. Effective for model year 2027 and subsequent model years, each manufacturer shall comply with the Phase 2 greenhouse gas emissions standards for applicable medium and heavy-duty vehicles, and trailers, and for 2024 and subsequent model years may earn, bank and trade credits, in accordance with 13 CCR §§ 95660 through 95664.

37.9 Exemptions

- A. In addition to any exceptions or exemptions in 13 and 17 CCR, new motor vehicles are exempt if:
 1. Defined as test vehicles, as emergency vehicles, or qualifying for exemption under California Health and Safety Code § 43656;
 2. For the purposes of Heavy-Duty Engines and Vehicle Omnibus only, model year 2027 and subsequent "transit agency diesel-fueled bus" pursuant to 13 CCR § 1956.8(a)(2)(F), for which there is no CARB certification;
 3. For the purposes of Advanced Clean Trucks only, a vehicle defined as an "excluded bus" pursuant to 13 CCR § 1963(c)(11);
 4. Designed exclusively for off-highway use;

5. Held for daily lease or rental to the general public or engaged in interstate commerce which are registered and principally operated outside the State of Rhode Island;
6. Purchased by a nonresident prior to establishing residency in the State of Rhode Island;
7. Transferred by inheritance, or by decree of divorce, dissolution or legal separation entered by a court of competent jurisdiction;
8. Acquired by a resident of the State of Rhode Island for the purpose of replacing a vehicle registered to said resident which was damaged or inoperative, beyond reasonable repair, or was stolen while out of the State; provided that such replacement vehicle is acquired out of the State at the time the previously registered vehicle became damaged or inoperative, beyond reasonable repair, or was stolen.
9. Military tactical vehicles and military tactical facilities owned or operated by the United States Department of Defense or any of the United States military services.

37.10 Tampering Prohibited

- A. No person shall disconnect, modify, alter, or otherwise render inoperative any emission control device or system of a motor vehicle, except to repair or replace a part or all of the emissions control system to return the emission control system to its original manufacturer's certified specifications.
- B. No person shall knowingly operate a motor vehicle unless all air pollution control systems are in place and in operating condition.
- C. No person shall rent, lease, offer for sale, or in any manner transfer ownership of a motor vehicle unless all air pollution control systems are in place and in operating condition.
- D. No person shall operate or leave standing upon any highway, any motor vehicle subject to this regulation or subject to the motor vehicle emission standards adopted pursuant to 42 U.S.C. § 7521 unless the motor vehicle is equipped with all of the required certified devices which are correctly installed and in operating condition.

37.11 Warranty

- A. For California-certified vehicles delivered for sale or lease, or registered in the State of Rhode Island shall warrant to the owner that each vehicle shall comply over its period of warranty coverage with all requirements of 13 CCR §§ 1962.8, 2035 through 2038, 2040 and 2046.

- B. All manufacturers shall include the emission control system warranty statement required by 13 CCR § 2039, modified by some means (e.g., printed within the text or a sticker) to clearly inform Rhode Island owners of a California-certified vehicles that the California Warranty applies to the vehicle. This statement shall provide a telephone number appropriate for Rhode Island.
- C. For purposes of compliance with this Part, manufacturers may submit copies of the Failure of Emission-Related Components reports that are submitted to CARB in lieu of submitting reports for vehicles subject to this regulation.

37.12 Manufacturer Reporting Requirements

37.12.1 Delivery Reporting

- A. Each manufacturer shall submit annually, to the Department, by no later than March 1 of the calendar year following the close of the completed model year, a report, itemized by test group and emission standard, documenting total new vehicles delivered for sale or lease of vehicles in the State of Rhode Island.

37.12.2 Fleet Reporting

- A. Each manufacturer shall submit annually to the Department, by no later than May 1 of the calendar year following the close of the completed model year, a report, itemized by test group and emission standard, that demonstrates that the manufacturer has met the fleet requirements of § 37.8(A) of this Part.
- B. If a manufacturer wants to bank VECs or GHG, NMOG, NMOG + NO_x, ZEV, or NZEV credit or value, the manufacturer shall submit annually to the Department, by no later than May 1 of the calendar year following the close of the completed model year, a report which demonstrates that such manufacturer has earned VECs or GHG, NMOG, ZEV, or NZEV credits or values in Rhode Island. Credits or value are to be calculated in the same manner as required by CARB.

37.12.3 Recall Reporting

- A. For information and not approval by Rhode Island, each manufacturer shall submit, within 30 days of CARB approval, a copy of any CARB approved voluntary, influenced or ordered recall plan specified in 13 CCR §§ 1962.7, 2114, 2125, and 2169 supplemented with the number of affected vehicles registered in Rhode Island.
- B. For information and not for approval by Rhode Island, each manufacturer shall submit, upon request, submit recall campaign progress reports for vehicles registered in Rhode Island, within the timelines of, and containing the information required by, 13 CCR §§ 1962.7, 2119, 2133, and 2169.7. Reports need not be submitted to the Department if the equivalent reports have been waived by CARB.

37.12.4 Documentation

- A. A manufacturer, a dealer or a transporter of new vehicles shall, upon request, provide to the Department any documentation, including but not limited to the Vehicle Identification Numbers, which the Department determines to be necessary for the effective administration and enforcement of this Part.
- B. Reports and other information required by this Part must be submitted to:
Part37.AirCompliance@dem.ri.gov

37.13 Enforcement

- A. The Department may conduct inspection and surveillance of new and used motor vehicles for the purposes of determining compliance with the requirements set forth in § 37.7 of this Part.
 - 1. Inspections by the Department or its agents, pursuant to § 37.12(A) of this Part, may be conducted on any premises owned, operated, used, leased, or rented by any vehicle dealer or manufacturer.
 - 2. Inspection may extend to all emission-related parts and operation and may require the on-premises operation and testing of an engine or vehicle.
 - 3. Inspections may include functional tests, and other tests as reasonably necessary to verify compliance with this regulation.
- B. Upon request, during an inspection, such dealer or manufacturer must make available to the Department any related records documenting vehicle origin, certification, delivery, or sales and records of emission related part repairs performed under warranty.
- C. The Department shall enforce the requirements of this regulation in accordance with 13 CCR and applicable federal and Rhode Island law.

250-RICR-120-05-37

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 120 - AIR RESOURCES

SUBCHAPTER 05 - AIR POLLUTION CONTROL

PART 37 - RHODE ISLAND'S LOW-EMISSION VEHICLE PROGRAM

Type of Filing: Amendment

Agency Signature

Agency Head Signature

Agency Signing Date

Department of State

Regulation Effective Date

Department of State Initials

Department of State Date