OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CHAPTER III. AIR RESOURCES
SUBCHAPTER A. PREVENTION AND CONTROL OF AIR CONTAMINATION AND AIR POLLUTION
PART 217. MOTOR VEHICLE EMISSIONS
SUBPART 217-1. MOTOR VEHICLE ENHANCED INSPECTION AND MAINTENANCE PROGRAM REQUIREMENTS UNTIL DECEMBER 31, 2010

(Statutory authority: Environmental Conservation Law, §§ 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-0320, 71-2103, 71-2105; Vehicle and Traffic Law, §§ 301[c], 375.28)

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Contents:

Sec.

§217-1.1 Definitions

(a) *Composite.* The value obtained by dividing the sum of the mass of the specific pollutant obtained in each second of the IM240 test or mode, by the number of miles driven in the test or test mode.

(b) *Department.* The New York State Department of Environmental Conservation.

(c) *Gross vehicle weight rating (GVWR).* The value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

(d) *IM240 Test.* The EPA standard test which consists of a transient driving cycle simulating actual driving conditions by the use of a dynamometer of 240 seconds duration during which emissions of carbon monoxide, hydrocarbons, oxides of nitrogen and carbon dioxide are measured. (Other test methods will be correlated to the IM240 test. See footnote for table 1a.)

(e) *Light duty truck 1 (LDT1).* Any motor vehicle rated at 6,000 pounds GVWR or less, and which has a basic frontal area of 45 square feet or less, which is:

(1) designed primarily for transporting property, or is a derivation of such a vehicle;

(2) designed primarily for transporting people, and has a capacity of more than 12 persons; or

(3) available with special features enabling off-street or off-highway operation and use.

(f) *Light duty truck 2 (LDT2).* Any motor vehicle rated above 6,000 pounds GVWR, but not greater than 8,500 pounds GVWR, and which has a basic frontal area of 45 square feet or less, which is:

(1) designed primarily for transporting property, or is a derivation of such a vehicle;

(2) designed primarily for transporting people, and has a capacity of more than 12 persons; or

(3) available with special features enabling off-street or off-highway operation and use.

(g) *Light Duty Vehicle (LDV).* A passenger car capable of seating 12 or fewer passengers.

(h) *Model year.* The manufacturer's annual production period for each engine family which includes January 1st of such calendar year, or, if the manufacturer has no production period, the calendar year. In the case of any motor vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

(i) *Motor vehicle.* Motor vehicle shall have the same meaning as all of the following terms: *motor vehicle* in section 125 of the Vehicle and Traffic Law (VTL), and the term *limited use automobiles* in section 121-a of the VTL and the term *trailers* in section 156 of the VTL, except for those vehicles specifically set forth in subdivisions 15 NYCRR 79.2(d) and (e).

(j) *New York metropolitan enhanced inspection and maintenance region.* The region comprising the counties of Suffolk (except Fisher's Island), Nassau, Kings, Queens, Richmond, New York, Bronx, Westchester, and Rockland.

(k) *Official emissions inspection station.* A facility that has obtained a license from the commissioner of Motor Vehicles, under section 303 of the VTL, to perform motor vehicle emissions inspections in New York State.

(l) *Phase 2.* The composite value obtained from second 94 through second 239 of the IM240 test cycle.

§217-1.2 Applicability of compliance

(a) Effective in accordance with the provisions of 15 NYCRR 79, section 217-1.3(a) and (b) of this Subpart apply to all nonelectric or nondiesel powered motor vehicles registered or primarily operated in the New York metropolitan enhanced inspection region.

(b) Effective in accordance with the provisions of 15 NYCRR 79, section 217-1.3(c) of this Subpart applies to all nonelectric or nondiesel powered motor vehicles registered or primarily operated in any county in the State not included in the New York metropolitan enhanced inspection and maintenance region.

§217-1.3 Motor vehicle exhaust emission standards and inspection procedures

(a) In accordance with the applicability set forth in section 217-1.2 of this Subpart, no person who owns, operates, or leases a nonelectric or nondiesel powered motor vehicle subject to the requirements of this section shall operate said vehicle, or allow or permit it to be operated, in such a manner that:

(1) it emits carbon monoxide (CO), oxides of nitrogen (NO_x), or hydrocarbons (HC) in the exhaust in excess of standards specified in tables 1a and 1b; or

(2) for gasoline powered motor vehicles only, the gas cap fails to meet the minimum standard contained in table 2 of this Subpart; or

(3) for model year 1996 and newer motor vehicles, the on-board diagnostic system;

(i) fails to function as designed; or

(ii) fails to complete diagnostic routines for necessary supported emission control systems; or

(iii) indicates that the malfunction indicator light fails to illuminate at the starter switch key-on-engine-off position; or

(iv) the malfunction indicator light is illuminated when the engine is running; or

(v) the malfunction indicator light is commanded to be illuminated; or

(4) the combined carbon monoxide (CO) and carbon dioxide (CO_2) emission from the vehicle tailpipe is less than 6.0 percent.

(b) In accordance with the applicability set forth in section 217-1.2 of this Subpart, any person who owns, operates, or leases a nonelectric or nondiesel powered motor vehicle subject to the requirements of this section shall have adjustments, repairs, or replacements made to said vehicle to ensure that the requirements of subdivision (a) of this section are met unless an emission inspection waiver is issued by the Department of Motor Vehicles pursuant to section 79.25 of 15 NYCRR Part 79.

(c) In accordance with the applicability set forth in section 217-1.2 of this Subpart, no person who owns, operates, or leases a nonelectric or nondiesel powered motor vehicle subject to the requirements of this section shall operate said vehicle, or allow or permit it to be operated, in such a manner that:

(1) for gasoline powered vehicles, the gas cap fails to meet the minimum standard contained in table 2; or

(2) for model year 1996 and newer motor vehicles, the on-board diagnostic system:

(i) fails to function as designed; or

(ii) fails to complete diagnostic routines for necessary supported emission control systems; or

(iii) indicates that the malfunction indicator light fails to illuminate at the starter switch Key-On-Engine-Off position; or

(iv) the malfunction indicator light is illuminated when the engine is running; or

(v) the malfunction indicator light is commanded to be illuminated.

(d) *Table 1a*

Table 1a

VEHICLE EXHAUST EMISSION STANDARDS*
(Start-up Standards)

Light Duty Vehicles

Model Year	***Hydrocarbon (grams per mile)***		***Carbon Monoxide (grams per mile)***		***Oxides of Nitrogen (grams per mile)***	
	Composite	***Phase 2***	***Composite***	***Phase 2***	***Composite***	***Phase 2***
1994+ Tier1	0.80-10.00	0.50-6.00	15.0-150.0	12.0-120.0	2.0-10.0	2.0-10.0
1995	1.20-10.00	0.75-6.00	20.0-150.0	16.0-120.0	2.5-10.0	2.5-10.0
1994	1.20-10.00	0.75-6.00	20.0-150.0	16.0-120.0	2.5-10.0	2.5-10.0

1993	1.20-10.00	0.75-6.00	20.0-150.0	16.0-120.0	2.5-10.0	2.5-10.0
1992	1.20-10.00	0.75-6.00	20.0-150.0	16.0-120.0	2.5-10.0	2.5-10.0
1991	1.20-10.00	0.75-6.00	20.0-150.0	16.0-120.0	2.5-10.0	2.5-10.0
1990	2.00-10.00	1.25-6.00	30.0-150.0	24.0-120.0	3.0-10.0	3.0-10.0
1989	2.00-10.00	1.25-6.00	30.0-150.0	24.0-120.0	3.0-10.0	3.0-10.0
1988	2.00-10.00	1.25-6.00	30.0-150.0	24.0-120.0	3.0-10.0	3.0-10.0
1987	2.00-10.00	1.25-6.00	30.0-150.0	24.0-120.0	3.0-10.0	3.0-10.0
1986	2.00-10.00	1.25-6.00	30.0-150.0	24.0-120.0	3.0-10.0	3.0-10.0
1985	2.00-10.00	1.25-6.00	30.0-150.0	24.0-120.0	3.0-10.0	3.0-10.0
1984	2.00-10.00	1.25-6.00	30.0-150.0	24.0-120.0	3.0-10.0	3.0-10.0
1983	2.00-10.00	1.25-6.00	30.0-150.0	24.0-120.0	3.0-10.0	3.0-10.0
1982	2.00-10.00	1.25-6.00	60.0-150.0	48.0-120.0	3.0-10.0	3.0-10.0
1981	2.00-10.00	1.25-6.00	60.0-150.0	48.0-120.0	3.0-10.0	3.0-10.0

	Hydrocarbon (ppm at idle)	***Carbon Monoxide (percent at idle)***
1981 and later	220	1.2
1979-1980	300	2.5
1975-1978	300	3.0
1968-1974	700	6.0

*Actual exhaust emission standards shall be set by the department during the start-up phase (a period of up to two years) from the range presented. Initially, these standards will be those recommended by the USEPA as contained in table 1a in bold print (most stringent). Standards listed are based upon the IM240 test. Other test methods may be used but cutpoints used for other tests will be set to yield the same failures as would be realized using the IM240 test. Standards may be changed within the range for each model year if repair facilities experience significant problems in repairing failed vehicles to meet standards or if actual failure rates vary substantially from those predicted. The department reserves the right to set adjustment factors for nongasoline or nondiesel fueled vehicles. The department shall publish notice of any changes to the standards in the Environmental Notice Bulletin.

Light Duty Trucks 1 (6,000 lbs. GVWR or less)						
Model Year	***Hydrocarbon (grams per mile)***		***Carbon Monoxide (grams per mile)***		***Oxides of Nitrogen (grams per mile)***	
	Composite	***Phase 2***	***Composite***	***Phase 2***	***Composite***	***Phase 2***
1994+ Tier1						
(<3750 LVW)	0.80-10.00	0.50-6.00	15.0-150.0	12.0-120.0	2.0-10.0	2.0-10.0
(>3750 LVW)	1.00-10.00	0.63-6.00	20.0-150.0	16.0-120.0	2.5-10.0	2.5-10.0
1995	2.40-10.00	1.50-6.00	60.0-150.0	48.0-120.0	3.0-10.0	3.0-10.0
1994	2.40-10.00	1.50-6.00	60.0-150.0	48.0-120.0	3.0-10.0	3.0-10.0
1993	2.40-10.00	1.50-6.00	60.0-150.0	48.0-120.0	3.0-10.0	3.0-10.0
1992	2.40-10.00	1.50-6.00	60.0-150.0	48.0-120.0	3.0-10.0	3.0-10.0

1991	2.40-10.00	1.50-6.00	60.0-150.0	48.0-120.0	3.0-10.0	3.0-10.0
1990	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	3.5-10.0	3.5-10.0
1989	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	3.5-10.0	3.5-10.0
1988	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	3.5-10.0	3.5-10.0
1987	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	7.0-10.0	7.0-10.0
1986	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	7.0-10.0	7.0-10.0
1985	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	7.0-10.0	7.0-10.0
1984	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	7.0-10.0	7.0-10.0
1983	7.50-10.00	5.00-6.00	100.0-150.0	80.0-120.0	7.0-10.0	7.0-10.0
1982	7.50-10.00	5.00-6.00	100.0-150.0	80.0-120.0	7.0-10.0	7.0-10.0
1981	7.50-10.00	5.00-6.00	100.0-150.0	80.0-120.0	7.0-10.0	7.0-10.0

	Hydrocarbon (ppm at idle)	***Carbon Monoxide (percent at idle)***
1981 and later	220	1.2
1979-1980	300	2.5
1975-1978	300	3.0
1968-1974	700	6.0

Light Duty Trucks 2
(6,001 - 8,500 lbs. GVWR)

Model Year	***Hydrocarbon (grams per mile)***		***Carbon Monoxide (grams per mile)***		***Oxides of Nitrogen (grams per mile)***	
	Composite	***Phase 2***	***Composite***	***Phase 2***	***Composite***	***Phase 2***
1994+ Tier1						
(<5750 LVW)	1.00-10.00	0.63-6.00	20.0-150.0	16.0-120.0	2.5-10.0	2.5-10.0
(>5750 LVW)	2.40-10.00	1.50-6.00	60.0-150.0	48.0-120.0	4.0-10.0	4.0-10.0
1995	2.40-10.00	1.50-6.00	60.0-150.0	48.0-120.0	4.5-10.0	4.5-10.0
1994	2.40-10.00	1.50-6.00	60.0-150.0	48.0-120.0	4.5-10.0	4.5-10.0
1993	2.40-10.00	1.50-6.00	60.0-150.0	48.0-120.0	4.5-10.0	4.5-10.0
1992	2.40-10.00	1.50-6.00	60.0-150.0	48.0-120.0	4.5-10.0	4.5-10.0
1991	2.40-10.00	1.50-6.00	60.0-150.0	48.0-120.0	4.5-10.0	4.5-10.0
1990	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	5.0-10.0	5.0-10.0
1989	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	5.0-10.0	5.0-10.0
1988	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	5.0-10.0	5.0-10.0
1987	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	7.0-10.0	7.0-10.0
1986	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	7.0-10.0	7.0-10.0
1985	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	7.0-10.0	7.0-10.0
1984	3.20-10.00	2.00-6.00	80.0-150.0	64.0-120.0	7.0-10.0	7.0-10.0

1983	7.50-10.00	5.00-6.00	100.0-150.0	80.0-120.0	7.0-10.0	7.0-10.0
1982	7.50-10.00	5.00-6.00	100.0-150.0	80.0-120.0	7.0-10.0	7.0-10.0
1981	7.50-10.00	5.00-6.00	100.0-150.0	80.0-120.0	7.0-10.0	7.0-10.0

	Hydrocarbon (ppm at idle)	***Carbon Monoxide (percent at idle)***
1981 and later	220	1.2
1979-1980	300	2.5
1975-1978	300	3.0
1968-1974	700	6.0

Heavy Duty Trucks
(over 8,500 lbs. GVWR)

	Hydrocarbon (ppm at idle)	***Carbon Monoxide (percent at idle)***
1979 and later	300	3.0
1974-1978	600	4.5
1970-1973	700	6.0

(e) *Table 1b.*

Table 1b

VEHICLE EXHAUST EMISSION STANDARDS
(Final Standards)

Light Duty Vehicles

Model Year	***Hydrocarbon (grams per mile)***		***Carbon Monoxide (grams per mile)***		***Oxides of Nitrogen (grams per mile)***	
	Composite	***Phase 2***	***Composite***	***Phase 2***	***Composite***	***Phase 2***
1994+ Tier1	0.60	0.40	10.0	8.0	1.5	1.5
1983-1995	0.80	0.50	15.0	12.0	2.0	2.0
1981-1982	0.80	0.50	30.0	24.0	2.0	2.0

	Hydrocarbon (ppm at idle)	***Carbon Monoxide (percent at idle)***
1981 and later	220	1.2
1979-1980	300	2.5
1975-1978	300	3.0
1968-1974	700	6.0

Light Duty Trucks 1
(6,000 lbs. GVWR or less)

Model Year	***Hydrocarbon (grams per mile)***	***Carbon Monoxide (grams per mile)***	***Oxides of Nitrogen (grams per mile)***

	Composite	*Phase 2*	*Composite*	*Phase 2*	*Composite*	*Phase 2*
1994+ Tier1						
(<3750 LVW)	0.60	0.40	10.0	0.8	1.5	1.5
(>3750 LVW)	0.80	0.50	13.0	10.0	1.8	1.8
1988-1995	1.60	1.00	40.0	32.0	2.5	2.5
1984-1987	1.60	1.00	40.0	32.0	4.5	4.5
1981-1983	3.40	2.00	70.0	56.0	4.5	4.5

	Hydrocarbon (ppm at idle)	*Carbon Monoxide (percent at idle)*
1981 and later	220	1.2
1979-1980	300	2.5
1975-1978	300	3.0
1968-1974	700	6.0

Light Duty Trucks 2
(6,001 - 8,500 lbs. GVWR)

Model Year	*Hydrocarbon (grams per mile)*		*Carbon Monoxide (grams per mile)*		*Oxides of Nitrogen (grams per mile)*	
	Composite	*Phase 2*	*Composite*	*Phase 2*	*Composite*	*Phase 2*
1994+ Tier1						
(<5750 LVW)	0.80	0.50	13.0	10.0	1.8	1.8
(>5750 LVW)	0.80	0.50	15.0	12.0	2.0	2.0
1988-1995	1.60	1.00	40.0	32.0	3.5	3.5
1984-1987	1.60	1.00	40.0	32.0	4.5	4.5
1981-1983	3.40	2.00	70.0	56.0	4.5	4.5

	Hydrocarbon (ppm at idle)	*Carbon Monoxide (percent at idle)*
1981 and later	220	1.2
1979-1980	300	2.5
1975-1978	300	3.0
1968-1974	700	6.0

Heavy Duty Trucks
(over 8,500 lbs. GVWR)

	Hydrocarbon (ppm at idle)	*Carbon Monoxide (percent at idle)*
1979 and later	300	3.0
1974-1978	600	4.5
1970-1973	700	6.0

(f) *Table 2.*

Table 2

Gas Cap Integrity Test

Model Year	***Initial System Pressure***	***Standard***
1968 and later	30±1 inches of water	Leak rate of less than or equal to 60 cc/min

§217-1.4 Issuance of Certificate of Inspection

No official inspection station as defined by 15 NYCRR 79.1(g) may issue an emission certificate of inspection, as defined by 15 NYCRR 79.1(a), for a motor vehicle, unless that motor vehicle meets the requirements of section 217-1.3 of this Subpart.