

BUREAU OF AIR QUALITY CONTROL

CHAPTER 127: NEW MOTOR VEHICLE EMISSION STANDARDS

SUMMARY: This regulation establishes motor vehicle emission standards for new passenger cars, light duty trucks, and medium duty vehicles.

1. Scope/Applicability.

This regulation applies statewide.

2. Definitions.

A. California-certified. “California-certified” means having a valid executive order and approved by CARB for sale in California.

B. CARB. “CARB” means the California Air Resources Board.

C. Dealer. “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.

D. Delivered for Sale. “Delivered for sale” means delivered for sale or for lease in Maine.

E. Emergency Vehicle. “Emergency vehicle” means any authorized vehicle publicly owned and operated that is used by a peace officer, used for fighting fires or responding to emergency fire calls, used by emergency medical technicians or paramedics, used for towing or servicing other vehicles, used for repairing damaged lighting or electrical equipment.

F. Emission Control Labels. “Emission Control Labels” 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 all new vehicles certified for sale in California, in accordance with Title 13, California Code of Regulations Section 1965.

G. Fleet Average Emission. “Fleet average emission” means a vehicle manufacturer's average vehicle emissions of all non-methane organic gases from all new vehicles delivered for sale to Maine in any model-year.

H. Light-Duty Truck. “Light-duty truck” means any 2000 and subsequent model vehicle certified to standards in Title 13, California Code of Regulations Section 1961(a)(1) rated at 8500 pounds gross vehicle weight or less, and any other vehicle rated at 6000 pounds gross vehicle weight or less, which 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.

I. Manufacturer. “Manufacturer” means any small, intermediate or large volume vehicle manufacturer as defined in Title 13, California Code of Regulations Section 1900.

J. Medium-Duty Vehicle. “Medium-duty vehicle” means any 2003 through 2006 model-year heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Title 13, California Code of Regulations Sections 1956.8 (g) or (h) or 1960.1(h)(2), having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; any 2000 through 2003 model-year heavy duty vehicle certified to the standards in Title 13, California Code of Regulations Section 1960.1(h)(1) having a manufacturer gross vehicle weight rating of 14,000 lbs. or less; and any 2003 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Title 13, California Code of Regulations Sections 1956.8 (g) or (h), 1961(a)(1) or 1962 having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.

K. Model-year. “Model-year” means the manufacturer's annual production period for each engine family 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 motor vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

L. New Motor Vehicle. “New motor vehicle” means any vehicle with 7,500 miles or fewer on its odometer

M. NMOG Credit. “NMOG credit” means non-methane organic gas credit.

N. Passenger car. “Passenger car” means any motor vehicle designed with a capability for transportation of human beings and having a design capacity of

twelve individuals or less.

O. Recall. “Recall” means:

(1) A manufacturer’s issuing of notices directly to consumers that vehicles in their possession or control should be corrected; and/or

(2) A manufacturer’s efforts to actively locate and correct vehicles in the possession or control of consumers.

P. Smog Index Label. “Smog index label” means a decal securely affixed by the manufacturer to a window of all passenger cars and light-duty trucks which discloses the smog index for the vehicle in accordance with Title 13, California Code of Regulations Section 1965.

Q. Ultimate purchaser. “Ultimate purchaser” means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases a new motor vehicle or new motor vehicle engine for purposes other than resale.

R. VECs. “VECs” means vehicle equivalent credits.

3. Incorporation By Reference.

This chapter incorporates by reference certain sections of Title 13, California Code of Regulations. Appendix A lists the sections Title 13, California Code of Regulations incorporated by reference and the respective amended date for each section. The sections of Title 13, California Code of Regulations incorporated by reference in this chapter are the version of the section as of the amended date in Appendix A.

4. Prohibitions.

A. New Vehicle Emission Requirements. No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import, or rent a new vehicle that is a 2001 or subsequent model-year passenger car or light-duty truck or a 2003 or subsequent model-year medium-duty vehicle unless the vehicle is California-certified and complies with the following criteria:

(1) the exhaust emissions standards in Title 13, California Code of Regulations Sections 1956.8(g) or (h), 1960.1, 1961(a) or 1962(a);

(2) the emission control label and for 2002 or subsequent model-years, the

smog index label requirements, in accordance with Title 13, California Code of Regulations Section 1965;

(3) the evaporative emissions standards in Title 13, California Code of Regulations Sections 1976;

(4) the refueling emissions standards in Title 13, California Code of Regulations Section 1978;

(5) the malfunction and diagnostic system requirements in Title 13, California Code of Regulations Section 1968.1;

(6) the assembly-line testing procedure requirements in Title 13, California Code of Regulations Section 2062; and

(7) the specifications for fill pipes and openings of motor vehicle fuel tanks in Title 13, California Code of Regulations Section 2235.

B. Exemptions. Section 4(A) shall not apply to a new vehicle:

(1) defined as an emergency vehicle;

(2) with a right-hand drive configuration that is not available in a California-certified model, purchased by a rural route postal carrier and used primarily for work;

(3) designed exclusively for off-highway use; or

(4) certified to standards promulgated pursuant to the authority contained in 42 U.S.C. Section 7521 and which is in the possession of a rental agency in Maine and is next rented with a final destination outside of Maine;

5. Warranty.

For all 2004 and subsequent model-year California-certified vehicles delivered for sale to Maine, each manufacturer shall provide a warranty for the ultimate purchaser and each subsequent purchaser that complies with the requirements of Title 13, California Code of Regulations Sections 2035 through 2038, 2040 and 2046.

6. Recall.

For all 2001 and subsequent model-year California-certified vehicles registered in Maine, each manufacturer shall undertake an action equivalent to that which is required by any order or enforcement action taken by CARB, or any voluntary or influenced emission related recall initiated by any manufacturer pursuant to Title 13, California Code of Regulations Sections 2101 through 2120, 2122 through 2133, and 2135 through 2149, unless within 10 days of CARB approval of said recall, the manufacturer demonstrates to the Department that such recall is not applicable to vehicles registered in Maine. Each manufacturer must send to owners of Maine registered California-certified vehicles the same notice that is used for California owners required by Title 13, California Code of Regulations Sections 2118 or 2127.

7. Manufacturer Fleet Requirements.

A. Each manufacturer shall meet the following fleet requirements for the number of vehicles delivered for sale to Maine.

(1) Effective for 2004 and subsequent model-years, each manufacturer shall comply with the fleet average emission requirements and, for 2001 and subsequent model-years, may earn and bank NMOG credits, both in accordance with Title 13, California Code of Regulations Section 1961, except NMOG credits earned prior to model-year 2003 shall be treated as though they were earned in model-year 2003.

(2) Effective for 2005 and subsequent model-years, each manufacturer shall comply with the medium-duty vehicle phase-in requirements and, for 2003 and subsequent model-years, may earn and bank VECs, both in accordance with Title 13, California Code of Regulations Section 1961, except VECs earned prior to model-year 2005 shall be treated as though they were earned in model-year 2005.

B. Each manufacturer shall meet the following fleet requirements for the number of vehicles projected for sale to Maine.

(1) Effective for 2004 and subsequent model-years, each manufacturer shall comply with the LEV II phase-in requirements, in accordance with Title 13, California Code of Regulations Section 1961.

8. Manufacturer Reporting Requirements.

A. Delivery Reporting. Commencing with the 2001 model-year for passenger cars and light-duty trucks and the 2003 model-year for medium-duty vehicles, each manufacturer shall submit annually, to the Department, by March 1

following the end of each model-year, a report, itemized by test group, documenting total new vehicles delivered for sale to Maine.

B. Fleet Reporting.

(1) Each manufacturer shall submit annually to the Department, by March 1 following the end of each model-year, a report that demonstrates that the manufacturer has met the fleet requirements of Section 7 in Maine.

(2) For 2001 and subsequent model-year passenger cars and light-duty trucks and for 2003 and subsequent model-year medium-duty vehicles, each manufacturer shall submit by January 1 of the model-year, a report projecting the manufacturer's compliance with the model-year fleet requirements of Section 7 in Maine.

(3) If a manufacturer wants to bank VECs or NMOG credits, the manufacturer shall submit annually, by March 1 following the end of the model-year, a report, which demonstrates that such manufacturer has earned VECs, or NMOG credits in Maine.

D. Recall Reporting.

(1) For information and not for approval by Maine, for 2001 and subsequent model year vehicles, each manufacturer shall submit, within 10 days of CARB approval, a copy of any CARB approved voluntary, influenced or ordered recall plan specified by Title 13, California Code of Regulations Sections 2114 and 2125, supplemented with the number of affected vehicles registered in Maine.

(2) For information and not for approval by Maine, each manufacturer shall submit recall campaign progress reports for vehicles registered in Maine, within the timelines of, and containing the information required by, Title 13, California Code of Regulations Sections 2119 and 2133. Reports need not be submitted to the Department if the equivalent reports have been waived by CARB.

E. Documentation.

A manufacturer, a dealer or a transporter of new vehicles shall, upon request, provide to the Department any documentation, which the Department determines to be necessary for the effective administration and enforcement of this Chapter.

9. Regional Document Repository.

Maine may enter into an agreement with other states to establish a regional document repository.

10. Dealer Inspection.

The Department or its agents may conduct inspections on any premises owned, operated, used, leased, or rented by any dealer.

11. Severability.

Each Section of this Chapter shall be deemed severable, and in the event that any Section of this Chapter is held invalid, the remainder shall continue in full force and effect.

AUTHORITY: 38 M.R.S.A., Sections 585, 585-A, 585-D.

EFFECTIVE DATE: February 17, 1993
Amended: March 30, 1994
Amended: December 31, 2000

BASIS STATEMENT

Portions of the State of Maine exceed both the state and federal ambient air quality standard for ozone. Mobile sources have been identified as the single greatest source of both volatile organic compounds (VOC) and nitrogen oxides (NO_x) emissions, precursors to ozone formation. In addition, mobile sources are significant emitters of air toxics. The 1990 Clean Air Act Amendments (CAAA) mandate that Maine's moderate nonattainment areas achieve a 15 percent reduction in VOCs by November 15, 1996, and that Maine implement a strategy for the long-term maintenance of air quality.

Chapter 127 establishes exhaust and evaporative emission standards for all non-exempt 1996 and newer passenger cars and light-duty trucks. Beginning with the 1996 model-year, all new passenger cars and light-duty trucks subject to Chapter 127 must have received an Executive Order issued by the California Air Resources Board certifying that the specified engine family or model-year has been certified for sale in California.

By the year 2015, Chapter 127 will result in a 56 percent reduction in mobile source

emissions of VOCs and a 38 percent reduction in mobile source emissions of NOx. Air toxics emissions from mobile sources will be reduced by approximately 64 percent. It is estimated that vehicles certified to the Chapter 127 standards will cost an additional \$200 over the cost of a comparable, non-certified vehicle.

The Department received numerous comments on the proposal from both proponents and opponents. Proponents noted the cost-effective manner in which Chapter 127 addresses long-term emission reductions and air quality maintenance through the use of currently available technology, while opponents criticized the proposal on its cost, effectiveness, technological demands and fuel related issues. In addition to the Basis Statement, the Department has filed with the Secretary of State the response to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF MARCH 30, 1994

This regulation has been amended to incorporate restrictions on the implementation of the Maine New Motor Vehicle Emissions Standards made by the 116th First Regular Session of the Maine Legislature. The effective date of the regulation and applicable dates have been changed in response to the restrictions set forth in 38 M.R.S.A Section 585-D. The regulation has also been amended by deleting provisions for in-use vehicle enforcement testing due to resource constraints and concerns over the Department's legal authority to conduct such testing. One commentor suggested that all emissions related motor vehicle recalls instituted by either the California Air Resources Board or motor vehicle manufacturers automatically apply to vehicles subject to this regulation unless the Department determines the recall is not applicable within 30 days. The regulation was amended to reflect this comment.

Chapter 127 requires that all new motor vehicles subject to the regulation be manufactured and certified to more stringent emission standards than those required by the federal government. These more stringent emission standards are necessary for the long term maintenance of air quality in the face of increased vehicle usage and economic development. The emission reductions resulting from this regulation will also be necessary to attain the State ozone air quality standard of .081 ppm.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 21, 2000

On February 17, 1993, Maine adopted the Chapter 127, New Motor Vehicle Emission standards, which provide for cleaner new vehicles than those vehicles manufactured under federal emission standards. However, legislation was subsequently passed stipulating that the effective date of the regulation was dependent on whether states in the

northeast and the Ozone Transport Region also adopted similar rules. The automobile manufacturers were notified in December 1997 that these conditions were met, and Maine's LEV program commenced with model-year 2001 motor vehicles. The Legislature subsequently removed the triggers from legislation.

This amendment of Chapter 127, through a repeal and replace, reflects changes to the California Low Emission Vehicle Program that were made since the Maine program was adopted in 1993. The California Air Resources Board first adopted LEV standards in 1990. These first LEV standards run from 1994 through 2003. LEV2 regulations, running from 2004 through 2010, represent continuing progress in emission reductions. The state's passenger vehicle fleet continues to grow, we continue to increase the number miles driven, and more sport utility vehicles and pickup trucks are used as passenger cars rather than work vehicles. The new, more stringent LEV2 standards are necessary for Maine to attain and maintain federally-mandated clean air standards and further reduce the many harmful pollutants emitted from motor vehicles.

In addition this amendment also repeals the Zero Emission Vehicle mandate. The original Zero Emission Vehicle mandate would require that, starting with model-year 2003 motor vehicles, 10 percent of new vehicles sold in Maine be Zero Emission Vehicles. A portion of the 10 percent mandate can be made through partial "ZEV credits" for vehicles such as gasoline/electric hybrids and super clean gasoline-powered vehicles.

In September 2000 the California Air Resources Board decided to keep its ZEV mandate in place. While upholding the ZEV mandate the Board expressed concerns on several issues: current lack of ZEV availability, market demand, and cost and incentives for ZEVs. CARB directed their staff to review the regulation and propose appropriate modifications to address these issues and assure successful penetration of ZEVs into the market. The Department has similar reservations and recommends that the Board repeal the current ZEV mandate and revisit the ZEV mandate after California has completed its evaluation.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

Appendix A

Title 13 CCR	Title	Section Amended Date
Chapter 1	Motor <i>Vehicle</i> Pollution Control Devices.	
Article 1	General Provisions.	
1900	Definitions.	12/22/99
Article 2	Approval of Motor <i>Vehicle</i> Pollution Control Devices (<i>New Vehicles</i>).	
1956.8(g) and (h)	Exhaust Emissions Standards and Test Procedures – 1985 and Subsequent Model Heavy-Duty Engines and <i>Vehicles</i> .	5/15/99
1960.1	Exhaust Emissions Standards and Test Procedures – 1981 and through 2006 Model <i>Passenger Cars</i> , Light-Duty and <i>Medium-Duty Vehicles</i> .	10/28/99
1961	Exhaust Emission Standards and Test Procedures – 2004 and Subsequent Model <i>Passenger Cars</i> , Light-Duty Trucks, and <i>Medium-Duty Vehicles</i> .	10/28/99
1965	Emission Control and Smog Index Labels – 1979 and Subsequent <i>Model-Year Motor Vehicles</i> .	11/22/99
1968.1	Malfunction and Diagnostic System Requirements – 1994 and Subsequent <i>Model-Year Passenger Cars</i> , Light-Duty Trucks and <i>Medium-Duty Vehicles</i> and Engines.	10/28/99
1976	Standards and Test Procedures for Motor <i>Vehicle</i> Fuel Evaporative Emissions.	10/28/99
1978	Standards and Test Procedures for <i>Vehicle</i> Refueling Emissions.	10/28/99
Article 6	Emission Control System Warranty.	
2035	Purpose, Applicability, and Definitions.	12/26/90
2036	Defects Warranty Requirements for 1979 Through 1989 Model <i>Passenger Cars</i> , Light-Duty Trucks, and <i>Medium-Duty Vehicles</i> ; 1979 and Subsequent Model Motorcycles and Heavy-Duty <i>Vehicles</i> ; and Motor <i>Vehicle</i> Engines Used in Such <i>Vehicles</i> .	5/15/99
2037	Defects Warranty Requirements for 1990 and Subsequent Model <i>Passenger Cars</i> , Light-Duty Trucks, and <i>Medium-Duty Vehicles</i> , and Motor <i>Vehicle</i> Engines Used in Such <i>Vehicles</i> .	10/28/99

Title 13 CCR	Title	Section Amended Date
2038	Performance Warranty for 1990 and Subsequent Model <i>Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles</i> and Motor <i>Vehicle</i> Engines Used in Such <i>Vehicles</i> .	10/28/99
2039	Emissions Control System Warranty Statement.	12/26/90
2040	<i>Vehicle</i> Owner Obligations.	12/26/90
2046	Defective Catalyst.	1/16/79
Article 7.	Procedures for Certifying Used Modifier-Certified Motor <i>Vehicles</i> and Licensing Requirements for <i>Vehicle</i> Emission Test Laboratories.	
Chapter 2	Enforcement of <i>Vehicle</i> Emission Standards and Surveillance Testing.	
Article 1	Assembly-Line Testing.	
2062	Assembly-Line Test Procedures - 1998 and Subsequent <i>Model-years</i> .	10/28/99
Article 2	Enforcement of New and In-Use <i>Vehicle</i> Standards.	
2101	Compliance Testing and Inspection – <i>New Vehicle</i> Selection, Evaluation and Enforcement Action.	10/28/99
2109	<i>New Vehicle Recall</i> Provisions.	11/30/83
2110	Remedial Action for Assembly-Line Quality Audit Testing of Less Than a Full Calendar Quarter of Production Prior to the 2001 <i>Model-year</i> .	10/28/99
Article 2.1	Procedures for In-Use <i>Vehicle</i> Voluntary and Influenced <i>Recalls</i> .	
2111	Applicability.	1/26/95
2112	Definitions.	10/28/99
Appendix A to Article 2.1.		10/28/99
2113	Initiation and Approval of Voluntary and Influenced Emission-Related <i>Recalls</i> .	1/26/95
2114	Voluntary and Influenced <i>Recall</i> Plans.	10/28/99
2115	Eligibility for Repair.	1/26/95
2116	Repair Label.	1/26/95
2117	Proof of Correction Certificate.	1/26/95
2118	Notification.	1/26/95

Title 13 CCR	Title	Section Amended Date
2119	Recordkeeping and Reporting Requirements.	10/28/99
2120	Other Requirements Not Waived.	1/26/95
Article 2.2	Procedures for In-Use <i>Vehicle</i> Ordered <i>Recalls</i> .	
2122	General Provisions.	1/26/95
2123	Initiation and Notification of Ordered Emission-Related <i>Recalls</i> .	1/26/95
2124	Availability of Public Hearing.	1/26/95
2125	Ordered <i>Recall</i> Plan.	1/26/95
2126	Approval and Implementation of <i>Recall</i> Plan.	1/26/95
2127	Notification of Owners.	1/26/95
2128	Repair Label.	1/26/95
2129	Proof of Correction Certificate.	1/26/95
2130	Capture Rates and Alternative Measures.	10/28/99
2131	Preliminary Tests.	1/26/95
2132	Communication with Repair Personnel.	1/26/95
2133	Recordkeeping and Reporting Requirements.	1/26/95
2135	Extension of Time.	1/26/95
Article 2.3.	In-Use <i>Vehicle</i> Enforcement Test Procedures.	
2136	General Provisions.	1/26/95
2137	<i>Vehicle</i> Selection.	10/28/99
2138	Restorative Maintenance.	10/28/99
2139	Testing.	10/28/99
214 0	Notification and Use of Test Results.	10/28/99
Article 2.4	Procedures for Reporting Failure of Emission-Related Components.	
2141	General Provisions.	1/24/90
2142	Alternative Procedures.	1/24/90
2143	Failure Levels Triggering <i>Recall</i> .	10/28/99

Title 13 CCR	Title	Section Amended Date
2144	Emission Warranty Information Report.	10/28/99
2145	Field Information Report.	10/28/99
2146	Emissions Information Report.	10/28/99
2147	Demonstration of Compliance with Emission Standards.	10/28/99
2148	Evaluation of Need for <i>Recall</i> .	10/28/99
2149	Notification of Subsequent Action.	1/24/90
Chapter 4.4	Specifications for Fill Pipes and Openings of Motor <i>Vehicle</i> Fuel Tanks	
2235	Requirements.	9/17/91