

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Rhode Island's Low-Emission Vehicle Program

Rule Identifier: 250-RICR-120-05-37

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 05/20/2019

End of Public Comment: 06/20/2019

Authority for this Rulemaking:

R.I. Gen. Laws § 42-17.1-2(19)

R.I. Gen. Laws Chapter 23-23

R.I. Gen. Laws Chapter 42-35

42 U.S.C. § 7543

42 U.S.C. § 7507

Summary of Rulemaking Action:

The purpose of this regulation is to specify the requirements for Rhode Island's Low Emission Vehicle Program. The Department of Environmental Management (DEM) is proposing to amend the passenger vehicle greenhouse gas (GHG) provisions to comply with the Clean Air Act section 177 "identity" provisions which require Rhode Island to remain identical to the California program.

As a result of the California Air Resources Board's approval on September 28, 2018, of Resolution 19-35 to amend Title 13 of the California Code of Regulations Section 1961.2 and 1961.3 (which sections also apply to vehicles sold in Rhode Island), compliance with federal greenhouse gas standards for 2021 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles will not constitute compliance with the Rhode Island Low Emission Vehicle Program rules if the federal standards are altered by a final rule published in the Federal Register after October 25, 2016.

Although R.I. Gen. Laws § 42-35-2.8, require that an oral hearing be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members, an oral hearing will be granted if requested by one (1) or more persons during the public comment period.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until June 20, 2019 by contacting the appropriate party at the address listed below:

Allison Archambault
Department of Environmental Management
235 Promenade Street
Providence, RI 02908
allison.archambault@dem.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Regulatory Analysis Summary and Supporting Documentation:

The proposed revisions are necessary to update the regulation to ensure consistency with California standards and do not impose any new requirements on regulated entities including any small businesses or any city or town; therefore, there is no adverse economic impact.

A fact sheet that more fully describes the proposed revision to the regulation as well as copies of the proposed, revised regulation is available under Proposed Regulations on the Department's website (<http://www.dem.ri.gov/documents/regulations/>).

For full regulatory analysis or supporting documentation see agency contact person above.

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

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 Vehicle Program.

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. These regulations hereby adopt and incorporate California Air Resources Board, 13 CCR §§ 1900 (2012), 1960.1 (2012), 1960.5 (2002), 1961 (2012), 1961.1 (2012), 1961.2 (~~2012~~2018), 1961.3 (~~2012~~2018), 1962 (2010), 1962. 1 (2012), 1962.2 (2012, 1965 (2012), 1968.1 (1999), 1968.2 (2012), 1968.5 (2012), 1976 (2012), 1978 (2012), 2035 (2007), 2036 (1999), 2037 (2012), 2038 (2012), 2039 (1990), 2040 (1990), 2041 (1990), 2062 (2012), 2101(1999), 2106 (1999), 2107 (1999), 2108 (1983), 2109 (1983), 2110 (1999), 2111 (2010), 2112 (2012), 2113 (1995), 2114 (1999), 2115 through 2118 (1995), 2119 (1999), 2120 (1995), 2122 (2010), 2123 through, 2129 (1995), 2130 (1999), 2131 through 2135 (1995), 2140(2012), 2144 (1999), 2150 (1983), 2151 (1983), 2176 (1983) and 2235 (2012), 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.

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). As used in this regulation, the following terms shall, where the context permits, be construed as follows:
1. "2017 through 2025 Model Year National Greenhouse Gas Program" means the Environmental Protection Agency program that applies to new 2021 through 2025 model year passenger cars, light-duty trucks, and medium duty passenger vehicles codified in 40 C.F.R. Part 86, Subpart S, incorporated in § 37.4(A) of this Part.
 2. "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.
 - ~~3.~~ "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.
 - ~~4.~~ "CCR" means the California Code of Regulations.
 5. "Certification" means a finding by CARB, the U.S. Environmental Protection Agency, or the Department, that a motor vehicle, motor vehicle engine, or emission control system has satisfied the criteria adopted by CARB for the control of specified air contaminants from motor vehicles.

56. "Certified device" means an emission control system for which a certification has been issued by the U.S. Environmental Protection Agency, CARB or the Department.
76. "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.
87. "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.
98. "Emission control system" means the equipment designed for installation on a motor vehicle or motor vehicle engine for the purpose of reducing the air contaminants emitted from the motor vehicle or motor vehicle engine or a system or engine modification on a motor vehicle which causes a reduction of air contaminants emitted from the motor vehicle engine, including but not limited to exhaust control systems, fuel evaporation control systems and crankcase ventilating systems.
910. "Emission standard" means specified limitations on the discharge of air contaminants into the atmosphere.
110. "Fleet average" means a motor vehicle manufacturer's average vehicle emissions of all non-methane organic gases, non-methane organic gases plus oxides of nitrogen, or all greenhouse gases from all vehicles subject to this regulation, produced and delivered for sale in Rhode Island in any model year, based on the calculation in 13 CCR §§ 1961, 1961.1, 1961.2, or 1961.3, incorporated in § 37.4(B) of this Part.
124. "Greenhouse gas" means any of the following gases: carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons.
132. "Heavy-duty vehicle" means any motor vehicle having a manufacturer's gross vehicle weight rating greater than 6,000 pounds, except passenger cars.

~~13~~14. "Light-duty truck" means any motor vehicle rated at 8,500 pounds gross vehicle 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.

~~14~~15. "LEV" means a low-emission vehicle.

~~15~~16. "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.

~~16~~17. "Manufacturers advisory correspondence" means a document issued by CARB, which is a policy interpretation for further clarification of the CCR applicable to motor vehicles.

~~17~~18. "Medium-duty passenger vehicle" means any medium-duty vehicle with a gross vehicle weight rating of less than 10,000 pounds that is designed primarily for the transportation of persons.

a. The medium-duty passenger vehicle definition does not include any vehicle which:

- (1) Is an "incomplete truck" i.e., is a truck that does not have the primary load carrying device or container attached; or
- (2) Has a seating capacity of more than twelve (12) persons; or
- (3) Is designed for more than 9 persons in seating rearward of the driver's seat; or
- (4) Is equipped with an open cargo area of seventy-two (72.0) inches in interior length or more. A covered box not readily accessible from the passenger compartment will be considered an open cargo area, for purposes of this definition.

~~18~~19. "Medium-duty vehicle" means any pre-1995 model year heavy-duty vehicle having a manufacturer's gross vehicle weight rating of 8,500 pounds or less; any 1992 through 2006 model year heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in 13 CCR § 1960.1(h)(2) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; any 1995 through 2003 model year heavy-duty vehicle certified to the standards in 13 CCR § 1960.1(h)(1), incorporated in § 37.4(B) of this Part

having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; and any 2000 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in 13 CCR §§ 1961(a)(1) or 1962, incorporated in § 37.4(B) of this Part, having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.

~~19~~20. "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.

~~20~~21. "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.

~~21~~22. "New vehicle" means any passenger car or light duty truck with 7,500 miles or fewer on its odometer.

~~22~~23. "NMOG" means non-methane organic gas.

~~23~~24. "NMOG + NO_x" means the combined emissions of non-methane organic gases and oxides of nitrogen.

~~24~~25. "NO_x" means oxides of nitrogen.

~~25~~26. "Passenger car" means any motor vehicle designed primarily for transportation of persons and having a design capacity of twelve persons or less.

~~26~~27. "Recall" means:

- a. A manufacturer's issuing of notices directly to consumers that vehicles in their possession or control should be corrected, or;
- b. A manufacturer's efforts to actively locate and correct vehicles in the possession or control of consumers.

~~27~~28. "Recall campaign" means that plan approved by CARB or the Department, by which the manufacturer will affect the recall of non-complying vehicles.

~~28~~29. "Test group" means a grouping of vehicles as defined by 40 C.F.R. § 86.1827-01, incorporated in § 37.4(A) of this Part.

~~29~~30. "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.

~~30~~31. "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.

~~31~~32. "Used motor vehicle" means motor vehicle that is not a new motor vehicle.

~~32~~33. "ZEV" means a zero (0) emission vehicle.

37.6 Applicability

- A. The tailpipe emissions, evaporative emissions, zero emission vehicle, and related provisions of this regulation shall apply to all 2008 and subsequent model year passenger cars, light-duty trucks, and 2009 and subsequent model year medium-duty vehicles sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired, received, or registered in the State of Rhode Island.
- B. The greenhouse gas emission standards and related provisions of this regulation shall apply to all 2009 and subsequent model year passenger cars, light-duty trucks and medium-duty passenger vehicles sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired received or registered, in the State of Rhode Island.
- C. All technical guidance issued by CARB relative to the implementation of 13 CCR, including but not limited to Manufacturers Advisory Correspondences and Mail Outs shall be applicable to all vehicles subject to this regulation.

37.7 Emission Requirements

- A. No person shall sell, import, deliver, purchase, lease, rent, acquire, receive, or register a new vehicle subject to this regulation in the State of Rhode Island that has not been certified by CARB as compliant with all applicable requirements of 13 CCR §§ 1900, 1960.1, 1960.5, 1961, 1961.1, 1961.2, 1961.3, 1962, 1962.1, 1962.2, 1965, 1968.1, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2101, 2111, and 2235, incorporated in § 37.4(B) of this Part, unless the vehicle is sold directly from one dealer to another dealer, sold for the purpose of being wrecked or dismantled, sold exclusively for off-highway use, or sold for registration out of state, and except as provided in § 37.7(E) of this Part.

B. It is conclusively presumed under this regulation that the equitable or legal title to any motor vehicle with an odometer reading of 7,500 miles or more has been transferred to an ultimate purchaser and that the equitable or legal title to any motor vehicle with an odometer reading of less than 7,500 miles has not been transferred to an ultimate purchaser.

C. Fleet Average Requirements

1. Effective model years 2008 through 2014, compliance with the Fleet Average NMOG Mass Emission Requirement in Rhode Island, as set forth at 13 CCR § 1961, shall be demonstrated for each motor vehicle manufacturer according to the procedures in 13 CCR § 1961 incorporated in § 37.4(B) of this Part, and shall be based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer in the State of Rhode Island.
2. Effective model year 2015, and for each subsequent model year, compliance with the fleet average NMOG + NOx Requirement in Rhode Island, as set forth at 13 CCR § 1961.2, shall be demonstrated for each motor vehicle manufacturer according to the procedures in 13 CCR § 1961.2, incorporated in § 37.4(B) of this Part, and shall be based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer in the State of Rhode Island.
3. Effective model years 2009 through 2016, compliance with the Fleet Average Greenhouse Gas Exhaust Mass Emission Requirements, as set forth at 13 CCR § 1961.1, shall be demonstrated for each motor vehicle manufacturer according to the procedures in 13 CCR § 1961.1, incorporated in § 37.4(B) of this Part, and shall be based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer in the State of Rhode Island.
4. Effective model year 2017 through model year 2025, a manufacturer may elect to demonstrate compliance with the California Exhaust Emissions Standards by demonstrating compliance with the "2017 through 2025 Model Year National Greenhouse Gas Program" according to the procedures set forth in 13 CCR § 1961.3. ~~Effective model year 2017, and for each subsequent model year, compliance with the Fleet Average Greenhouse Gas Exhaust Mass Emission Requirements, as set forth at 13 CCR § 1961.3, shall be demonstrated for each motor vehicle manufacturer according to the procedures in 13 CCR § 1961.3, incorporated in § 37.4(B) of this Part, and shall be based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer in the State of Rhode Island.~~

a. The optional compliance approach set forth in 13 CCR § 1961.3(c), incorporated in § 37.4(B) of this Part shall not be available for 2021 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles if the "2017 through 2025 Model Year National Greenhouse Gas Program" is altered via a final rule published in the Code of Federal Register subsequent to October 25, 2016.

5. Emission credits and debits, based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer, in the State of Rhode Island, may be accrued and utilized by each vehicle manufacturer pursuant to the procedures set forth at 13 CCR §§ 1961 through 1961.3, incorporated in § 37.4(B) of this Part.

D. ZEV Requirements

1. For model years 2009 through 2017, each manufacturer shall comply with the Zero Emission Vehicle standards in Rhode Island and based on Rhode Island total vehicle sales, as set forth in 13 CCR § 1962.1, incorporated in § 37.4(B) of this Part.
2. For model year 2018 and for each subsequent model year, each manufacturer shall comply with the Zero Emission Vehicle standards in Rhode Island and based on Rhode Island total vehicle sales, as set forth in 13 CCR § 1962.2, incorporated in § 37.4(B) of this Part.
3. Credits and debits, based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer, in the State of Rhode Island, may be accrued and utilized by each vehicle manufacturer pursuant to the procedures set forth at 13 CCR §§ 1962.1 and 1962.2, incorporated in § 37.4(B) of this Part.

E. Exemptions

1. Motor vehicles are exempt if 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.
2. Motor vehicles are exempt if they are defined as test vehicles, as emergency vehicles, or qualifying for exemption under California Health and Safety Code § 43656.
3. Motor vehicles are exempt if purchased by a nonresident prior to establishing residency in the State of Rhode Island.

4. Motor vehicles are exempt if transferred by inheritance, or by decree of divorce, dissolution or legal separation entered by a court of competent jurisdiction.
5. Motor vehicles are exempt if 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.

37.8 Anti-tampering Provisions

- A. No person shall disconnect, modify, or alter any certified device, except for purposes of repair or replacement.
- B. 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.

37.9 Vehicle Testing

37.9.1 New Vehicle Certification Testing

- A. All new vehicle models subject to this regulation, sold or leased in the State of Rhode Island, must be certified as meeting the California Standards in 13 CCR §§ 1960.1, 1960.5, 1961, 1961.1, 1961.2, 1961.3, 1962, 1962.1, 1962.2, 1965, 1968.1, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2101, 2111, and 2235, incorporated in § 37.4(B) of this Part, as determined by testing conducted in accordance with the testing procedures incorporated in said Section of 13 CCR. Testing reports must be provided by the manufacturer to the Department upon request.
- B. For the purposes of certifying compliance with § 37.9.1(A) of this Part, New Vehicle Certification Testing determinations and findings made by CARB shall be deemed acceptable.

37.9.2 Assembly Line Testing

- A. All manufacturers of new vehicles subject to this regulation, shall conduct Inspection Testing and Quality Audit Testing in accordance with 13 CCR § 2062, incorporated in § 37.4(B) of this Part. Testing reports must be provided to the Department upon request.

- B. For the purposes of determining compliance with § 37.9.2(A) of this Part, Inspection Testing and Quality Audit Testing determinations and findings made by CARB shall be deemed acceptable.
- C. In the event a facility that manufactures vehicles certified to the California Standards for sale in Rhode Island is not subject to the above Inspection Testing and Quality Audit Testing requirements of CARB, the Department may, after consultation with CARB, require Inspection Testing and Quality Audit Testing at such facility in accordance with 13 CCR §§ 2062, 2106, 2107, and 2150, incorporated in § 37.4(B) of this Part; provided that upon a manufacturer's written request and demonstration of need, functional testing pursuant to the procedures incorporated in 13 CCR § 2062, incorporated in § 37.4(B) of this Part of a statistically significant sample may substitute for the 100% testing rate in 13 CCR § 2062, with the written consent of the Department.

37.9.3 New Vehicle Compliance Testing

- A. New vehicle models subject to this regulation, prior to their being offered for sale or lease in the State of Rhode Island, must meet the California Standards in 13 CCR §§ 1900, 1960.1, 1960.5, 1961, 1961.1, 1961.2, 1961.3, 1962, 1962.1, 1962.2, 1965, 1968.1, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2101, 2111, and 2235, incorporated in § 37.4(B) of this Part as determined by New Vehicle Compliance Testing, conducted in accordance with 13 CCR §§ 2101, 2106 through 2110, 2150, and 2151, incorporated in § 37.4(B) of this Part. Testing reports must be provided by the manufacturer to the Department upon request.
- B. For the purpose of compliance with § 37.9.3(A) of this Part, New Vehicle Compliance Testing determinations and findings made by CARB shall be deemed acceptable.

37.9.4 In-Use Vehicle Enforcement Testing

- A. For purposes of detection and repair of vehicles subject to this regulation and failing to meet the California Standards in 13 CCR §§ 1900, 1960.1, 1960.5, 1961, 1961.1, 1961.2, 1961.3, 1962, 1962.1, 1962.2, 1965, 1968.1, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2101, 2111, and 2235, incorporated in § 37.4(B) of this Part, the Department may conduct, in consultation with CARB, In-Use Vehicle Enforcement Testing in accordance with the protocol and testing procedures in 13 CCR § 2140, incorporated in § 37.4(B) of this Part. Testing reports must be provided by the manufacturer to the Department upon request.

- B. For the purposes of compliance with § 37.9.4(A) of this Part, In-Use Vehicle Enforcement Testing determinations and findings made by CARB shall be deemed acceptable.

37.9.5 In-Use Surveillance Testing

- A. For the purposes of testing and monitoring the overall effectiveness in the State of Rhode Island of the program set forth in this regulation in controlling emissions, the Department may conduct In-Use Surveillance Testing in consultation with CARB.
- B. For the purposes of program planning and analysis, In-Use Surveillance Testing determinations and findings made by CARB shall be deemed acceptable.

37.10 Warranty

- A. All manufacturers of new vehicles that are sold, leased, offered 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 §§ 2035 through 2041, incorporated in § 37.4(B) of this Part. All manufacturers shall submit to the Department, upon request, Failure of Emission-Related Components reports as defined at 13 CCR § 2144, incorporated in § 37.4(B) of this Part, for vehicles subject to this regulation, in compliance with the procedures in 13 CCR.
- B. For purposes of compliance with § 37.10(A) of 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.

37.11 Reporting Requirements

- A. Commencing with the 2008 model year, 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 documenting total deliveries for sale of vehicles in each test group over that model year, in the State of Rhode Island.
- B. For model years 2011 through 2014, 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, prepared according to the procedures in 13 CCR § 1961, incorporated in § 37.4(B) of this Part, calculating the Fleet Average NMOG Emission Rate for the model year just ended.

- C. Commencing with model year 2015, each manufacturer shall submit annually to the Department, by no later than March 1 of the year following the close of the completed model year, a report, prepared according to the procedures in 13 CCR § 1961.2, incorporated in § 37.4(B) of this Part, calculating the Fleet Average NMOG + NO_x Mass Emission Rate for the model year just ended.
- D. For the purposes of determining if vehicles qualify for exemption under § 37.7(E) of this Part, the Department may require any motor vehicle manufacturer or dealer of vehicles subject to this regulation to submit any documentation the Department deems necessary for the effective administration and enforcement of this regulation.
- E. Commencing with the model year 2009, 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 documenting the fleet average greenhouse gas exhaust emission levels for passenger cars, light-duty trucks and medium-duty passenger vehicles, delineated by model type, that are produced and delivered for sale in the State of Rhode Island, as determined in accordance with the provisions set forth in 13 CCR §§ 1961.1 and 1961.3, incorporated in § 37.4(B) of this Part.
- F. Commencing with the model year 2009, 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 documenting compliance with the requirements of § 37.7(D) of this Part, as determined in accordance with the provisions set forth in 13 CCR §§ 1962.1 and 1962.2, incorporated in § 37.4(B) of this Part.

37.12 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. Said inspection may extend to all emission-related parts and operation and may require the on-premises operation and testing of an engine or vehicle, and inspection of any related records, including records of certified device repair performed under warranty.
 - 2. The Department or its agents may perform functional tests, steady-state tests, and other tests as reasonably necessary. In addition, the California

Motor Vehicle Inspection program emissions tests standards in 13 CCR § 2176, incorporated in § 37.4(B) of this Part, applicable to the appropriate model year vehicle, may be used by the Department to verify compliance with this regulation.

- B. Any order or enforcement action taken by CARB to correct noncompliance with any provision of the California Standards that results in the recall of any vehicle pursuant to 13 CCR §§ 2109 through 2135, incorporated in § 37.4(B) of this Part, shall apply to all vehicles subject to this regulation, except where the manufacturer demonstrates to the Department's satisfaction within twenty-one (21) days of issuance of said CARB action, that said action is not applicable to said vehicles in Rhode Island.
- C. Any voluntary or influenced emission-related recall campaign initiated by any manufacturer pursuant to 13 CCR §§ 2113 through 2121, incorporated in § 37.4(B) of this Part shall extend to all applicable vehicles subject to this regulation, except where the manufacturer demonstrates to the Department's satisfaction within twenty-one (21) days of CARB approval of the campaign that said campaign is not applicable to said vehicles in Rhode Island.
- D. The Department shall enforce the requirements of this regulation in accordance with 13 CCR and applicable federal and Rhode Island law.