

## CHAPTER 126. MOTOR VEHICLE AND FUELS PROGRAMS

Subchap.	Sec.
A. OXYGENATE CONTENT .....	126.1
B. [Reserved].....	126.201
C. GASOLINE VOLATILITY REQUIREMENTS .....	126.301
D. PENNSYLVANIA CLEAN VEHICLES PROGRAM .....	126.401
E. PENNSYLVANIA HEAVY-DUTY DIESEL EMISSIONS CONTROL PROGRAM .....	126.501

### Source

The provisions of this Chapter 126 adopted August 28, 1992, effective August 29, 1992, 22 Pa.B. 4424, unless otherwise noted.

### Subchapter A. OXYGENATE CONTENT

Sec.	
126.1	[Reserved].
126.101.	General.
126.102.	Sampling and testing.
126.103.	Recordkeeping and reporting.
126.104.	Labeling requirements.

### Cross References

This subchapter cited in 25 Pa. Code § 121.1 (relating to definitions).

### § 126.1. [Reserved].

### Source

The provisions of this § 126.1 reserved August 18, 1995, effective August 19, 1995, 25 Pa.B. 3453. Immediately preceding text appears at serial pages (185971) to (185976) and (197117).

### § 126.101. General.

(a) This subchapter applies to gasoline which is sold or transferred into or within a control area for use as a motor vehicle fuel during the applicable control period.

(b) A blender may not sell or transfer gasoline intended for use or used in a control area to a terminal owner or operator, distributor, carrier, reseller, retailer or wholesale purchaser-consumer unless the gasoline contains a minimum oxygen content of 2.7% by weight on a per gallon basis. For the purposes of this subchapter, sell or transfer means to offer for sale, exchange, offer to exchange, dispense, offer to dispense, supply, offer to supply, store, offer to store, transport or cause the transportation.

(c) Beginning 5 days prior to the applicable control period, an owner or operator of a terminal (as defined in § 121.1 (relating to definitions)) may not sell or transfer gasoline intended for use or used in a control area to a distributor, carrier, reseller, retailer or wholesale purchaser-consumer unless the gasoline contains a minimum oxygen content of 2.7% by weight on a per gallon basis.

(d) A distributor, carrier or reseller may not sell or transfer gasoline to a retailer or to a wholesale purchaser-consumer in a control area unless the gasoline contains a minimum oxygen content of 2.7% by weight on a per gallon basis.

(e) Beginning November 1 of each year or other control period start date which may be specified by EPA, a retailer or a wholesale purchaser-consumer in a control area may not sell or transfer gasoline unless the gasoline contains a minimum oxygen content of 2.7% by weight on a per gallon basis.

(f) Nonoxygenated gasoline may be stored, sold or transferred only if it is segregated from all oxygenated gasoline and clearly and conspicuously marked as: “Nonoxygenated gasoline, not for sale to the ultimate consumer in a control area during a control period.”

(g) The requirements of this subchapter apply to and remain in effect in a control area during a control period. If a control area attains the standard for carbon monoxide and an SIP revision for that redesignation which does not require continuance of the requirements of this subchapter is approved by EPA, the requirements of this subchapter will not apply to the control area, except as provided in subsection (h).

(h) If an area that has been redesignated as attainment for carbon monoxide fails to maintain that attainment, the requirements of this subchapter shall be reinstated in accordance with the provisions of a maintenance plan required by section 175A of the Clean Air Act (42 U.S.C.A. § 7505a) and the regulations promulgated thereto provided a notice of the reinstatement is published in the *Pennsylvania Bulletin* not less than 60 days prior to the effective date of the reinstatement.

#### Source

The provisions of this § 126.101 adopted August 18, 1995, effective August 19, 1995, 25 Pa.B. 3453.

### § 126.102. Sampling and testing.

(a) For the purpose of determining compliance with the requirements of this subchapter, the oxygen content of gasoline shall be determined by:

(1) Use of the sampling methodologies set forth at 40 CFR Part 80, Appendix D (relating to sampling procedures for fuel volatility) or other methods approved by EPA.

(2) Use of testing methods and calculations in the *Guidelines for Oxygenated Gasoline Credit Programs under Section 211(m) of the Clean Air Act as Amended* or other methods developed or approved by EPA. The Guidelines are available from EPA at the following address: United States Environmental Protection Agency, Office of Mobile Sources, Field Operations and Support Division (6406-J), 401 M Street, S. W., Washington, D.C. 20460.

(b) A blender who produces oxygenated gasoline intended for use or used in a control area during the applicable control period, other than in a truck, is required to sample, test and calculate in accordance with subsection (a), the oxygen content of each batch of oxygenated gasoline which the blender produces.

(c) There may not be blending of oxygenated gasoline in a truck unless the blending is done with a terminal loading rack injection/blending system. The blending shall be done in accordance with a quality assurance program approved by the Department, which includes product sampling and testing as specified in subsection (a) to verify the oxygen content listed on the record required under § 126.103(a) (relating to recordkeeping and reporting). This blending cannot violate the vapor emissions control and recovery regulations of Chapter 129 (relating to standards for sources).

(d) Terminal owners or operators shall develop and conduct a quality assurance program including product sampling and testing as specified in subsection (a) to verify the oxygen content listed on the record required under § 126.103(a).

#### Source

The provisions of this § 126.102 adopted August 18, 1995, effective August 19, 1995, 25 Pa.B. 3453.

#### Cross References

This section cited in 25 Pa. Code § 126.103 (relating to recordkeeping and reporting).

### § 126.103. Recordkeeping and reporting.

(a) Beginning with the terminal owner or operator who sells or transfers gasoline intended for use or used in a control area during the control period, each time the physical custody of or title to a shipment of gasoline changes hands other than when gasoline is sold or transferred for use in motor vehicles at a retail outlet or wholesale purchaser-consumer's facility, the transferor shall provide to the transferee a copy of the record described in this subsection. This record shall legibly and conspicuously contain the following information:

- (1) The date of the sale or transfer.
- (2) The name and address of the transferor.
- (3) The name and address of the transferee.
- (4) The volume of gasoline which is being sold or transferred.
- (5) The oxygen content by weight on a per gallon basis determined using the sampling, testing and oxygen content calculations authorized by § 126.102 (relating to sampling and testing).
- (6) A statement that either identifies the specific oxygenate contained in the gasoline or identifies whether the oxygenate contained in the gasoline is an alcohol or an ether.
- (7) The location of the gasoline at the time of transfer.

(b) Blenders shall maintain copies of the records developed under § 126.102(b) and (c) to determine the oxygen content of the gasoline.

(c) Terminal owners and operators shall maintain copies of the records developed under § 126.102(d) sufficient to verify the oxygen content of the gasoline.

(d) A distributor who transports, stores or causes the transportation or storage of gasoline into or within a control area at any point between a terminal and a retail outlet or wholesale purchaser-consumer's facility, shall carry and maintain copies of the records containing the information listed in subsection (a).

(e) A retailer or wholesale purchaser-consumer shall maintain copies of the records containing the information listed in subsection (a).

(f) A person subject to the recordkeeping requirements under this section shall maintain the records for at least 2 years and shall make them available or submit them to the Department upon request.

(g) A person except a retailer or wholesale purchaser-consumer who sells or transfers gasoline intended for use or used in a control area during the control period shall provide the Department with a statement upon request, in a form as the Department may prescribe, describing the person's compliance with the requirements of this subchapter. The statement shall contain a certification by a company officer or the facility manager that the information contained in the statement is accurate.

#### Source

The provisions of this § 126.103 adopted August 18, 1995, effective August 19, 1995, 25 Pa.B. 3453.

#### Cross References

This section cited in 25 Pa. Code § 126.102 (relating to sampling and testing).

### § 126.104. Labeling requirements.

(a) Retailers are responsible for compliance with the labeling requirements of this section.

(b) During the control period, each gasoline dispenser from which oxygenated gasoline is dispensed at a retail outlet in the control area shall have affixed a legible and conspicuous label which contains the following statement: "From November 1 through February 29, the gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles."

(c) The statement in subsection (b) shall be in block letters of at least 20-point (3/16") bold type and in a color that contrasts with the background.

(d) The label shall be placed on the upper 2/3 of the vertical surface on each side of the dispenser with gallonage and price meters.

#### Source

The provisions of this § 126.104 adopted August 18, 1995, effective August 19, 1995, 25 Pa.B. 3453.

**Subchapter B. [Reserved]**

Sec.  
126.201—126.208. [Reserved].

**Authority**

The provisions of this Subchapter B issued under the act of January 8, 1960 (P. L. 2119, No. 787) (35 P. S. §§ 4001—4015), reserved under section 5 of the Air Pollution Control Act (35 P. S. § 4005), unless otherwise noted.

**Source**

The provisions of this Subchapter B adopted January 28, 1994, effective January 29, 1994, 24 Pa.B. 693; reserved July 13, 2012, effective July 14, 2012, 42 Pa.B. 4459, unless otherwise noted. Immediately preceding text appears at serial pages (229549) to (229556) and (282323).

**Subchapter C. GASOLINE VOLATILITY REQUIREMENTS**

Sec.  
126.301. Compliant fuel requirement.  
126.302. Recordkeeping and reporting.  
126.303. Compliance and test methods.

**Authority**

The provisions of this Subchapter C issued under section 5 of the Air Pollution Control Act (35 P. S. § 4005), unless otherwise noted.

**Source**

The provisions of this Subchapter C adopted October 31, 1997, effective November 1, 1997, 27 Pa.B. 5601, unless otherwise noted.

**(Editor's Note:** See 31 Pa.B. 5075 for a suspension of enforcement notice.)

**§ 126.301. Compliant fuel requirement.**

(a) This subchapter applies to gasoline which is sold or transferred into or within the Pittsburgh-Beaver Valley Area during the period May 1 through September 15, 1998, and continuing every year thereafter.

(b) A refiner, importer, distributor, reseller, terminal owner and operator or carrier, may not:

(1) Sell, exchange or supply gasoline that is not a compliant fuel during the period described in subsection (a).

(2) Blend, mix, store or transport or allow blending, mixing, storing or transporting of compliant fuel with noncompliant fuel during the period described in subsection (a).

(c) A retailer or wholesale purchaser-consumer may not sell, exchange or supply gasoline that is not a compliant fuel during the period June 1 through September 15, 1998, and continuing every year thereafter.

**Source**

The provisions of this § 126.301 amended October 1, 1999, effective October 2, 1999, 29 Pa.B. 5089. Immediately preceding text appears at serial pages (237303) to (237304).

**Cross References**

This section cited in 25 Pa. Code § 126.302 (relating to recordkeeping and reporting); and 25 Pa. Code § 126.303 (relating to compliance and test methods).

**§ 126.302. Recordkeeping and reporting.**

(a) Beginning with the terminal owner or operator who sells or transfers gasoline intended for use in the Pittsburgh-Beaver Valley Area during the period described in § 126.301(a) (relating to compliant fuel requirements), each time the physical custody of or title to a shipment of gasoline changes hands, other than when gasoline is sold or transferred for use in motor vehicles at a retail outlet or wholesale purchaser-consumer's facility, the transferor shall provide to the transferee a copy of the record described in this subsection. This record shall legibly and conspicuously contain, at a minimum, the following information:

- (1) The date of the sale or transfer.
- (2) The name and address of the transferor.
- (3) The name and address of the transferee.
- (4) The location of the gasoline at the time of transfer.
- (5) The volume of gasoline which is being sold or transferred.
- (6) A statement or grade code certifying that the gasoline has an RVP of 7.8 pounds per square inch or less per gallon.

(b) A person who transports, stores or sells compliant fuel that is intended for use in the Pittsburgh-Beaver Valley Area during the period described in § 126.301(a), shall segregate the compliant fuel from noncompliant fuel and the documentation described in subsection (a) shall accompany the compliant fuel at all times.

(c) Each person in the gasoline distribution network shall maintain records containing the compliance information listed in subsection (a). These records shall be retained for at least 2 years from the date of the sale or transfer of compliant fuel.

(d) The records containing the compliance information in subsection (a) for the period described in subsection (c) shall be kept onsite at each point in the distribution network except for retail outlets. Retail outlets shall retain these records for the period described in subsection (c) and only those records for the current period described under § 126.301(c) shall be kept onsite. At the end of each period described under § 126.301(c), these records may be transferred to an alternate location for the remainder of the period described under subsection (c) and be made available to the Department upon request.

**Source**

The provisions of this § 126.302 amended October 1, 1999, effective October 2, 1999, 29 Pa.B. 5089. Immediately preceding text appears at serial page (237304).

**§ 126.303. Compliance and test methods.**

Compliance with the 7.8 pounds per square inch RVP standard shall be determined by use of the sampling and testing methods specified in this section. Sampling or testing of gasoline required by this chapter shall be accomplished as follows:

- (1) Sampling of gasoline for the purpose of determining compliance with this subchapter shall be conducted in accordance with 40 CFR Part 80, Appendix D (relating to sampling procedures for fuel volatility).
- (2) Testing of gasoline for purposes of determining compliance with this rule shall be conducted in accordance with 40 CFR Part 80, Appendix E (relating to test for determining Reid Vapor Pressure (RVP) of gasoline and gasoline-oxygenate blend).

**Source**

The provisions of this § 126.303 amended October 1, 1999, effective October 2, 1999, 29 Pa.B. 5089. Immediately preceding text appears at serial pages (237304) and (250843).

**Subchapter D. PENNSYLVANIA CLEAN VEHICLES PROGRAM****GENERAL PROVISIONS**

Sec.

- 126.401. Purpose.  
126.402. [Reserved].

**LOW EMISSION VEHICLES**

- 126.411. General requirements.  
126.412. Emission requirements.  
126.413. Exemptions.

**APPLICABLE NEW MOTOR VEHICLE TESTING**

- 126.421. New motor vehicle certification testing.  
126.422. New motor vehicle compliance testing.  
126.423. Assembly line testing.  
126.424. In-use motor vehicle enforcement testing.  
126.425. In-use surveillance testing.

**MOTOR VEHICLE MANUFACTURERS' OBLIGATIONS**

- 126.431. Warranty and recall.  
126.432. Reporting requirements.

126-7

(362877) No. 455 Oct. 12

**MOTOR VEHICLE DEALER RESPONSIBILITIES**

126.441. Responsibilities of motor vehicle dealers.

**DEPARTMENT RESPONSIBILITIES**

126.451. Responsibilities of the Department.

**Authority**

The provisions of this Subchapter D issued under section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), unless otherwise noted.

**Source**

The provisions of this Subchapter D adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 5973, unless otherwise noted.

**Cross References**

This subchapter cited in 25 Pa. Code § 121.1 (relating to definitions).

**GENERAL PROVISIONS****§ 126.401. Purpose.**

(a) This subchapter establishes a clean vehicles program under section 177 of the Clean Air Act (42 U.S.C.A. § 7507) designed primarily to achieve emission reductions of the precursors of ozone and other air pollutants from new motor vehicles.

(b) The subchapter adopts and incorporates by reference certain provisions of the California Low Emission Vehicle Program.

(c) The subchapter also exempts certain new motor vehicles from the Pennsylvania Clean Vehicles Program.

(d) The Department may not implement or enforce any vehicle emission standard which is not legally permitted to be regulated under the Clean Air Act or other applicable Federal or State law or regulation.

**Source**

The provisions of this § 126.401 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial page (260538).

**§ 126.402. [Reserved].****Source**

The provisions of this § 126.402 reserved December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial page (260538) to (260539) and (250845).



**LOW EMISSION VEHICLES****§ 126.411. General requirements.**

(a) The Pennsylvania Clean Vehicles Program requirements apply to all new passenger cars and light-duty trucks sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired, received, titled or registered in this Commonwealth starting with the 2008 model year and each model year thereafter.

(b) The provisions of the California Low Emission Vehicle Program, Title 13 CCR, Division 3, Chapters 1 and 2, are adopted and incorporated herein by reference, and apply except for the following:

(1) The zero emissions vehicle percentage requirement in Title 13 CCR, Division 3, Chapter 1, § 1962.

(2) The emissions control system warranty statement in Title 13 CCR, Division 3, Chapter 1, § 2039.

**Source**

The provisions of this § 126.411 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial page (250845).

**§ 126.412. Emission requirements.**

(a) Starting with the model year 2008, a person may not sell, import, deliver, purchase, lease, rent, acquire, receive, title or register a new light-duty vehicle, subject to the Pennsylvania Clean Vehicles Program requirements, in this Commonwealth that has not received a CARB Executive Order for all applicable requirements of Title 13 CCR, incorporated herein by reference.

(b) Starting with the model year 2008, compliance with the NMOG fleetwide average in Title 13 CCR, Division 3, Chapter 1, § 1961 shall be demonstrated for each motor vehicle manufacturer based on the number of new light-duty vehicles delivered for sale in this Commonwealth.

(c) Credits and debits for calculating the NMOG fleet average shall be based on the number of light-duty vehicles delivered for sale in this Commonwealth and may be accrued and utilized by each manufacturer according to procedures in Title 13 CCR, Division 3, Chapter 1.

(d) NMOG fleet average credits generated during the 2008, 2009 and 2010 model years may be applied toward any of the model years 2008 through 2010 for the purpose of demonstrating compliance with subsections (b) and (c). The credits generated during this period may be applied at full value for any of the model years 2008 through 2010.

(e) New motor vehicles subject to this subchapter must possess a valid emissions control label which meets the requirements of Title 13 CCR, Division 3, Chapter 1.

**Source**

The provisions of this § 126.412 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial page (250846).

**§ 126.413. Exemptions.**

(a) The following new motor vehicles are exempt from the Pennsylvania Clean Vehicles Program requirements of this subchapter:

- (1) Emergency vehicles.
- (2) A light-duty vehicle transferred by a dealer to another dealer for ultimate sale outside of this Commonwealth.
- (3) A light-duty vehicle transferred for use exclusively off-highway.
- (4) A light-duty vehicle transferred for registration out-of-State.
- (5) A light-duty vehicle granted a National security or testing exemption under section 203(b)(1) of the Clean Air Act (42 U.S.C.A. § 7522(b)(1)).
- (6) A light-duty vehicle held for daily lease or rental to the general public which is registered and principally operated outside of this Commonwealth. For purposes of this paragraph, a light-duty vehicle is deemed to be principally operated outside of this Commonwealth if it is registered outside of this Commonwealth in accordance with the Inter-Jurisdictional Agreement on Apportioning Vehicle Registration Fees developed under the Intermodal Surface Transportation and Efficiency Act of 1991 (Pub. L. 102-240, 105 Stat. 1914), and known as the International Registration Plan, or a successor plan for apportioning vehicle registration fees internationally.
- (7) A light-duty vehicle engaged in interstate commerce which is registered and principally operated outside of this Commonwealth.
- (8) A light-duty vehicle acquired by a resident of this Commonwealth for the purpose of replacing a vehicle registered to the resident which was damaged, or became inoperative, beyond reasonable repair or was stolen while out of this Commonwealth if the replacement vehicle is acquired out of this Commonwealth at the time the previously owned vehicle was either damaged or became inoperative or was stolen.
- (9) A light-duty vehicle transferred by inheritance or court decree.
- (10) A light-duty vehicle defined as a military tactical vehicle or engines used in military tactical vehicles including a vehicle or engine excluded from regulation under 40 CFR 85.1703 (relating to application of section 216(2)).
- (11) A light-duty vehicle titled or registered in this Commonwealth before December 9, 2006.
- (12) A light-duty vehicle having a certificate of conformity issued under the Clean Air Act and originally registered in another state by a resident of that state who subsequently establishes residence in this Commonwealth and upon registration of the vehicle provides satisfactory evidence to the Department of Transportation of the previous residence and registration.
- (13) A vehicle transferred for the purpose of salvage.

(b) To title or register an exempted vehicle, the person seeking title or registration shall provide satisfactory evidence, as determined by the Department of Transportation, demonstrating that the exemption is applicable.

**Source**

The provisions of this § 126.413 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial pages (250846) to (250847).

**APPLICABLE NEW MOTOR VEHICLE TESTING**

**§ 126.421. New motor vehicle certification testing.**

(a) Prior to being offered for sale or lease in this Commonwealth, new motor vehicles subject to the Pennsylvania Clean Vehicles Program requirements must be certified as meeting the motor vehicle requirements of Title 13 CCR, Division 3, Chapter 1, § 1961, as determined by testing in accordance with Title 13 CCR, Division 3, Chapter 2.

(b) For purposes of complying with subsection (a), new vehicle certification testing determinations and findings made by CARB are applicable and shall be provided by motor vehicle manufacturers to the Department upon a written request.

**Source**

The provisions of this § 126.421 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial page (250847).

**§ 126.422. New motor vehicle compliance testing.**

(a) Prior to being offered for sale or lease in this Commonwealth, new motor vehicles subject to the Pennsylvania Clean Vehicles Program requirements of this subchapter must be certified as meeting the motor vehicle requirements of Title 13 CCR, Division 3, Chapter 1, § 1961, as determined by New Vehicle Compliance Testing, conducted in accordance with Title 13 CCR, Division 3, Chapter 2.

(b) For purposes of complying with subsection (a), new vehicle compliance testing determinations and findings made by CARB are applicable and shall be provided by motor vehicle manufacturers to the Department upon a written request.

**Source**

The provisions of this § 126.422 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial pages (250847) to (250848).

**§ 126.423. Assembly line testing.**

(a) Each manufacturer of new motor vehicles subject to the Pennsylvania Clean Vehicles Program requirements of this subchapter, certified by CARB and

sold or leased in this Commonwealth, shall conduct inspection testing and quality audit testing in accordance with Title 13 CCR, Division 3, Chapter 2.

(b) For purposes of complying with subsection (a), inspection testing and quality audit testing determinations and findings made by CARB are applicable and shall be provided by motor vehicle manufacturers to the Department upon a written request.

(c) If a motor vehicle manufacturing facility which manufactures vehicles for sale in this Commonwealth certified by CARB is not subject to the inspection testing and quality audit testing requirements of CARB, the Department may, after consultation with CARB, require testing in accordance with Title 13 CCR, Division 3, Chapter 2. Upon a manufacturer's written request and demonstration of need, functional testing under the procedures incorporated in Title 13 CCR, Division 3, Chapter 2, of a statistically significant sample, may substitute for the 100% testing rate required in Title 13 CCR, Division 3, Chapter 2, with the written consent of the Department.

**Source**

The provisions of this § 126.423 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial page (250848).

**§ 126.424. In-use motor vehicle enforcement testing.**

(a) For purposes of detection and repair of motor vehicles subject to the Pennsylvania Clean Vehicles Program requirements which fail to meet the motor vehicle emission requirements of Title 13 CCR, Division 3, Chapter 1, the Department may, after consultation with CARB, conduct in-use vehicle enforcement testing in accordance with the protocol and testing procedures in Title 13 CCR, Division 3, Chapter 2.

(b) For purposes of compliance with subsection (a), in-use vehicle enforcement testing determinations and findings made by CARB are applicable and shall be provided by motor vehicle manufacturers to the Department upon a written request.

(c) The results of testing conducted under this section will not affect the result of any emission test conducted under 67 Pa. Code Chapter 177 (relating to emission inspection program).

**Source**

The provisions of this § 126.424 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial pages (250848) and (288285).

**§ 126.425. In-use surveillance testing.**

(a) For purposes of testing and monitoring the overall effectiveness of the Pennsylvania Clean Vehicles Program in controlling emissions, the Department may conduct in-use surveillance testing after consultation with CARB.

(b) For purposes of program planning and analysis, in-use surveillance testing determinations and findings made by CARB are applicable and shall be provided by motor vehicle manufacturers to the Department upon a written request.

(c) The results of in-use surveillance testing conducted under this section will not affect the result of any emission test conducted under 67 Pa. Code Chapter 177 (relating to emission inspection program).

#### Source

The provisions of this § 126.425 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial page (288285).

### MOTOR VEHICLE MANUFACTURERS' OBLIGATIONS

#### § 126.431. Warranty and recall.

(a) A manufacturer of new motor vehicles subject to the Pennsylvania Clean Vehicles Program requirements of this subchapter which are sold, leased, offered for sale or lease, titled or registered in this Commonwealth, shall warrant to the owner that each vehicle will comply over its period of warranty coverage with the requirements of Title 13 CCR, Division 3, Chapter 1, §§ 2035—2038, 2040 and 2041.

(b) Each motor vehicle manufacturer shall, upon a written request, submit to the Department failure of emission-related components reports, as defined in Title 13 CCR, Division 3, Chapter 2, for motor vehicles subject to the Pennsylvania Clean Vehicles Program in compliance with the procedures in Title 13 CCR, Division 3, Chapter 2. For purposes of compliance with this subsection, a manufacturer may submit copies of the reports submitted to CARB.

(c) For motor vehicles subject to the Pennsylvania Clean Vehicles Program, any voluntary or influenced emission-related recall campaign initiated by any motor vehicle manufacturer under Title 13 CCR, Division 3, Chapter 2, shall extend to all motor vehicles sold, leased, offered for sale or lease, titled or registered in this Commonwealth that would be subject to the recall campaign if sold, leased, offered for sale or lease or registered as a new motor vehicle in California, unless within 30 days of CARB approval of the recall campaign, the manufacturer demonstrates, in writing, to the Department's satisfaction that the recall campaign is not applicable to vehicles sold, leased, offered for sale or lease, titled or registered in this Commonwealth.

(d) For motor vehicles subject to the Pennsylvania Clean Vehicles Program, any order issued by or enforcement action taken by CARB to correct noncompliance with any provision of Title 13 CCR, which results in the recall of any vehicle pursuant to Title 13 CCR, Division 3, Chapter 2, shall be deemed to apply to all motor vehicles sold, leased, offered for sale or lease, titled or registered in this Commonwealth that would be subject to the order or enforcement action if sold, leased, offered for sale or lease or registered as a new motor vehicle in California, unless within 30 days of issuance of the CARB action, the manufac-

turer demonstrates, in writing, to the Department's satisfaction that the action is not applicable to vehicles sold, leased, offered for sale or lease, titled or registered in this Commonwealth.

**Source**

The provisions of this § 126.431 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial page (288285).

**§ 126.432. Reporting requirements.**

(a) For the purposes of determining compliance with the Pennsylvania Clean Vehicles Program, commencing with the 2008 model year, each manufacturer shall submit annually to the Department, within 60 days of the end of each model year, a report documenting the total deliveries for sale of vehicles in each test group over that model year in this Commonwealth.

(b) For purposes of determining compliance with the Pennsylvania Clean Vehicles Program, each motor vehicle manufacturer shall submit annually to the Department by March 1 of the calendar year following the close of the completed model year, a report of the fleet average NMOG emissions of its total deliveries for sale of LDVs in each test group for Pennsylvania for that particular model year. The fleet average report, calculating compliance with the fleetwide NMOG exhaust emission average, shall be prepared according to the procedures in Title 13 CCR, Division 3, Chapter 1.

(c) Fleet average reports must, at a minimum, identify the total number of vehicles, including offset vehicles, sold in each test group delivered for sale in this Commonwealth, the specific vehicle models comprising the sales in each state and the corresponding certification standards, and the percentage of each model sold in this Commonwealth in relation to total fleet sales.

(d) Compliance with the NMOG fleet average for the 2008, 2009 and 2010 model years must be demonstrated following the completion of the 2010 model year.

**Source**

The provisions of this § 126.432 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial pages (288285) to (288286).

**MOTOR VEHICLE DEALER RESPONSIBILITIES**

**§ 126.441. Responsibilities of motor vehicle dealers.**

A dealer may not sell, offer for sale or lease, or deliver a new motor vehicle subject to this subchapter unless the vehicle has received the certification described in §§ 126.421 and 126.422 (relating to new motor vehicle certification testing; and new motor vehicle compliance testing), and conforms to the following standards and requirements contained in Title 13 CCR, Division 3, Chapter 2, § 2151:

- (1) Ignition timing is set to manufacturer's specification with an allowable tolerance of  $\pm 3^\circ$ .
- (2) Idle speed is set to manufacturer's specification with an allowable tolerance of  $\pm 100$  revolutions per minute.
- (3) Required exhaust and evaporative emission controls including exhaust gas recirculation (EGR) valves, are operating properly.
- (4) Vacuum hoses and electrical wiring for emission controls are correctly routed.
- (5) Idle mixture is set to manufacturer's specification or according to manufacturer's recommended service procedure.

**Source**

The provisions of this § 126.441 amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424. Immediately preceding text appears at serial page (288286).

**DEPARTMENT RESPONSIBILITIES**

**§ 126.451. Responsibilities of the Department.**

The Department will do the following:

- (1) Monitor and advise the EQB of any proposed or final-form rulemakings under consideration by CARB or its successor that amend the Title 13 CCR, Division 3, Chapter 1 and 2 requirements incorporated by reference in this subchapter.
- (2) The Department will:
  - (i) Prepare a Regulatory Analysis Form to be submitted to the EQB and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for each proposed or final CARB rulemaking amending the Title 13 CCR, Division 3, Chapter 1 and 2 requirements incorporated by reference in this subchapter. The Department will complete the relevant provisions of the Regulatory Analysis Form as practical, including a cost/benefit analysis of the proposed or final CARB rulemaking.
  - (ii) Evaluate the estimated incremental cost to manufacture vehicles that comply with the California Low Emission Vehicle Program compared to the cost to manufacture vehicles that comply with the Federal Tier II vehicle emissions regulation, or its successor, promulgated under section 177 of the Clean Air Act (42 U.S.C.A. § 7507) to the extent data is available. This evaluation will be conducted on any proposed or final-form rulemakings under consideration by CARB or its successor amending the Title 13 CCR, Division 3, Chapter 1 and 2 requirements incorporated by reference in this subchapter and will be distributed to the EQB and the Chairpersons of the House and Senate Environmental Resources and Energy Committees.
  - (iii) Submit comments on proposed or final-form rulemakings amending the Title 13 CCR, Division 3, Chapter 1 and 2 requirements incorporated by reference in this subchapter to CARB on behalf of the residents of this Commonwealth.
- (3) The Department, in conjunction with the Department of Transportation, will study and evaluate the feasibility of modifying the Pennsylvania vehicle emission inspection program. In performing the study and evaluation, the

Department, in conjunction with the Department of Transportation, will consider the additional reductions in NO<sub>x</sub>, VOCs and other pollutants to be achieved through implementation of the Title 13 CCR, Division 3, Chapter 1 and 2 requirements. The Department will submit the findings and recommendations to the EQB no later than September 10, 2007.

(4) As soon as possible, but no later than June 11, 2007, the Department will notify the EQB of the specific reductions in NO<sub>x</sub>, VOCs, carbon monoxide and any other reductions approved by the EPA as a result of the incorporation of the Pennsylvania Clean Vehicles Program in the Commonwealth's SIP. The report must include a comparison of the incremental benefit reductions derived using EPA-approved methodology versus reductions which would have been achieved under the Federal Tier II vehicle emission standards.

#### Source

The provisions of this § 126.451 adopted December 8, 2006, effective December 9, 2006, 36 Pa.B. 7424; corrected January 12, 2007, effective December 9, 2006, 37 Pa.B. 209. Immediately preceding text appears at serial pages (324521) to (324522).

### Subchapter E. PENNSYLVANIA HEAVY-DUTY DIESEL EMISSIONS CONTROL PROGRAM

#### GENERAL PROVISIONS

- Sec.  
126.501. Purpose.  
126.502. General requirements.  
126.503. Emission requirements.  
126.504. Exemptions.

#### APPLICABLE HEAVY-DUTY ENGINE AND VEHICLE TESTING

- 126.511. New engine and vehicle certification testing.  
126.512. New engine and vehicle compliance testing.  
126.513. Assembly line testing.  
126.514. In-use engine and vehicle enforcement testing.  
126.515. In-use surveillance testing.

#### ENGINE AND VEHICLE MANUFACTURERS' OBLIGATIONS

- 126.521. Warranty and recall.  
126.522. Reporting requirements.



**MOTOR VEHICLE DEALER RESPONSIBILITIES**

126.531. Responsibilities of heavy-duty diesel highway vehicle dealers.

**Authority**

The provisions of this Subchapter E issued under section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), unless otherwise noted.

**Source**

The provisions of this Subchapter E adopted May 10, 2002, effective May 11, 2002, 32 Pa.B. 2327, unless otherwise noted.

**GENERAL PROVISIONS****§ 126.501. Purpose.**

(a) This subchapter establishes a heavy-duty diesel emissions control program under section 177 of the Clean Air Act (42 U.S.C.A. § 7507) designed primarily to achieve emission reductions of the precursors of ozone, particulate matter, air toxics and other air pollutants from new heavy-duty diesel engines and vehicles.

(b) This subchapter adopts and incorporates by reference certain provisions of the California Exhaust Emission Standards and Test Procedures for Heavy-Duty Diesel Engines and Vehicles.

(c) This subchapter also exempts certain new heavy-duty diesel engines and vehicles from this new emissions control program.

**§ 126.502. General requirements.**

(a) The Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements apply to new heavy-duty diesel engines and vehicles with a GVWR of greater than 14,000 pounds that are sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired or received in this Commonwealth starting with the model year beginning after May 11, 2004, and each model year thereafter.

(b) The California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Heavy-Duty Engines and Vehicles, Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8 are adopted and incorporated by reference to the extent that they pertain to the requirements for heavy-duty diesel engines and vehicles with a GVWR of greater than 14,000 pounds.

(c) The California Enforcement of Vehicle Emission Standards and Surveillance Testing, Title 13 CCR, Division 3, Chapter 2, Article 1.5, § 2065, are adopted and incorporated by reference.

**§ 126.503. Emission requirements.**

(a) Starting with the model year beginning after May 11, 2004, a person may not sell, import, deliver, purchase, lease, rent, acquire or receive a new heavy-duty diesel engine or vehicle, subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements, in this Commonwealth that has not received a CARB Executive Order for all applicable requirements of Title 13 CCR, adopted and incorporated by reference.

(b) Starting with the model year beginning after May 11, 2004, a manufacturer may elect to include its heavy-duty diesel engines or vehicles delivered for sale in this Commonwealth in the emissions averaging, banking and trading programs for heavy-duty diesel engines or vehicles as provided under Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8, adopted and incorporated by reference.

(c) Starting with the model year beginning after May 11, 2004, a manufacturer may elect to certify any of its heavy-duty diesel engines or vehicles delivered for sale in this Commonwealth to the optional emission standards as provided under Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8, adopted and incorporated by reference.

(d) New heavy-duty diesel engines and vehicles subject to this subchapter shall possess a valid emissions control label that meets the requirements of Title 13 CCR, Division 3, Chapter 1, § 1965, adopted and incorporated by reference.

**§ 126.504. Exemptions.**

The following new heavy duty diesel engines and vehicles are exempt from the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements of this subchapter:

- (1) Emergency vehicles.
- (2) A heavy-duty diesel vehicle transferred by a dealer to another dealer.
- (3) A heavy-duty diesel vehicle transferred for use exclusively off-highway.
- (4) A heavy-duty diesel vehicle granted a National security or testing exemption under section 203(b)(1) of the Clean Air Act (42 U.S.C.A. § 7522(b)(1)).
- (5) A heavy-duty diesel vehicle defined as a military tactical vehicle or engine under Title 13 CCR, Division 3, Chapter 1, Article 1, § 1905, adopted and incorporated by reference.
- (6) A heavy-duty diesel vehicle sold after May 11, 2004, if the vehicle was registered in this Commonwealth before May 11, 2004.
- (7) A heavy-duty diesel engine or vehicle for the model years 2005 and 2006 manufactured by an ultra-small volume manufacturer as defined under Title 13 CCR, Division 3, Chapter 1, Article 2, § 1976(f)(2), adopted and incorporated by reference.

(8) For model years 2005 and 2006, an urban bus as defined under Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.2(b)(4), adopted and incorporated by reference.

(9) A heavy-duty diesel engine or vehicle that, following a technology review, CARB determines is inappropriate to require compliance with the emission standards and other requirements under Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8 for a particular model year.

#### APPLICABLE HEAVY-DUTY ENGINE AND VEHICLE TESTING

##### § 126.511. New engine and vehicle certification testing.

(a) Prior to being offered for sale or lease in this Commonwealth, new heavy-duty diesel engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements of this subchapter shall be certified as meeting the heavy-duty diesel engine and vehicle requirements of Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8 as determined by Title 13 CCR, Division 3, Chapter 2, Article 2, §§ 2101—2110, adopted and incorporated by reference.

(b) For purposes of complying with subsection (a), new vehicle certification testing determinations and findings made by CARB apply.

##### § 126.512. New engine and vehicle compliance testing.

(a) Prior to being offered for sale or lease in this Commonwealth, new heavy-duty diesel engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements of this subchapter shall be certified as meeting the heavy-duty diesel engine and vehicle requirements of Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8 as determined by Title 13 CCR, Division 3, Chapter 2, Article 2, §§ 2101—2110, adopted and incorporated by reference.

(b) For purposes of compliance with subsection (a), new engine and vehicle compliance testing determinations and findings made by CARB apply.

##### § 126.513. Assembly line testing.

(a) Each manufacturer of new heavy-duty diesel engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emission Control Program requirements of this subchapter, certified by CARB and sold or leased in this Commonwealth, shall conduct assembly line testing in accordance with Title 13 CCR, Division 3, Chapter 2, Article 1, adopted and incorporated by reference.

(b) For purposes of compliance with subsection (a), assembly line testing determinations and findings made by CARB apply.

**§ 126.514. In-use engine and vehicle enforcement testing.**

(a) For the purposes of detection and repair of engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements which fail to meet the emission requirements of Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8, the Department may, after consultation with CARB, conduct in-use vehicle enforcement testing in accordance with the protocol and testing procedures in Title 13 CCR, Division 3, Chapter 2, Article 2.3, §§ 2136—2140, adopted and incorporated by reference.

(b) For purposes of compliance with subsection (a), in-use engine and vehicle enforcement testing determinations and findings made by CARB apply.

**§ 126.515. In-use surveillance testing.**

(a) For the purposes of testing and monitoring, the overall effectiveness of the Pennsylvania Heavy-Duty Diesel Emissions Control Program in controlling emissions, the Department may conduct in-use surveillance testing after consultation with CARB, in accordance with Title 13 CCR, Division 3, Chapter 2, Article 3, §§ 2150—2153, adopted and incorporated by reference.

(b) For purposes of program planning, in-use surveillance testing determinations and findings made by CARB apply.

**ENGINE AND VEHICLE MANUFACTURERS' OBLIGATIONS****§ 126.521. Warranty and recall.**

(a) A manufacturer of new heavy-duty diesel engines or vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements of this subchapter which are sold, leased, or offered for sale or lease in this Commonwealth shall warrant to the owner that each engine or vehicle shall comply over its period of warranty coverage with the requirements of Title 13 CCR, Division 3, Chapter 1, Article 6, §§ 2036, 2039—2041 and 2046, adopted and incorporated by reference.

(b) Each manufacturer of new heavy-duty diesel engines or vehicles shall submit to the Department failure of emission-related components reports, as defined in Title 13 CCR, Division 3, Chapter 2, Article 2.4, § 2144, adopted and incorporated by reference, for engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program in compliance with the procedures in Title 13 CCR, Division 3, Chapter 2, Article 2.4, §§ 2141—2149, adopted and incorporated by reference.

(c) For heavy-duty diesel engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program, a voluntary or influenced emission-related recall campaign initiated by any heavy-duty diesel engine or vehicle manufacturer under Title 13 CCR, Division 3, Chapter 2, Article 2.1,

§§ 2111—2121, adopted and incorporated by reference, shall extend to all new heavy-duty diesel engines or vehicles sold, leased or offered for sale or lease in this Commonwealth.

(d) For heavy-duty diesel engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emission Control Program, an in-use vehicle ordered recall under Title 13 CCR, Division 3, Chapter 2, Article 2.2, §§ 2122—2135, adopted and incorporated by reference, shall extend to all new heavy-duty diesel engines or vehicles sold, leased or offered for sale or lease in this Commonwealth.

**§ 126.522. Reporting requirements.**

(a) For the purposes of determining compliance with the Pennsylvania Heavy-Duty Diesel Emissions Control Program, commencing with the model year beginning after May 11, 2004, each manufacturer shall submit annually to the Department, within 60 days of the end of each model year, a report documenting the total deliveries for sale of engines and vehicles for each engine family over that model year in this Commonwealth.

(b) For the purposes of determining compliance with the Pennsylvania Heavy-Duty Diesel Emissions Control Program, each heavy-duty diesel engine and vehicle manufacturer shall submit annually to the Department, by March 1 of the calendar year following the close of the completed calendar year, a report of its heavy-duty diesel engines and vehicles delivered for sale in this Commonwealth that were included in the emissions averaging, banking and trading programs for heavy-duty diesel engines and vehicles within the provisions of Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8.

**MOTOR VEHICLE DEALER RESPONSIBILITIES**

**§ 126.531. Responsibilities of heavy-duty diesel highway vehicle dealers.**

(a) A dealer may not sell, offer for sale or lease, or deliver a new heavy-duty diesel engine or vehicle subject to this subchapter without a valid emissions control label which meets the requirements of Title 13 CCR, Division 3, Chapter 1, Article 2, § 1965, adopted and incorporated by reference.

(b) A dealer may not sell, offer for sale or lease, or deliver a new heavy-duty diesel engine or vehicle subject to this subchapter unless the engine or vehicle conforms to the standards and requirements under Title 13 CCR, Division 3, Chapter 2, Article 3, § 2151, adopted and incorporated by reference.

(c) A dealer who imports, sells, delivers, leases or rents an engine or vehicle subject to this subchapter shall retain records concerning the transaction for at least 3 years following the transaction.

**APPENDIX A**  
**[Reserved]**

**Authority**

The provisions of this Appendix A issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015); reserved under section 5 of the Air Pollution Control Act (35 P. S. § 4005).

**Source**

The provisions of this Appendix A adopted January 28, 1994, effective January 29, 1994, 24 Pa.B. 693; reserved July 13, 2012, effective July 14, 2012, 42 Pa.B. 4459. Immediately preceding text appears at serial pages (250851) to (250858).

[Next page is 127-1.]

126-22