

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR RESOURCES**

**AIR POLLUTION CONTROL REGULATION NO. 42**

**HEAVY-DUTY DIESEL ENGINE STANDARDS**



*Effective 10 January 2002*

*Last Amended 19 July 2007*

**AUTHORITY:** These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

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**HEAVY-DUTY DIESEL ENGINE STANDARDS**

**42 Heavy-Duty Diesel Engine Standards**

**42.1 Definitions**

Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to the Rhode Island Air Pollution Control General Definitions Regulation. As used in this regulation, the following terms shall, where the context permits, be construed as follows:

- 42.1.1        **“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 California health & safety code sections 43100, 43101 & 43102 et seq.
- 42.1.2        **“California Standards”** means those emission standards for motor vehicles and new motor vehicle engines that the state of California has adopted and for which it has received a waiver from the United States Environmental Protection Agency pursuant to the authority of 42 U.S.C.A. Section 7543 and which other states are permitted to adopt pursuant to 42 U.S.C.A. Section 7507.
- 42.1.3        **“CCR”** shall mean the California Code of Regulations
- 42.1.4        **“Certification”** means a finding issued by CARB certifying that a specified engine family or model year motor vehicle has met all applicable Title 13 CCR requirements for certification and sale in California.
- 42.1.5        **“Certified device”** means an air contaminant emission control system for which a certification has been issued by CARB or the Department.
- 42.1.6        **“Dealer”** means every person actively engaged in the business of buying transferring, leasing, selling or exchanging motor vehicles and who has an established place of business.
- 42.1.7        **“Division of Motor Vehicles” or “DMV”** means the Division of Motor Vehicles of the Rhode Island Department of Administration.

- 42.1.8        **“Emergency vehicle”** shall have the same meaning, usage and application that it has developed under the heavy-duty diesel engine program adopted by CARB on December 8, 2000.
- 42.1.9        **“Emissions-related part”** means any automotive part, which affects any regulated emissions from a motor vehicle which is subject to California or federal emission standards. This includes, at a minimum, those parts specified in the “Emissions-Related Parts List,” adopted by CARB on November 4, 1977, as is or as amended.
- 42.1.10       **“Executive order”** means a document issued by CARB certifying that a specified engine family or model year motor vehicle has met all applicable Title 13 CCR requirements for certification and sale in California.
- 42.1.11       **“Gross vehicle weight rating”** shall have the same meaning, usage and application that it has developed under the heavy-duty diesel engine program adopted by CARB on December 8, 2000.
- 42.1.12       **“Heavy-duty diesel engine”** means a diesel engine that is used to propel a motor vehicle with a Gross Vehicle Weight Rating of 14,001 pounds or greater.
- 42.1.13       **“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.
- 42.1.14       **“Manufacturer”** means any person who produces and/or assembles heavy-duty diesel engines or motor vehicles.
- 42.1.15       **“Manufacturers advisory correspondence”** means a policy document issued by CARB, which interprets the application of the CCR to motor vehicles.
- 42.1.16       **“Military tactical vehicle or equipment”** shall have the same meaning, usage and application that it has developed under the heavy-duty diesel engine program adopted by CARB on December 8, 2000.
- 42.1.17       **“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 motor vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

- 42.1.18        **“Motor vehicle”** shall have the same meaning, usage and application that it has developed under the heavy-duty diesel engine program adopted by CARB on December 8, 2000.
- 42.1.19        **“New motor vehicle”** means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser.
- 42.1.20        **“New motor vehicle engine”** means a new engine in a motor vehicle.
- 42.1.21        **“Recall”** means:
- (a) a manufacturer’s issuing of notices directly to consumers that motor vehicles in their possession or control should be corrected;
  - (b) a manufacturer’s efforts to actively locate and correct motor vehicles in the possession or control of consumers.
- 42.1.22        **“Recall campaign”** means a plan approved by CARB or the Department, by which a manufacturer will recall non-complying motor vehicles.
- 42.1.23        **“Section 1956.8”** means Title 13, Division 3, Chapter 1, Article 2, section 1956.8 of the California Code of Regulations.
- 42.1.24        **“Title 13”** means Title 13 of the California Code of Regulations.
- 42.1.25        **“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.
- 42.1.26        **“Ultra-small volume manufacturer”** means any manufacturer with California sales less than or equal to 300 new passenger cars, light duty trucks, medium-duty vehicles, heavy-duty vehicles, and heavy-duty engines per model year based on the average number of vehicles and engines sold by the manufacturer in the previous three consecutive model years.
- 42.1.27        **“Urban bus”** means a passenger-carrying motor vehicle powered by a heavy-duty diesel engine, or of a type normally powered by a heavy-duty diesel engine, with a load capacity of fifteen (15) or more passengers and intended primarily for intra-city operation, i.e., within the confines of a city or greater metropolitan area. Urban bus operation is characterized by short rides and frequent stops. To facilitate this type of operation, more than one set of quick-operating entrance and exit doors would normally be installed. Since fares are usually paid in

cash or token, rather than purchased in advance in the form of tickets, urban buses would normally have equipment installed for the collection of fares. Urban buses are also typically characterized by the absence of equipment and facilities for long distance travel, e.g., restrooms, large luggage compartments, and facilities for stowing carry-on luggage.

## **42.2 Applicability**

- 42.2.1 The Department hereby adopts all sections of the California certification of model years 2005 and 2006 for heavy-duty diesel engines certifying that the engine complies with Section 1956.8.
- 42.2.2 This regulation shall apply to all model year 2005 and 2006 heavy-duty diesel engines and to new motor vehicles containing such engines.
- 42.2.3 The Department shall apply technical guidance issued by CARB relative to the implementation of Title 13, including but not limited to Manufacturers Advisory Correspondences and Mail Outs regarding motor vehicles subject to this regulation.

## **42.3 Requirements for Motor Vehicle Registration and Transactions**

- 42.3.1 No new motor vehicle equipped with a 2005 or 2006 model year heavy-duty diesel engine may be registered with the Division of Motor Vehicles unless the applicant presents documentation showing that an Executive Order has been issued for such engine, certifying that the engine complies with Section 1956.8.
- 42.3.2 No person who is a resident of this state, or who operates an established place of business within this state, shall:
  - (a) sell, lease, rent, import, deliver, purchase, acquire, or receive in this state any heavy-duty diesel engine or motor vehicle subject to these regulations; or,
  - (b) offer for sale, lease, or rental in this state any heavy-duty diesel engine or motor vehicle subject to these regulations; or,
  - (c) attempt or assist in any action prohibited by Sub-paragraphs (a) or (b), above,unless the manufacturer of the engine has received an Executive Order certifying that the engine complies with Section 1956.8.

42.3.3 The Department may require a motor vehicle manufacturer or dealer of motor vehicles subject to this regulation to submit documentation to demonstrate their compliance with any Executive Order.

#### **42.4 Exemptions**

Notwithstanding section 42.3 et seq., this regulation shall not apply to:

- 42.4.1 A model year 2005 or 2006 heavy-duty diesel engine manufactured by an ultra-small volume manufacturer;
- 42.4.2 An heavy-duty diesel engine installed in an urban bus;
- 42.4.3 An engine if, following a technology review, the California Air Resources Board determines that it is inappropriate to require compliance for heavy-duty diesel engines of that particular model year and engine family;
- 42.4.4 A motor vehicle acquired by a resident of this state to replace a motor vehicle registered to such resident that was:
  - (a) damaged; or,
  - (b) became inoperative beyond reasonable repair; or,
  - (c) was stolen while out of this state; provided that the replacement motor vehicle is acquired out of state at the time the previously owned motor vehicle was either damaged or became inoperative or was stolen;
- 42.4.5 A motor vehicle with an engine that predates these standards that was transferred by inheritance, or by a decree of divorce, dissolution, or legal separation entered by a court of competent jurisdiction;
- 42.4.6 A motor vehicle having a certificate of conformity issued pursuant to the Clean Air Act (42 U.S.C. §7401 et seq.) and originally registered in another state by a resident of that state who subsequently establishes residence in this state and who, upon registration of the motor vehicle in this state provides satisfactory evidence to the Division of Motor Vehicles of the previous residence and registration;
- 42.4.7 An emergency vehicle;
- 42.4.8 A military tactical vehicle or equipment; or

- 42.4.9 Any other motor vehicles exempted by the California Health and Safety Code, section 43656.

## **42.5 Manufacturer Compliance with California Orders and Voluntary Recalls**

- 42.5.1 Any order or enforcement action taken by the California Air Resources Board to correct noncompliance with any heavy-duty diesel engine requirements adopted by such Board on December 8, 2000 shall be applicable to all such engines and motor vehicles subject to this regulation that are: sold, leased, or rented; offered for sale, lease, or rental or; registered in Rhode Island, except where the manufacturer demonstrates to the Department's satisfaction, within 21 days of issuance of such California Air Resources Board action, that this action is not applicable to such engines or motor vehicles in the State of Rhode Island.
- 42.5.2 Any voluntary or influenced emission-related recall campaign initiated by any manufacturer pursuant to Title 13, sections 2113 through 2121 of the California Code of Regulations shall extend to all applicable engines and motor vehicles subject to this regulation that are: sold, leased, or rented; offered for sale, lease or, rental or; registered in the State of Rhode Island, except where the manufacturer demonstrates to the Department's satisfaction, within 21 days of approval of the campaign by the California Air Resources Board, that this campaign is not applicable to such engines or motor vehicles in the State of Rhode Island.

## **42.6 General Provisions**

### 42.6.1 Purpose

The purpose of this regulation is to adopt emissions standards for mobile source heavy-duty diesel engines.

### 42.6.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35

### 42.6.3 Application

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

42.6.4 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.

42.6.5 Effective Date

The foregoing regulation, "Heavy-Duty Diesel Engine Standards", as amended, after due notice, is hereby adopted and filed with the Secretary of State this 29th day of June, 2007 to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 23-23, 42-35, 42-17.1, 42-17.6, of the General Laws of Rhode Island of 1956, as amended.

W. Michael Sullivan, PhD., Director  
Department of Environmental Management

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**Effective Date:** *July 19, 2007*