

State of California

AIR RESOURCES BOARD

Resolution 74-22

April 10, 1974

WHEREAS, Section 39051(c) of the Health and Safety Code authorizes the Air Resources Board to adopt rules, regulations and procedures in accordance with the provisions of the Administrative Procedure Act;

WHEREAS, Section 39052(m) of the Health and Safety Code authorizes the Air Resources Board to adopt such regulations; and

WHEREAS, a public hearing and other proceedings have been held in accordance with the provisions of the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.5);

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board hereby amends regulations in Article 2, Subchapter 2, Chapter 3, Title 13 of the California Administrative Code as follows:

Amend Section 2109 to read:

2109. Enforcement Action. (a) When this section is invoked pursuant to other sections of this article, the Executive Officer shall notify the manufacturer of such action and the reasons therefor. ~~(b) Approval of the following year's production of vehicles, which are in all material respects the same in construction as the vehicles found not to comply with an applicable law or standard under other sections of this Article, may be withheld by the Board unless the~~ The manufacturer shall promptly take effective action to bring the remainder of the current year's production of such vehicles into compliance. The manufacturer shall also forthwith submit a plan of action to the Executive Officer who shall order execution of the plan, including such changes as he determines to be necessary. The Executive Officer may also request a report from the manufacturer with respect to the prior production of the current year. If, based on that report and other available information, it is found that a substantial number of vehicles containing emission control defects similar to the defects in the vehicle tested are in the hands of ultimate consumers and that a significant reduction of emissions from such vehicles may be obtained at a not unreasonable cost, the manufacturer may be ordered to take reasonable steps to effect appropriate repairs.

(e) (b) If any corrective action ordered pursuant to subdivision (b) (a) is not taken promptly, the following year's approval for such vehicles which are substantially equivalent to the vehicles found

under other sections of this Article not to comply with an applicable law or standard may, after affording to the manufacturer notice and opportunity to comment, be withheld for such time not to exceed one year or conditioned in such manner as the Board in either case determines appropriate under the circumstances. If there are no substantially equivalent vehicles for the following year, the Board may designate another class of vehicles which shall be as similar as possible under the circumstances.

Amend Section 2108 to read:

2108. Order of Executive Officer. Failure to comply with any order of the Executive Officer issued pursuant to this article may result in the withholding or conditioning of approval in the manner specified in Section 2109 (e) (b).