

State of California
AIR RESOURCES BOARD

Resolution 75-52

September 30, 1975

WHEREAS, Sections 39156 and 39157 of the California Health and Safety Code require the emissions control system of new light-duty vehicles to have a useful life of 5 years or 50,000 miles, whichever comes first;

WHEREAS, Sections 39051(c), 39052(k), 39085, and 39150 of the California Health and Safety Code authorize the Air Resources Board by regulation to adopt and revise the requirements for approval of new motor vehicles for sale and registration in this state;

WHEREAS, the Board finds that some manufacturers require owners of new catalyst-equipped light-duty vehicles to service or replace the catalyst at the owner's expense prior to 50,000 miles;

WHEREAS, the Board finds early catalyst replacement at owner's expense contravenes the emissions warranty set forth in Sections 39156 and 39157;

WHEREAS, the Board finds that early catalyst replacement at owner's expense, because of the cost and inconvenience involved, is likely not to be complied with by a substantial number of owners and will result in increased emissions due to depleted catalysts;

NOW, THEREFORE, BE IT RESOLVED, that the Board amends its regulations in Subchapter 1 of Chapter 3 of Title 13, California Administrative Code, to adopt the proposed new Article 6, attached to Staff Report Number 75-18-2 as Exhibit 1, entitled "Catalyst Service and Replacement", as revised by the Board at its meeting this date;

BE IT FURTHER RESOLVED, that said amendments must be made effective as soon as possible in order to affect 1976 model-year approvals and approval extensions, to enable the manufacturers to proceed toward the introduction of 1976 model vehicles without substantial disruption and to set appropriate prices for their 1976 model-year vehicles;

BE IT FURTHER RESOLVED, that the Board instructs the Executive Officer to file said regulations as an emergency to be effective immediately upon filing with the Secretary of State and to schedule a public hearing for confirmation and/or amendment of said regulations prior to their termination on December 31, 1975.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Exhibit I)

(Pursuant to Government Code Section 11380.1)

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

AIR RESOURCES BOARD

(Agency)

Date of adoption, amendment, or repeal:

September 30, 1975

By:

Executive Officer

(Title)

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Section 39051(c) of the Health and Safety Code, and to implement, interpret, or make specific Sections 39052(k), 39085, 39150, 39156, and 39157 of the Health and Safety Code, the Air Resources Board hereby amends its regulations in Title 13, California Administrative Code, as follows:

Amend Title 13, California Administrative Code, to add a new Article 6 to Subchapter 1 of Chapter 3, as follows:

Article 6. Catalyst Service and Replacement

2040. (a) For 1976 model-year vehicles only, the manufacturer shall provide the vehicle owner, pursuant to Health and Safety Code Sections 39156 and 39157, full warranty coverage for any parts, labor, or other costs, including sales tax, if any, incurred as a result of oxidation catalyst service or replacement performed pursuant to the manufacturer's schedule or recommendation prior to the accumulation of 5 years or 50,000 miles, whichever occurs first.

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(Pursuant to Government Code Section 11380.1)

(b) To ensure that the aforesaid service or replacement is accomplished and to render easily enforceable the conditions upon which vehicles requiring such service or replacement are approved for sale in California, manufacturers shall take the following steps:

(1) Install a permanent driver's doorpost decal indicating that a catalyst replacement or service must be performed at the appropriate number of miles and that all costs related to the same will be borne by the manufacturer, and a window sticker, the text, format, and placement of which shall be approved by the Executive Officer, adequately notifying prospective purchasers of the reason for the change and the potential inconvenience to the purchaser.

(2) Include in the owner's manual given to the purchaser, or a supplement permanently attached thereto, a statement specifically, clearly and conspicuously setting forth the catalyst service or replacement schedule, and the fact that all costs of such scheduled service or replacement, including the cost of loan cars (or alternate transportation), will be borne by the manufacturer.

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(Pursuant to Government Code Section 11380.1)

(3) Convey by first class mail the same information to each owner of a 1976 model. Such notice shall be given to the current owner, if known to the manufacturer, or otherwise to the original owner when the specified mileage is accumulated, if practicable, or otherwise when the period of time elapses from the date of purchase that the manufacturer estimates as the average time in which the vehicle will be driven the mileage at which catalyst service or replacement is scheduled or recommended. The text and format of such notice shall be submitted to the Executive Officer for approval;

(4) Establish appropriate procedures for reimbursement of dealers for their costs of catalyst warranty service or replacement, including reasonable profit, provided that:

(A) dealers perform all scheduled or recommended catalyst service or replacement free of any charge or cost, including sales tax, to the consumer;

(B) dealers minimize the inconvenience of catalyst replacement or service by providing, free of charge, a loaner car reasonably comparable to the car being serviced for use by the consumer while his car is being serviced, or by providing alternate transportation satisfactory to the customer;

(C) dealers routinely in the ordinary course of business effect catalyst service or replacement, with

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the owner's knowledge and consent, when they receive for any service a vehicle driven beyond the mileage at which such service or replacement is scheduled or recommended;

(D) after such service or replacement is accomplished, the dealer shall affix a permanent doorpost decal indicating the same and the date thereof.

(5) Use every means available to ensure and, if possible, require that dealers perform the tasks enumerated in paragraph (4)(A) through (4)(D) herein.

(6) Report to the Board, at intervals specified by the Executive Officer, on the number of catalyst services and/or replacements completed for each engine family affected. In the event the Board determines that the number of vehicles on which such replacement or service has not been performed is unacceptable, the manufacturer shall take such other steps as the Board after public hearing may reasonably require to ensure that substantially all vehicles sold pursuant to the Board's approval and operated in California after the specified mileage has been accumulated receive such catalyst service or replacement.

(7) Install a light which warns owners of the need for catalyst service or replacement at the appropriate mileage, together with an audible warning device (e.g.,

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a buzzer) which operates in conjunction with such light. The operation of the audible warning device need not be constant, but may, subject to the approval of the Executive Officer, come on at intervals or in conjunction with vehicle start-up. If the Executive Officer determines that the installation of either a light or an audible warning device is not feasible for a portion of the 1976 model-year production for a particular manufacturer, the Executive Officer may grant a waiver of these requirements for the appropriate portion of production.

(c) This section shall remain in effect to and including December 31, 1975. Compliance herewith shall be a condition of approval.

(d) Each subpart of this section shall be deemed severable, and in the event that any part or subpart of this section is held to be invalid, the remainder of this section shall continue in full force and effect.

2041. Any oxidation catalyst for which service or replacement is scheduled or recommended by the vehicle manufacturer prior to the accumulation of 5 years or 50,000 miles, whichever occurs first, is defective in design, materials, and workmanship within the meaning of Health and Safety Code Sections 39156 and 39157. Any such service or replacement shall be performed free of charge to the vehicle owner.

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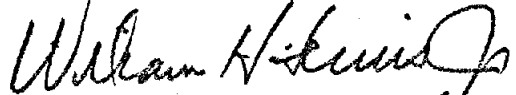
(Pursuant to Government Code Section 11380.1)

The above regulations submitted for filing do not include any "building standard" as defined in the State Building Standards Law (Sections 18900-18917, Health and Safety Code).

Certificate

The Air Resources Board has determined that the foregoing regulations create no cost to local government under Section 2231 of the Revenue and Taxation Code.

STATE AIR RESOURCES BOARD



William H. Lewis, Jr.
Executive Officer

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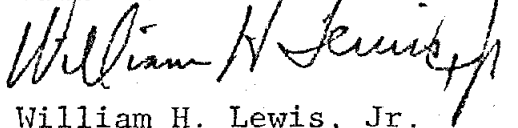
FINDING OF EMERGENCY

The Air Resources Board finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public peace, health and safety or general welfare. A statement of the facts constituting such emergency is:

Manufacturers of vehicles requiring an early catalyst change on their 1976 model-year vehicles have approvals pending before the Board and will be marketing these new models within the month. These regulations must be effective immediately so as not to delay the granting of these approvals and to enable the manufacturers to proceed toward the introduction of 1976 model-year vehicles without substantial disruption and to set appropriate prices for these vehicles.

The said regulation is therefore adopted as an emergency regulation to take effect immediately upon filing with the Secretary of State as provided in Section 11422(c) of the Government Code.

STATE AIR RESOURCES BOARD



William H. Lewis, Jr.
Executive Officer

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