

State of California
AIR RESOURCES BOARD

Resolution 83-16

June 30, 1983

Agenda Item No.: 83-9-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules, and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Sections 39002, 43000, 43013, 43101, and 43104 of the Health and Safety Code authorize the Board to adopt emission standards and test procedures to control air pollution caused by motor vehicles;

WHEREAS, Section 43100 of the Health and Safety Code authorizes the Board to certify new motor vehicles, and Section 43102 provides that no new motor vehicle shall be certified unless it meets the emission standards and test procedures adopted by the Board;

WHEREAS, Section 43106 of the Health and Safety Code requires that each new motor vehicle required to meet the emission standards established pursuant to Section 43101 be, in all material respects, substantially the same in construction as the test motor vehicle certified by the Board;

WHEREAS, Section 43204 of the Health and Safety Code requires the manufacturer of each motor vehicle and motor vehicle engine to warrant to the ultimate purchaser and each subsequent purchaser that the motor vehicle or engine is:

- (1) Designed, built, and equipped so as to conform, at the time of sale, with the applicable emission standards;
- (2) Free from defects in materials and workmanship which cause such motor vehicle or motor vehicle engine to fail to conform with the applicable regulations for its useful life;

WHEREAS, the certification procedures adopted by the Board require a demonstration that the vehicle complies with the applicable emission standards throughout the useful life of the motor vehicle;

WHEREAS, the Board has adopted emission control system warranty regulations which are set forth in Title 13, California Administrative Code, Sections 2035 et seq., including the Emissions Warranty Parts List, dated December 14, 1978;

WHEREAS, the Legislature has recently amended Health and Safety Code Section 43204 (Stats 1982, Ch. 1173; AB 2046) to reduce the warranty coverage required on specific emissions-related components for those new vehicles certified to the optional emission standards pursuant to Section 1960.15, Title 13, California Administrative Code, and first sold on or after January 1, 1983;

WHEREAS, in 1982 the Legislature authorized (Stats 1982, Ch. 892) the implementation of a biennial motor vehicle inspection and maintenance program in the major urban nonattainment areas of the state which is scheduled to commence operations in March 1984;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having potential significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce and avoid such impacts;

WHEREAS, the staff has proposed regulatory amendments reflecting the provisions of AB 2046 and has prepared a staff report evaluating the proposed amendments and indicating that except for the amendment reducing the warranty coverage on vehicles certified to California optional standards, these amendments would not be expected to result in any significant potential adverse environmental impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

The emission control system warranty regulations have been effective in reducing in-use defects in emissions-related parts and encouraging repair when emissions-related parts fail;

It is necessary and appropriate to amend these warranty regulations to reflect the reduced warranty coverage provided by Health and Safety Code Section 43204, as amended in 1982, for vehicles certified to the Board's optional standards;

It is necessary and appropriate to amend Section 2039 of these warranty regulations to address the revised motor vehicle inspection program authorized by the Legislature in 1982;

It is necessary and appropriate to add to the Emissions Warranty Parts List certain parts whose failure is likely to impair substantially the ability of a vehicle's emissions control system to reduce exhaust emissions as required, as demonstrated during the Board's administration of the existing regulations;

A potentially significant adverse environmental effect may result from this action in that there may be increased emissions from motor vehicles, although any such increases from the failure of emission control system components will be limited to the extent that they are detected and repaired as a result of the motor vehicle inspection program authorized in 1982 for California's major urban nonattainment areas.

There are no feasible alternatives or mitigation measures available to reduce any potential adverse air quality impacts from the amendment reducing warranty coverage consistent with Health and Safety Code Section 43204, and in all other respects the adoption of the proposed amendments will not result in potential adverse environmental impacts.

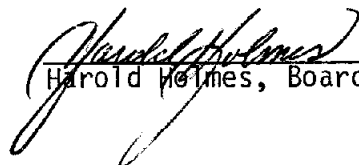
NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts amendments to Title 13, California Administrative Code, Sections 2035, 2036(c), 2039, and the Emissions Warranty Parts List referenced in Section 2036(c), as set forth in Attachments I and II.

BE IT FURTHER RESOLVED that the added parts adopted herein for the warranted parts list referenced in Section 2036(c) shall not be required for the manufacturers' statements submitted under Section 2036 before the 1985 model year.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulatory amendments adopted herein do not render California regulations less protective of public health and welfare than the comparable federal standards or inconsistent with Section 202(a) of the Clean Air Act.

BE IT FURTHER RESOLVED that each part of the regulations amended herein shall be deemed severable, and, in the event that any part of these regulations is held to be invalid, the remainder of the regulations shall continue in full force and effect.

I certify that this a true and correct copy of Resolution 83-16 as adopted by the Air Resources Board.


Harold Holmes, Board Secretary

ATTACHMENT I

PROPOSED AMENDMENTS

TO TITLE 13, CALIFORNIA ADMINISTRATIVE CODE, SECTIONS 2035 AND 3039

Amend Section 2035(c)(1) by adding a new subsection (F), and renumbering the remaining subsection to read as follows:

(F) In the case of vehicles certified to the optional emission standards pursuant to Health and Safety Code Section 43101.5(a), which are sold on or after January 1, 1983, for fuel metering and ignition components contained in the state board's "Emissions Warranty Parts List", dated December 14, 1978, as amended June 29, 1983, a period of use of two years or 24,000 miles, whichever first occurs, and for all other warranted parts, a period of use of five years or 50,000 miles, whichever first occurs.

(G) (F) In the case of all other light-duty, medium-duty and heavy-duty vehicles, and motor vehicle engines used in such vehicles, a period of use of five years or 50,000 miles, whichever first occurs.

Amend Section 2035(c)(1)(G)(2) to read as follows:

(2) "Warranted part" means any emissions-related part installed on a motor vehicle or motor vehicle engine by the vehicle or engine manufacturer which is included on the "Emissions Warranty Parts List" required by Section 2036**(b)**(c) and approved for the vehicle or engine by the ~~Executive-Officer~~ executive officer.

Amend Section 2036(c) to read as follows:

(c) Commencing with 1980 models sold on or after September 1, 1979, furnish with each new vehicle or engine a list of the "warranted parts" installed on that vehicle or engine. The list shall include those parts included on the Air Resources Board "Emissions Warranty Parts List," dated December 14, 1978, as amended on June 29, 1983, and incorporated herein by reference.

Amend Section 2039 to read as follows:

2039. This section shall apply to passenger cars, light-duty trucks, and medium-duty and heavy-duty vehicles and motorcycles required to be inspected pursuant to ~~the Motor Vehicle Inspection Program (MVIP) established pursuant to Section 9889.50 et seq., of the California Business and Professions Code~~ any statutorily authorized motor vehicle emissions inspection and maintenance program. The provisions of this section shall be contained in the warranty statement required pursuant to Section 2036(d).

(a) The owner of such a vehicle which fails in the inspection during its useful life may choose to have the vehicle repaired at a warranty station.

(1) If the warranty station identifies that the MVIP inspection failure was caused by the failure or malfunction of a "warranted part", then the vehicle manufacturer shall be liable for all expenses involved in detecting and correcting the part failure or malfunction, unless the warranty station demonstrates that the part failure or malfunction was caused by abuse, neglect, or improper maintenance as specified in Subsection 2041(a), or was caused by an improper adjustment as specified in Subsection 2041(b).

(2) If the warranty station demonstrates that the MVIP inspection failure was caused by one or more of the conditions excluded from warranty coverage pursuant to Section 2041, the vehicle owner shall be liable for all diagnostic and repair expenses. Such expenses shall not exceed the maximum repair costs permissible under the MVIP inspection program.

(3) If the warranty station identifies that the MVIP inspection failure was caused by one or more defects covered under warranty pursuant to these regulations in combination with one or more conditions excluded from warranty coverage pursuant to Section 2041, then the vehicle owner shall not be charged for that portion of the diagnostic and repair costs related to detecting and repairing the warrantable defects.

(b) In the alternative, the owner of a vehicle which fails an MVIP inspection may choose to have the vehicle repaired somewhere other than at a warranty station. If a warrantable defect is found, the vehicle owner may deliver the vehicle to a warranty station and have the defect corrected free of charge. The vehicle manufacturer shall not be liable for any diagnostic expenses incurred at a service establishment not authorized to perform warranty repairs, except in the case of an emergency as specified in subsection 2037(d).

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Sections 43106 and 43204, Health and Safety Code.

Attachment II

State of California
AIR RESOURCES BOARD

December 14, 1978
Amended June 30, 1983

Emissions Warranty Parts List

I. Fuel Metering System

- A. Carburetor and internal parts (or fuel injection system)*
- B. Air/fuel ratio feedback and control system
- C. Cold start enrichment system*

II. Air Induction System

- A. Controlled hot air intake system
- B. Intake manifold
- C. Heat riser valve and assembly
- D. Turbocharger systems

III. Ignition System

- A. Distributor and internal parts*
- B. Spark advance/retard system
- C. Spark plugs*
- D. Ignition coil and/or control module
- E. Ignition wires*

IV. Evaporative Control System

- A. Vapor storage canister
- B. Vapor-liquid separator
- C. Fuel tank and filler cap

V. Positive Crankcase Ventilation (PCV) System

- A. PCV valve
- B. Oil filler cap

VI. Exhaust Gas Recirculation (EGR) System

- A. EGR valve body, and carburetor spacer if applicable
- B. EGR rate feedback and control system

VII. Air Injection System

- A. Air pump
- B. Valves affecting distribution of flow
- C. Distribution manifold

VIII. Catalyst or Thermal Reactor System

- A. Catalytic converter & constricted fuel filler neck
- B. Thermal reactor
- C. Exhaust manifold
- D. Exhaust portliner and/or double walled exhaust pipe

IX. Miscellaneous Items Used in Above Systems

- A. Hoses, clamps, fittings and, tubing, sealing gaskets or devices, and mounting hardware*
- B. Pulleys, belts and idlers*
- C. Vacuum, temperature, and time sensitive valves and switches
- D. Electronic controls

* These items are warranted for two years or 24,000 miles, whichever first occurs, if the vehicle was certified to the optional emission standards pursuant to Section 1960.15, Title 13, California Administrative Code, and sold on or after January 1, 1983. The warranty period for other items or vehicles is specified in Section 2035 of Title 13.

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Amendments to Title 13, California Administrative Code, Sections 2035 and 2039 regarding Warranty of Emissions-Related Parts and the December 14, 1978 Emissions Warranty Parts List Incorporated in Section 2036

Agenda Item No.: 83-9-1

Public Hearing Date: June 29, 1983


Response Date: June 29, 1983

Issuing Authority: Air Resources Board

Comment: Although increased exhaust emissions from some motor vehicles may result from the regulatory amendments regarding warranty coverage, there are no feasible alternatives or mitigation measures available to reduce such potential adverse air quality impacts from the amendment reducing warranty coverage consistent with Health and Safety Code Section 43204. In all other respects, the regulatory amendments will not result in potential adverse environmental impacts.

Response: N/A

CERTIFIED:


Board Secretary

Date:

11/22/83

RECEIVED BY
Office of the Secretary

DEC 06 1983

Resources Agency of California

Memorandum

To : Gordon Van Vleck
Secretary
Resources Agency

Date : December 7, 1983

Subject: Filing of Notice of
Decisions of the Air
Resources Board

Harold Holmes
Harold Holmes
Board Secretary

From : **Air Resources Board**

Pursuant to Title 17, Section 60007 (b), and in compliance with Air Resources Board certification under section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decision and response to environmental comments raised during the comment period.

ATTACHMENTS

- 83-14
- 83-15
- ~~83-16~~
- 83-21
- 83-22
- 83-24

RECEIVED BY
Office of the Secretary

DEC 06 1983

Resources Agency of California