

State of California
AIR RESOURCES BOARD

Resolution 89-101

December 14, 1989

Agenda Item No.: 89-20-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize 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, and pursuant to these provisions the Board has adopted emission standards and test procedures for new 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 approved 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 has required that the manufacturer of each motor vehicle provide a specified emission warranty to the ultimate purchaser and each subsequent purchaser;

WHEREAS, the Legislature has recently enacted (Stats 1988, ch. 1544; SB 1997) and clarified (Stats 1989, ch. 1154; SB 1276) Health and Safety Code Section 43205, which revises the emission warranty requirements for 1990 and subsequent model passenger cars, light-duty trucks, and medium-duty vehicles (hereinafter collectively referred to as "light-duty vehicles") to require that the manufacturer warrant that the vehicle:

- (1) Is designed, built, and equipped so as to conform with applicable emission standards;
- (2) Is free from defects in materials and workmanship which cause the vehicle to fail to conform with applicable requirements for three years or 50,000 miles, whichever first appears (the "defects warranty");

- (3) Will, for a period of three years or 50,000 miles, whichever first occurs, pass a smog check test, unless the manufacturer demonstrates the failure is due to abuse, neglect or improper maintenance of the vehicle (the "performance warranty"); and
- (4) Is free from defects in materials and workmanship in emission-related parts which at the time of certification are estimated by the manufacturer to cost individually more than \$300 to replace, for a period of seven years or 70,000 miles (the "extended defects warranty");

WHEREAS, the Board's emission warranty regulations set forth in Title 13, California Code of Regulations, Section 2035 et seq., do not reflect the new requirements in Health and Safety Code 43205;

WHEREAS, the staff has proposed amendments to the Board's emission warranty regulations to reflect the changes to the emission warranty statutes, and to clarify and improve the effectiveness of the regulations;

WHEREAS, the staff has further proposed adoption of a regulation which requires manufacturers to use standardized terms and abbreviations for emission control components as set forth in SAE procedure J1930, June 1988, "Diagnostic Acronyms, Terms, and Definitions for Electrical/Electronic Systems," Part C;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted if feasible alternatives or mitigation measures to the proposed action are available to reduce and avoid such 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 regulatory amendments set forth in Attachment A hereto are necessary and appropriate to reflect, interpret and implement the changes to the warranty statutes enacted by SB 1997 in 1988 and SB 1276 in 1989, and to clarify and enhance the effectiveness of the Board's emission warranty regulations;

The amendments approved herein applicable to the defects warranty for 1990 and subsequent model light-duty vehicles substitute a broader "bumper-to-bumper" concept in which all emission-related parts are covered for the previous requirement that only parts on a specified list were covered; this broader coverage will help reduce the number of disputes over emission warranty coverage;

The amendments approved herein require that manufacturers of 1991 and subsequent model vehicles produced more than 30 days after the

effective date of the amendments include a specified introductory statement explaining the California warranty regulations in a simple, straightforward manner; this statement will help consumers more fully understand their emission warranty coverage and responsibilities;

An increasing number of components on vehicles are noted by different terms depending on the manufacturer and these different items contribute to the misdiagnosis of vehicular problems by vehicle owners and the repair industry;

The mandatory use of common nomenclature as required in the amendments approved herein will help ensure the recognition of terminology for components and encourage proper diagnosis and repair of emission-related systems by a vehicle owner and any repair facility, even after the vehicles or engines have exceeded their warranty periods;

The amendments approved herein will not have a significant adverse environmental impact; the statutory three year or 50,000 mile defects warranty period for 1990 and subsequent model light-duty vehicles will reduce coverage to a small degree compared to the previous statutory five year or 50,000 mile defects warranty with an associated small adverse emissions impact, but this will be more than outweighed by the emissions benefits associated with the new performance warranty, the new extended defects warranty, and elimination of the temporary two year or 24,000 mile defects warranty for specified fuel metering and ignition system components.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Title 13, California Code of Regulations, Sections 2035-2041, and new Section 1997, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the regulatory changes set forth in Attachment A after making them available to the public for a period of fifteen days, with such modifications as may be appropriate in light of written comments submitted during this period, provided that the Executive Officer shall present the regulations to the Board for further consideration if the Executive Officer determines that this is warranted in light of the supplemental written comments received.

BE IT FURTHER RESOLVED that the Board hereby determines that the amendments approved herein will not cause the California emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards, will not cause the California requirements to be inconsistent with Section 202(a) of the federal Clean Air Act, and raise no new issues affecting previous waiver determinations of the Administrator of the Environmental Protection Agency pursuant to Section 209(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall forward the amended regulations to the Environmental Protection Agency with a request for a

State of California

AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Amendments of Regulations Regarding the Emission Control System Warranty Requirements for 1979 and Subsequent Model Motor Vehicles and Engines, and Adoption of Regulations Regarding the Use of Common Nomenclature for Certification and Service Documents

Agenda Item No.: 89-20-1

Public Hearing Date: December 14, 1990

Response Date: April 10, 1990

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Judith M. Lounsbury
Board Secretary

Date: 10/29/90

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Errata to Response to Significant Environmental Issues

Item: Public Hearing to Consider Amendments of Regulations Regarding the Emission Control System Warranty Requirements for 1979 and Subsequent Model Motor Vehicles and Engines, and Adoption of Regulations Regarding the Use of Common Nomenclature for Certification and Service Documents

The Public Hearing date for this item was December 14, 1989.

Date: January 17, 1991

Pete Hottelers
Assistant Board Secretary

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