

Proposed Regulation Order

NOTE: This document is printed in a style to indicate proposed changes from the existing provisions. All existing language is indicated by plain type. All proposed additions to language are indicated by underlined text. All proposed deletions to language are indicated by ~~strikeout~~. Only those portions containing the suggested modifications from the existing provisions are included. All other portions remain unchanged and are indicated by the symbol “*****” for reference.

Amend Article 2.1, Appendix A to Article 2.1, Article 2.3, and Article 2.4, Chapter 2, Division 3, Title 13, California Code of Regulations, to read as follows:

Article 2.1. Procedures for In-Use Vehicle Voluntary and Influenced Recalls

2111. Applicability.

(a) These procedures shall apply to:

- (1) California-certified 1982 and subsequent model-year passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, motorcycles, and California-certified 1997 and subsequent model-year off-road motorcycles and all-terrain vehicles, including those federally certified vehicles which are sold in California pursuant to Health and Safety Code 43102, ~~and~~
- (2) California-certified motor vehicle engines used in such vehicles and
- (3) California-certified 2000 and subsequent model-year off-road compression-ignition engines.

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2112. Definitions.

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(l) “Useful life” means, for the purposes of this article:

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- (21) For 2000 and later model year off-road compression-ignition engines, for oxides of nitrogen, hydrocarbon, oxides of nitrogen plus non-methane hydrocarbon (when applicable), carbon monoxide, particulate emission standards, and for smoke opacity:
- (i) For all engines rated under 19 kilowatts, and for constant speed-engines rated under 37 kilowatts with rated speeds greater than or equal to 3,000 revolutions per minute, a period of use of five years or 3,000 hours of operation, whichever first occurs;
 - (ii) For all other engines rated at or above 19 kilowatts and under 37 kilowatts, a period of use of seven years or 5,000 hours of operation, whichever first occurs;

(iii) For engines rated at or above 37 kilowatts, a period of use of ten years or 8,000 hours of operation, whichever first occurs.

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Appendix A to Article 2.1

California In-Use Vehicle Emission-Related Recall Procedures, Enforcement Test Procedures, and Failure Reporting Procedures for 1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, ~~and~~ motorcycles, ~~and~~ 1997 and Subsequent Model-Year Off-Road Motorcycles and All-Terrain Vehicles, and 2000 and Subsequent Model-Year Off-Road Compression-Ignition Engines.

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III. Heavy-Duty Diesel Engine and Off-Road Compression-Ignition Engine Parameters and Specifications.

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Article 2.3. In-Use Vehicle Enforcement Test Procedures

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2137. Vehicle and Engine Selection

(a) Any vehicle of an engine family, ~~or~~ any vehicle of a sub-group of an engine family, or any engine used in a piece of equipment, manufactured for sale in California, shall be subject to these test procedures during its useful life. A minimum of ten (10) in-use vehicles or engines determined by the ARB to be properly maintained and used will be procured and tested by the ARB or its designated laboratory to represent the emission characteristics of the engine family or sub-group. The ARB may test less than ten (10) in-use vehicles or engines if the manufacturer notifies the ARB in writing that the manufacturer will accept the results from less than ten (10) vehicles or engines as being representative of the engine family sub-group.

(b) No vehicle or engine shall be accepted by the ARB as a representative vehicle or engine for enforcement testing unless the following criteria are met:

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(7) For off-road compression-ignition engines subject to recall testing, engines shall have an hour meter indication and engine age not exceeding the following periods:

(i) For all engines rated under 19 kilowatts, and for constant speed engines rated under 37 kilowatts with rated speeds greater than or equal to 3,000 revolutions per minute, four years or 2,250 hours of operation, whichever first occurs.

(ii) For all other engines rated at or above 19 kilowatts and under 37 kilowatts, five years or 3,750 hours of operation, whichever first occurs.

(iii) For all engines rated at or above 37 kilowatts, seven years or 6,000 hours of operation, whichever first occurs.

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2139. Testing.

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(g) For off-road compression-ignition engines, in-use compliance tests shall be performed pursuant to Section 2423, Title 13, California Code of Regulations. The in-use compliance testing shall use the same test procedure utilized for the specific engine's original certification testing.

~~(g)~~(h) For any emission in-use compliance test performed pursuant to subsections (a) through ~~(f)~~(g), the ARB may waive a specific test for subsequent vehicle samples if results from vehicle samples already tested are deemed sufficient to establish complying emission levels. The ARB shall inform the manufacturer at least 30 days prior to enforcement testing of its vehicles or engines and shall permit a manufacturer representative to observe the enforcement testing.

2140. Notification and Use of Test Results.

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(b) If the results of the in-use vehicle emission tests conducted pursuant to Section 2139 indicate that the average emissions of the test vehicles for any pollutant exceed the applicable emission standards specified in Title 13, California Code of Regulations, Sections 1960.1, 1956.8, 1958, ~~or~~ 2412, or 2423, the entire vehicle population so represented shall be deemed to exceed such standards. The Executive Officer shall notify the manufacturer of the test results and upon receipt of the notification, the manufacturer shall have 45 days to submit an influenced recall plan in accordance with Sections 2113 through 2121, Title 13, California Code of Regulations. If no such recall plan is submitted, the Executive Officer may order corrective action including recall of the affected vehicles in accordance with Sections 2122 through 2135, Title 13, California Code of Regulations.

Article 2.4. Procedures for Reporting Failures of Emission-Related Components

2141. General Provisions.

(a) The provisions regarding applicability of the failure reporting procedures and the definitions shall be the same as those set forth in Title 13, California Code of Regulations, Sections 2111 and 2112, except that this Section 2141 does not apply to off-road compression-ignition engines, as defined in Section 2421.

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