

State of California  
AIR RESOURCES BOARD

Resolution 74-56

September 11, 1974

WHEREAS, the Governor has signed SB 2471 (Holmdahl) which, effective January 1, 1975, deletes the mandatory installation requirement of NOx devices for light-duty vehicles in all counties except the six counties located in whole or in part in the South Coast Air Basin;

WHEREAS, the mandatory installation schedule presently in effect in Section 2008(b) of Title 13, California Administrative Code, mandates owners of said vehicles in the other counties having license plate final digits 1-4 to install accredited devices or obtain exemptions prior to January 1, 1975;

WHEREAS, after SB 2471 becomes effective on January 1, 1975, owners of similar vehicles in such counties with license plates having final digits 5-0 and letters only will not be mandated to install such accredited devices or obtain exemptions;

WHEREAS, a significant number of owners of such vehicles in such other counties have, in good faith early compliance with the existing mandatory installation schedule, installed accredited devices or obtained exemptions; and

WHEREAS, the State Senate, in Senate Resolution 130, has resolved that the Board's interim enforcement activities should give recognition to the modification of the NOx smog device retrofit program as contained in SB 2471 for the reasons set forth above, and that extraordinary and compelling reasons exist for a suspension of the monthly installation schedule and such other action as may be appropriate and consistent with SB 2471;

NOW, THEREFORE, BE IT RESOLVED, that the Board finds that unless salutary amendments to the mandatory license plate installation schedule and the reregistration requirements in Sections 2006 and 2008 of said Title 13 are made forthwith, owners of 66-70 light-duty vehicles registered in counties other than the six counties in whole or in part in the South Coast Air Basin will be treated inequitably merely because of different license plates;

BE IT FURTHER RESOLVED, that the Board finds that owners of such vehicles in such other counties who have already installed devices or obtained exemptions pursuant to the mandatory license plate installation schedule will also be inequitably treated if they are required to keep their devices installed merely because they cooperated with the program early;

BE IT FURTHER RESOLVED, that the Board finds that such inequities will cause an unmanageable number of public inquiries, complaints, refusals to comply, widespread evasion, and device defeat efforts such that the NOx program is likely to become unenforceable and impossible to administer adequately;

BE IT FURTHER RESOLVED, that these inequities constitute extraordinary and compelling reasons for deleting forthwith that portion of the mandatory license plate installation program otherwise applicable to the counties not in whole or in part in the South Coast Air Basin prior to January 1, 1975 and for deleting the mandatory license plate installation requirement as to the owners in such counties who have already installed devices;

BE IT FURTHER RESOLVED, that the Board, in recognition of all the matters set forth above, and to carry out the legislative intent expressed by SB 2471 and Senate Resolution 130, adopts the attached amendments to Sections 2006 and 2008 of Title 13, California Administrative Code;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to file said amendments as an emergency to be effective immediately upon filing with the Secretary of State and finds that the reasons constituting such emergency are:

In compliance with SB 2471, these amendments limit the mandatory license plate installation schedule to the six counties in whole or in part within the South Coast Air Basin and delete this requirement in all other counties. If these amendments are not made effective immediately, owners of subject vehicles in these other counties whose license plates end in digits 1 and 2 will be unfairly required to spend up to \$35 to install accredited or exempt devices while owners whose license plates end in digits 3-0 and letters will not, and owners who in good faith installed exempt or accredited devices early under the former mandatory license plate installation schedule will be bound unfairly by the installation requirement. The Board finds that these inequities, if not alleviated as quickly as possible, will cause such an adverse public reaction that the NOx program is likely to become unenforceable and impossible to administer adequately. The Board further finds that these inequities constitute extraordinary and compelling reasons for deleting forthwith that portion of the mandatory program otherwise applicable to the counties not in whole or in part in the South Coast Air Basin, and for deleting forthwith the installation requirement as to the owners in those counties who have already installed devices thereunder.

BE IT FURTHER RESOLVED that owners of fleet vehicles which are garaged in the South Coast Air Basin but not registered there are hereby requested to comply with the intent of the law (to obtain installation of NOx devices as rapidly as possible) by installing NOx devices on such vehicles by license plate digit or by a schedule approved under subdivision (c) of Section 2008;

BE IT FURTHER RESOLVED that the Air Resources Board staff, the Department of Motor Vehicles, the California Highway Patrol, the Bureau of Automotive Repair and the device manufacturers advise the public of this new installation schedule by all means available, and that such action include a conspicuous statement that devices are still required throughout the state on change of ownership and on registration of out of state vehicles; and

BE IT FURTHER RESOLVED that the Executive Officer shall hold proceedings in accordance with the Government Code to certify these and the July 19, 1974, amendments to Section 2008, Title 13, California Administrative Code.

2008. 1966-1970 Light-Duty NOx Exhaust Emission Control Device Installation

Schedule. (a) Emission control devices, accredited pursuant to Sections 39175 and 39177.1(a) of the Health and Safety Code for 1966 through 1970 model-year vehicles under 6,001 pounds gross vehicle weight, shall be installed commencing October 1, 1973 upon initial registration and upon transfer of ownership and registration, pursuant to Section 4000.1 of the Vehicle Code, and upon registration of a vehicle previously registered outside this state, pursuant to Section 4000.2 of the Vehicle Code, in the following counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma, Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, Ventura and San Diego. Commencing April 1, 1974 installation under this subdivision shall be statewide.

(b) In addition to installations under subdivision (a), devices described therein shall be installed **statewide** by vehicle license plate numbers in accordance with the following schedule:

<u>MONTH</u>	<u>Last Number</u>
August 1 - September 30, 1974	1
October 1 - 31, 1974	2
November 1 - 30, 1974	3
December 1 - 31, 1974	4
January 1 - 31, 1975	5
February 1 - 28, 1975	6
March 1 - 31, 1975	7
April 1 - 30, 1975	8
May 1 - 31, 1975	9
June 1 - 30, 1975	0 and plates with letters only

The provisions of this subdivision shall be applicable only to 1966-1970 model-year vehicles under 6,001 pounds gross vehicle weight which are registered in the following counties: Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara and Ventura.

The owner of any vehicle which is registered in any of these six counties subsequent to the installation deadline applicable to its license plate but prior to the end of reregistration for the year 1976 shall comply with the provisions of subdivision (d).

(c) An owner of a multicounty fleet of ~~1,000~~ 500 or more 1966-70 motor vehicles which (1) are registered in ~~California~~ the six counties specified in subdivision (b), (2) have a maximum gross vehicle weight rating of 6,001 pounds or less, and (3) bear clearly identifiable exterior symbols of ownership, may apply to the Executive Officer of the Air Resources Board for an Executive Order approving a self-installation program for such vehicles different than the schedule required in subdivision (b). Such a proposed program shall achieve installation at least as rapidly as would be required in subdivision (b). The Executive Officer shall, prior to granting approval, obtain written concurrence with such program from the Department of Motor Vehicles, the Department of Consumer Affairs and the California Highway Patrol. These agencies and the executive officer shall, prior to approval, be satisfied that the fleet owner has the resources and capabilities to carry out its proposed installation program in accordance with established law, that the owner is responsible and that the schedule will be equal to or more effective than the one imposed. Upon the Executive Officer's approval, the requirements for installation by license plate number shall not be applicable to the subject fleet vehicles and the approved program shall have the force and effect of law, as if set forth in full herein.

(d) Certificates of compliance shall be required upon renewal of registration for the year 1976 for all 1966 through 1970 vehicles under 6,001 pounds gross vehicle weight for which renewal of registration is sought in any of the six counties specified in subdivision (b). Such certificates shall be issued and affixed by motor vehicle pollution control device installation and inspection stations at the time of installation or certification of a device to indicate that an accredited device has been installed, or that the vehicle is exempt from mandatory installation.

(e) A window sticker, designed and sold by the Bureau of Automotive Repair of the Department of Consumer Affairs and approved by the California Highway Patrol and the State Air Resources Board, shall be issued and affixed by the motor vehicle pollution control device inspection and installation stations with the certificate of compliance.

(f) Whenever a vehicle is declared by a motor vehicle pollution control device installation and inspection station to be exempt from installation pursuant to the exemption list adopted by the Air Resources Board, a window sticker, designed by the Department of Consumer Affairs and approved by the California Highway Patrol and the Air Resources Board, indicating such exemption shall be issued and affixed by such station.

(g) Pursuant to the provisions of Section 40001(b) of the Vehicle Code, and other provisions of law, it is unlawful for the operator or owner of any vehicle, which has had a window sticker affixed pursuant to Subdivisions (e) and (f) above, to remove or deface said window sticker or to request, cause or permit such removal or defacement. If any such window sticker has been removed, defaced or lost, the

owner or operator of the vehicle shall immediately obtain a replacement window sticker from a motor vehicle pollution control device inspection and installation station.

(h) Notwithstanding subdivisions (a) and (b), vehicles with accredited or exempt devices installed pursuant to the prior installation schedule established in this section on December 20 ~~20~~ 28, 1972, are required to keep the devices installed and operating. Such vehicles need not obtain a new certificate of compliance.

(i) Vehicles with accredited or exempt devices installed pursuant to the prior installation schedule established in subdivision (b) of this section on July 19, 1974, and which at the time of said installation were registered in a county other than one of the six counties specified in subdivision (b), shall be deemed not subject to said schedule and any such device may be removed or rendered inoperative without penalty. In such a case the window sticker shall be removed notwithstanding subdivision (g). This provision shall not be applicable to any vehicle for which an accredited or exempt device was installed pursuant to said schedule if such vehicle was registered at the time of said installation in any of the six counties specified in subdivision (b) or if installed pursuant to the change of ownership or initial registration requirement in subdivision (a).

(j) No person shall alter, modify, or remove a NOx emission control device installed on a vehicle pursuant to subdivision (b) if such vehicle is moved to or registered in a county elsewhere in the state. Any such alteration, modification or removal is a violation of Section 27156 of the Vehicle Code.