

State of California
AIR RESOURCES BOARD

Resolution 77-16

May 26, 1977

WHEREAS, Section 39601 of the Health and Safety Code authorizes the Air Resources 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 43101 and 43104 of the Health and Safety Code authorize the Board to adopt vehicle emission standards and test procedures in order to control or eliminate air pollution caused by motor vehicles;

WHEREAS, the Board's certification procedures for new motor vehicles currently require a manufacturer to demonstrate that certification vehicle emissions will remain below the standards for at least 50,000 miles;

WHEREAS, recent data gathered by the Board and by the U.S. Environmental Protection Agency and other data indicate that late model vehicles exceed on average the applicable emission standards long before 50,000 miles have been accumulated;

WHEREAS, these same data indicate that many vehicle owners are not following the manufacturer's recommended maintenance practices, and that even if the manufacturer's recommended maintenance practices are followed, this maintenance is often performed incorrectly;

WHEREAS, the Board believes that the certification test procedures should accurately reflect the actual maintenance practices of vehicle owners and the service industry, rather than the desired maintenance practices of vehicle manufacturers;

WHEREAS, the Board finds that regulations which make the maintenance practices used during the certification process more similar to actual consumer maintenance habits are, commencing with the 1980 model-year for passenger cars and the 1981 model-year for light-duty trucks and medium-duty vehicles, technologically feasible, cost/effective, and necessary to carry out the Legislature's mandate that the Board control and reduce air pollution caused by motor vehicles;

WHEREAS, the Board is authorized pursuant to Health and Safety Code Section 43600 to adopt and implement emission standards for in-use vehicles which are necessary and technologically feasible;

WHEREAS, the Board finds that the emission standards and maintenance restrictions applicable to new 1980 and later model year passenger cars and 1981 and later model year light-duty trucks and medium-duty vehicles should extend to such vehicles over their useful life while in normal use and operation, in order to assure that the air quality benefits associated with those standards and restrictions are actually realized.

WHEREAS, Health and Safety Code Section 43106 requires that production vehicles be the same in construction (including the maintenance requirements of emission control devices) in all material respects as their test vehicle counterparts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.5);

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby amends its regulations in Section 1960(b), Title 13, California Administrative Code, as follows:

(b). The test procedures for determining compliance with these standards are set forth in "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", adopted by the Air Resources Board November 23, 1976, as amended December 14, 1976 and May 26, 1977.

BE IT FURTHER RESOLVED, that the Board hereby adopts the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", as last amended May 26, 1977.

BE IT FURTHER RESOLVED, that the Board amends its regulations in Section 1960, Title 13, California Administrative Code, by adding a new subparagraph (c) and NOTE, to read:

(c) With respect to any new vehicle required to comply with the standards set forth in paragraph (a), the manufacturer's written maintenance instructions for in-use vehicles shall not require scheduled maintenance more frequently than or beyond the scope of maintenance permitted under the test procedures referenced in paragraph (b) above. Any failure to perform scheduled maintenance shall not excuse an emissions violation unless the failure is related to or causative of the violation.

NOTE: Authority cited: Section 39601, Health and Safety Code;
Reference: Sections 39600, 39601, 43013, 43101, 43104, 43106, 43600
Health and Safety Code.