

State of California
AIR RESOURCES BOARD

Resolution 86-115

December 18, 1986

Agenda Item No: 86-14-1

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, in Section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in the state and, in Sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility for systematically attacking the serious air pollution caused by motor vehicles;

WHEREAS, Section 43013 of the Health and Safety Code authorizes the Board to adopt and implement motor vehicle emission standards in order to control air pollution caused by motor vehicles;

WHEREAS, in September, 1985, the Legislature passed Senate Bill 217 (SB 217; Stats. 1985, Ch. 1138; Health and Safety Code Sections 44200-44205, 44207-44210) which directs the Board to establish, by regulation, a certification program for used motor vehicles manufactured outside the United States and not originally certified or intended for sale in California or the other 49 states (hereinafter referred to as used modifier-certified motor vehicles);

WHEREAS, the legislation provides that no used modifier-certified vehicle shall be registered in California unless a certificate of conformance is issued by the Board after the vehicle has been modified and tested for compliance with the California standards by a licensed laboratory;

WHEREAS, the legislation specifies that the Board may not establish emission control system warranty requirements nor recall requirements for any vehicle covered by the law which exhibits a defective emission control system subsequent to receiving a valid certificate of conformance;

WHEREAS, SB 217 further requires the Board to adopt regulations specifying the requirements for any laboratory seeking a license to perform vehicle emission testing of used modifier-certified motor vehicles;

WHEREAS, the Board has adopted the following certification requirements and test procedures for new passenger cars, light-duty trucks, and medium-duty vehicles: exhaust standards and test procedures (Sections 1960.1 and 1960.1.5, Title 13, California Administrative Code ("13 CAC")), evaporative emission standards and test procedures (Section 1967, 13 CAC), fill pipes and fuel tank openings (Section 2290, 13 CAC), and tune-up label specifications (Section 1965, 13 CAC);

WHEREAS, the Board has determined that the existing certification requirements and test procedures applicable to new vehicles certified by original manufacturers with the noted exceptions are necessary and technologically feasible for the purposes of controlling motor vehicle emissions;

WHEREAS, to fulfill the mandates of SB 217, the staff has proposed certification procedures based on the existing certification program (excluding warranty and recall requirements) and licensing requirements, set forth in proposed Sections 2047 and 2048, Title 13, California Administrative Code, and "California Certification Procedures for 1975 and Later Model Year Used Modifier-Certified Motor Vehicles," and "Licensing Requirements for Vehicle Emission Test Laboratories," incorporated in the proposed regulations;

WHEREAS, the staff has proposed that the applicable exhaust and evaporative emission standards for used modifier-certified motor vehicles shall be the California new vehicle emission standards for the model year of the vehicle with no deterioration factors applied;

WHEREAS, the laboratory licensing requirements proposed by the staff specify technical evaluation criteria for the licensing of laboratories which include personnel qualifications, equipment specifications, materials handling techniques, test procedures, and quality control requirements to ensure the quality of laboratory test results and as a means of auditing laboratory performance and verifying proper operation of emission control systems installed on vehicles;

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

WHEREAS, the Board finds that:

The importation and use in California of used motor vehicles not certified or intended for sale by the original vehicle manufacturer in the United States contributes significantly to the serious air pollution problem in this state;

It is necessary and appropriate to adopt the regulations and the incorporated guidelines set forth in Attachments A, B, and C in order to fulfill the mandates of SB 217;

The adoption of an effective certification program for used modifier-certified motor vehicles will ensure that these used vehicles imported for sale and use in California meet California emission standards for the applicable model year;

It is technologically feasible for used modifier-certified vehicles to comply with the certification requirements and test procedures set forth in Attachments A and B;

The certification requirements and test procedures for the used modifier-certified motor vehicles including the requirement for the preparation of an owner's service and repair information manual and the requirement for a smog check inspection prior to issuance of a certificate of conformance are also necessary to ensure that the vehicles will continue to comply with emission standards in use;

The licensing requirements for the vehicle emission test laboratories are necessary to meet the unique characteristics of the modification industry, to ensure the accuracy and quality of test results, to audit licensed laboratory performance, to verify the operation of emission control systems, and to ensure adequate oversight and enforcement of the certification program; and

WHEREAS, the Board further finds that adoption of the regulations and incorporated requirements and test procedures set forth in Attachments A, B, and C will not have a significant adverse environmental impact and may have a significant beneficial impact.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 2047 and 2048, Title 13, California Administrative Code, as set forth in Attachment A; "California Certification Procedures for 1975 and Later Model Year Used Modifier-Certified Motor Vehicles," as set forth in Attachment B as modified pursuant to Board direction; and "Licensing Requirements for Vehicle Emission Test Laboratories," as set forth in Attachment C.

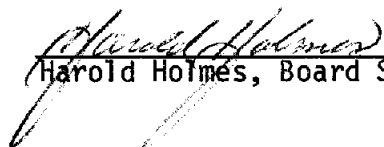
BE IT FURTHER RESOLVED that the Board directs the Executive Officer to make changes to Attachment B as directed by the Board and to adopt Sections 2047 and 2048, Title 13, California Administrative Code, and the incorporated certification and licensing requirements, as set forth in Attachments A and C, and Attachment B as modified after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modification as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED, to ensure that there are an adequate number of licensed laboratories available to perform the vehicle testing for the certification program, that the Board directs the Executive Officer to request an effective date for Section 2047 and the incorporated certification requirements set forth in Attachment B of 120 days after the licensing procedures and requirements take effect.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulations 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, and will not cause the California requirements to be inconsistent with Section 202(a) of the 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, upon their adoption, forward the regulations and incorporated certification and licensing requirements to the Environmental Protection Agency with a request for a waiver or for confirmation that the amendments are within the scope of an existing waiver, as appropriate, if determined to be necessary pursuant to Section 209(b) of the Clean Air Act.

I hereby certify that the above is a true and correct copy of Resolution 86-115, as adopted by the Air Resources Board.


Harold Holmes, Board Secretary

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Regulations Regarding the Certification of Modifier-Certified 1975 and Later Model Year used Motor Vehicles for Sale in California and the Licensing of Vehicle Emission Test Laboratories

Agenda Item No.: 86-14-1

Public Hearing Date: December 18, 1986

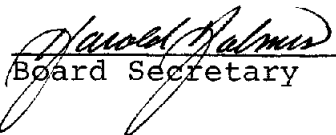
Response Date: February 13, 1987

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:


Board Secretary

Date: July 29, 1987

State of California

MEMORANDUM

To : Gordon Van Vleck
Secretary
Resources Agency


Cary Allison
Board Secretary

From : Air Resources Board

Date : January 13, 1988

Subject : Filing of Notice
of Decisions of
the 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 decisions and response to environmental comments raised during the comment period.

ATTACHMENTS

86-68
86-70
86-71
86-94
86-98
86-99
86-115
87-9
87-61
87-62
87-66
88-1
88-8

Adopt new Sections 2047 and 2048, under Article 7, Subchapter 1, Chapter 3, Title 13, California Administrative Code, to read as follows:

Article 7.

Procedures for Certifying Used Modifier-Certified Motor Vehicles and Licensing Requirements for Vehicle Emission Test Laboratories

2047. Purpose and Certification Procedures for Used Modifier-Certified Motor Vehicles.

(a) It is the purpose of this article to set forth the certification program for used modifier-certified motor vehicles and the licensing requirements for vehicle emission test laboratories in order to implement the authority granted the state board in Chapter 6 (commencing with Section 44200) to Part 5 of Division 26 of the Health and Safety Code.

(b) The emission standards and procedures for the certification of used modifier-certified motor vehicles in California are set forth in the "California Certification Procedures for 1975 and Later Model-Year Used Modifier-Certified Motor Vehicles," adopted by the state Board on [insert date of adoption].

NOTE: Authority cited: Sections 39600, 39601, 43013, 44201-44204, and 44208-44210, Health and Safety Code. Reference: Sections 43000, 43013, 44200-44204, and 44208-44210, Health and Safety Code.

2048. Licensing Requirements for Vehicle Emission Test Laboratories. The licensing requirements for vehicle emission test laboratories pursuant to the provisions of Health and Safety Code Sections 44203 and 44205 are set forth in the "Licensing Requirements for Vehicle Emission Test Laboratories," adopted by the state Board on [insert date of adoption.]

NOTE: Authority cited: Sections 39600, 39601, 44203, 44205, and 44207-44209, Health and Safety Code. Reference: Sections 44200, 44201, 44203-44205, and 44207-44209, Health and Safety Code.

State of California
AIR RESOURCES BOARD

CALIFORNIA CERTIFICATION PROCEDURES FOR 1975 AND
LATER MODEL-YEAR USED MODIFIER-CERTIFIED MOTOR VEHICLES

Adopted: _____

NOTE: The proposed certification procedures as originally made available are shown in normal type. Subsequent modifications to the procedures are shown in double underline to indicate additions and slashes to indicate deletions from the original proposal. Headings are underlined in the original proposal and are not new additions.

CALIFORNIA CERTIFICATION PROCEDURES FOR 1975 AND LATER
MODEL YEAR USED MODIFIER-CERTIFIED MOTOR VEHICLES

I. APPLICABILITY

These provisions apply to used modifier-certified motor vehicles as defined in Health and Safety Code Section 44200 and except as provided in Health and Safety Code Section 44210. These provisions are not applicable to vehicles which are less than two years old, nor to 1974 or older model year light-duty vehicles. The certification procedures for vehicles which are less than two years old are contained in the "California Certification and Compliance Test Procedures for New Modifier Certified Motor Vehicles" as incorporated by reference in Section 1964, Title 13, California Administrative Code. The 1974 or older model year vehicles shall follow the provisions under "Importation of Motor Vehicles and Motor Vehicle Engines", Subpart P, Part 85, Title 40, Code of Federal Regulations as they existed on November 15, 1972.

II. DEFINITIONS

A. "Used modifier-certified motor vehicle" means any passenger car, light-duty truck, and medium-duty vehicle which was manufactured outside of the United States for which the original manufacturer did not obtain California or federal certification, which is subsequently modified by persons other than the original vehicle manufacturer to meet California motor vehicle emission standards, and which is at least two years old.

B. "Model Year" - The model year designation for used modifier-certified motor vehicles shall be determined on the same basis as vehicles in the same engine family which were offered for sale in the United States by the original vehicle manufacturer or its authorized distributor. For purposes of this paragraph, a modifier certified motor vehicle is in the same engine family as a vehicle certified for sale in the United States by the original vehicle manufacturer if the configuration of the vehicle and engine, with the exception of the emission control system, and the engine displacement are the same. (The model year assigned must be consistent with the year model designated in the vehicle identification number of the U.S. certified vehicle.) The model year for any used modifier-certified motor vehicle in an engine family which the original vehicle manufacturer does not offer for sale in the United States shall be determined by the following, in descending order of preference:

1. Model year as encoded in the VIN by the original vehicle manufacturer; or
2. The date the vehicle was initially delivered by the original vehicle manufacturer to the non-U.S. dealer; or
3. The model year shown on the foreign title document; or
4. The production dates as provided by the original vehicle manufacturer to the Modifier and/or to the Department of Motor Vehicles.

5. When the model year is to be determined from either 2. or 4. above, if the original vehicle manufacturer has established a specified annual production period for its U.S. certified vehicles of the same make, the model year shall coincide with the production year for the U.S. certified vehicles.
- C. "Modifier" means any person or entity who applies for California certification of a used modifier-certified motor vehicle.
- D. "Licensed Laboratory" means any test laboratory approved by the Air Resources Board ("ARB") pursuant to Health and Safety Code Section 44205 and applicable regulations as qualified for conducting emission tests for light-duty motor vehicles in accordance with the Federal Test Procedures (Subpart B, Part 86, Title 40, Code of Federal Regulations, as it existed on July 1, 1985).
- E. "Certificate of Conformance" means a document issued by the ARB through a licensed laboratory after a used modifier-certified motor vehicle is tested in accordance with the federal test procedures, Title 40, Code of Federal Regulations, Part 86, Subpart B, as they existed on July 1, 1985 and found to comply with the California emission standards and all other applicable requirements. Pursuant to Health and Safety Code Section 44202 and except as provided in Health and Safety Code Section 44210, a used modifier-certified vehicle may not be registered in California unless a Certificate of Conformance has been issued for the vehicle.

III. CERTIFICATION PROTOCOL

- A. A modifier shall be registered by the Bureau of Automotive Repair as a California Automotive Repair Dealer pursuant to Business and Professions Code Sections 9884 et seq.
- B. To obtain a Certificate of Conformance for a used modifier-certified motor vehicle, the modifier shall provide the following to a licensed laboratory:
 1. The vehicle as modified pursuant to the requirements contained herein;
 2. A written application in an ARB-approved format which includes the following:
 - a. A description of the vehicle including the manufacturer, make, model, model year, engine family, and Vehicle Identification Number or chassis number.
 - b. The age of the vehicle as determined pursuant to Health and Safety Code Section 44200 and evidenced by the foreign ownership document and custom's entry summary on the date of vehicle entry in California any/supporting/information/or/documentation.
 - c. The owner's manual prepared for the vehicle pursuant to the requirements contained herein; and
 - d. A written statement that the vehicle has been modified in accordance with the requirements contained herein.

- C. The licensed laboratory shall test the vehicle for compliance with emission standards, in accordance with the federal test procedures, Title 40, Code of Federal Regulations, Part 86, Subpart B, as they existed on July 1, 1985. Upon confirming that the vehicle complies with the applicable emission standards and that the modifier has complied with all applicable requirements contained herein, the licensed laboratory shall issue a certificate of conformance for the vehicle. In addition, the laboratory shall obtain ~~issue~~ a Smog Check ~~or~~ Certificate of Compliance for the vehicle from a Smog Check referee station.
- D. Each certificate of conformance issued shall contain the following:
1. A description of the vehicle, including manufacturer, model-year, model and vehicle identification number.
 2. A list of critical emission control components (as defined in Section 86.88-2, Title 40, Code of Federal Regulations, as it existed on March 15, 1985) with part numbers, for that vehicle.
 3. The applicable model year, emission standards and laboratory test results for exhaust and evaporative emissions.
 4. The date of manufacture, Custom's entry number, date and port of entry, and the declared value.
 5. The modifier's name, address, and automotive repair dealer registration number and the date the emission system modification was completed.
 6. A written statement signed by the laboratory manager which certifies that the vehicle was inspected, provides a detailed

description of the inspection, and states that the emission control system installed on the vehicle has no obvious engineering or installation defects at the time of inspection.

7. A statement, executed by a responsible officer of the modifier, under penalty of perjury, that the vehicle has been modified to comply with the requirements of Chapter 6, Part 5, Division 26 of the Health and Safety Code, and that the modifier has received the U.S. Department of Transportation bond release for safety and the U.S. Environmental Protection Agency release for the vehicle.
 8. A statement, executed by a responsible officer of the licensed laboratory, under penalty of perjury, that the vehicle has been inspected and emission tested by the laboratory, that the emission control system components were installed and functional at the time the test was performed, that the owner's manual with the vehicle contains a true and accurate description of the emission control system's functioning and maintenance, and that the vehicle complies with the applicable California requirements and emission standards.
- E. The Certificate of Conformance and Smog Check ~~or~~ Certificate of Compliance shall be used by the vehicle owner to register the vehicle. The certificate shall also be presented to the licensed mechanic performing the inspection whenever the vehicle is subsequently required to receive a Smog Check ~~or~~ inspection.

- F. A licensed laboratory is authorized to charge a fee of \$200.00 for each Certificate of Conformance issued for a used modifier-certified motor vehicle. This fee may be increased annually by an amount not to exceed ten percent (10%) at the discretion of the Executive Officer.
- G. The ARB may request the licensed laboratory to submit any used modifier-certified motor vehicle for confirmatory emission testing. The licensed laboratory shall notify the modifier that the ARB may perform such confirmatory tests as specified in Section IV.C.2.e. of the "Licensing Requirements for Vehicle Emission Test Laboratories". Vehicles selected for confirmatory testing along with their Certificates of Conformance shall be taken to ARB by a licensed laboratory for testing. A licensed laboratory with certified vehicles failing the confirmatory tests shall be subject to penalties specified under Section IV. F. of the "Licensing Requirements for Vehicle Emission Test Laboratories." The ARB shall retain the Certificate of Conformance of vehicles failing the confirmatory tests until the discrepancies in the test results are resolved.
- H. If a licensed laboratory determines that a vehicle does not meet the applicable emission standards or that the modifier has not complied with all applicable requirements, the laboratory shall not issue a certificate of conformance and shall return the vehicle and the application to the modifier for any necessary repairs or changes.

IV. CERTIFICATION REQUIREMENTS

- A. 1. A used modifier-certified motor vehicle complies with the applicable California emission standards if the emission levels resulting from exhaust and evaporative emission testing at a licensed laboratory performed according to the federal test procedures, Title 40, Code of Federal Regulations, Part 86, Subpart B, as they existed on July 1, 1985, referenced in Section III(A)(2) of the Licensing Requirements for Vehicle Emission Test Laboratories are equal to or less than the applicable emission standards with no deterioration factors applied. The applicable emission standards for used modifier-certified motor vehicles shall be the California new vehicle emission standards for the model year of the vehicle as specified in Title 13, California Administrative Code.
2. A used modifier-certified motor vehicle with emission test levels exceeding any emission standards by less than 15 percent for each pollutant (HC, CO, NOx or particulate) may be re-tested once. If subsequent modifications and emission testing are required, the modifier shall submit to the licensed laboratory records of additional repairs or modifications on the modified vehicle and the reasons for doing such repairs.

- B. The gasoline-powered new vehicle "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks" as incorporated by reference in Title 13, California Administrative Code, Section 2290, shall apply to 1977 or later model year used modifier-certified motor vehicles. An unleaded fuel inlet restrictor and an unleaded fuel label on the area surrounding the restrictor shall be installed on any catalyst-equipped vehicle as set forth in Section 80.24, Title 40, Code of Federal Regulations, as it existed on June 28, 1983. The requirements shall be consistent with the model year of the vehicle.
- C. The new vehicle "California Motor Vehicle Tune-Up Label Specifications" as incorporated by reference in Title 13, California Administrative Code, Section 1965, shall apply to used modifier-certified motor vehicles for the model year of the vehicle with the following additions:
1. An "Emission Control Information" label shall be affixed to each used modifier-certified motor vehicle which clearly states that the vehicle has been modified to comply with California emission control requirements. The label shall show the modifier's name, address, telephone number and California automotive repair dealer registration number, as well as the emission control component codes used for the visual portion of the California Smog Check Program, the model year, and the date the modification was completed. A vacuum hose routing diagram shall also be installed on each vehicle.

The labels shall be placed underhood in a permanent, visible, and accessible location, but not on the engine.

2. The Vehicle Identification Number shall be permanently imprinted on the catalytic converter.
- D. Each used modifier-certified motor vehicle shall be provided with an owner's manual which shall be considered as an integral part of the emission control system. This manual shall contain the following service and repair information:
1. A description of the retrofit system and changes made to the original engine configuration.
 2. Schematic diagrams of the electrical, mechanical, fluid and vacuum systems of the retrofit system.
 3. A description of the function and operation of the system in terms that a motor vehicle mechanic with a general understanding of emission control systems can readily follow.
 4. A list of major parts included in the retrofit system, including the manufacturer of the original parts, the source of replacement parts including alternative parts, if any, and the warranty, if any, which is provided.
 5. The periodic maintenance procedures associated with the retrofit system, including adjustments and a description of how they differ from the original procedures.
- E. Any 1980 or later used modifier-certified motor vehicle equipped with a mechanism for adjusting the idle air/fuel mixture shall conform with the provisions specified under Section 5.e., "California Exhaust Emission Standards and Test Procedures for 1981

State of California
AIR RESOURCES BOARD

LICENSING REQUIREMENTS FOR VEHICLE
EMISSION TEST LABORATORIES

Adopted: _____

NOTE: The proposed licensing requirements as originally made available are shown in normal type. Subsequent modifications to the requirements are shown in double underline to indicate additions and slashes to indicate deletions from the original proposal. Headings are underlined in the original proposal and are not new additions.

LICENSING REQUIREMENTS FOR
VEHICLE EMISSION TEST
LABORATORIES

I. APPLICABILITY

These licensing requirements adopted pursuant to Chapter 6, Part 5, Division 26 of the Health and Safety Code shall apply to any laboratory performing emission tests for the certification of used modifier-certified motor vehicles.

II. DEFINITIONS

- A. "Licensed Laboratory" means any test laboratory approved by the Air Resources Board, pursuant to the requirements contained herein, as capable of conducting emission tests for light-duty motor vehicles in accordance with the Federal Test Procedures.
- B. "Used modifier-certified motor vehicle" means any passenger car, light-duty truck, and medium-duty vehicle which was manufactured outside of the United States for which the original manufacturer did not obtain California or federal certification, which is subsequently modified by persons other than the original vehicle manufacturer to meet California motor vehicle emission standards, and which is at least two years old. The model year designation of a vehicle shall be determined according to the provisions in Section II. B. of the "California Certification Procedures for 1975 and Later Model Year Used Modifier-Certified Motor Vehicles."
- C. "Certificate of Conformance" means a document issued by the ARB through a licensed laboratory after a used modifier-certified motor vehicle is found to comply with the California emission standards

and all other applicable requirements. Pursuant to Health and Safety Code Section 44202 and except as provided in Health and Safety Code Section 44210, a used modifier-certified vehicle may not be registered in California unless a Certificate of Conformance has been issued for the vehicle.

- D. "Correlation testing" is a means of evaluating the performance of a laboratory by performing actual vehicle emission tests following established test methods and comparing the results to those of the reference laboratory. For the purposes of correlation testing, the Air Resources Board's Haagen-Smit Laboratory (HSL) shall be considered the reference laboratory. The ARB may designate another laboratory as the reference laboratory provided correlation between the laboratory and HSL has been demonstrated.
- E. "Contractor" means a private entity which may be assigned by the Air Resources Board to evaluate applications for licensing and to oversee quality control and correlation testing of licensed laboratories.

III. FUNCTIONS OF LICENSED LABORATORIES

- A. A licensed laboratory shall perform the following functions:
 - 1. Verify the model year of used modifier-certified motor vehicles.
 - 2. Conduct exhaust and evaporative emission testing of used modifier-certified motor vehicles in accordance with the applicable model year emission test procedures as specified under the federal test procedures, Title 40, Code of Federal Regulations, Part 86, Subpart B, as they existed on July 1,

1985 as set forth in Appendix I; other pertinent provisions under the "California Emission Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" as incorporated in Section 1960.1, Title 13, California Administrative Code; and California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Liquefied Petroleum Gas or Gasoline-Powered Motor Vehicles" as incorporated in Section 1976, Title 13, California Administrative Code.

3. Verify that the emission control components on used modifier-certified motor vehicles are properly installed and operational with the laboratory manager attesting that the emission control system installed on the vehicle has no obvious engineering or installation defects at the time of inspection. A licensed laboratory shall verify that the labels and the emission control components listed in the owner's manual correspond with the emission control system installed. Furthermore, a licensed laboratory shall verify that the fill pipe, the opening of the fuel tank and the mechanism for air/fuel adjustment installed in the vehicle comply with the requirements specified under Section IV, "California Certification Procedures for 1975 and Later Model Year Used Modifier-Certified Motor Vehicles".
4. Issue Certificates of Conformance to used modifier-certified motor vehicles which are in compliance with the California emission standards and other certification requirements listed

under Section IV, "California Certification Procedures for 1975 and Later Model Year Used Modifier-Certified Motor Vehicles."

5. ~~Perform Smog Check or MVPE emission testing of vehicles and issue~~ Obtain Smog Check or MVPE Certificates of Compliance from Smog Check reference stations for ~~to~~ vehicles which receive Certificates of Conformance.

B. Emission test results from a licensed laboratory shall be used solely to determine if vehicles conform with the California emission standards. This information shall not be presented as a product endorsement for an emission control system hardware or design.

IV. LICENSING PROTOCOL

A. FEES

A non-refundable annual fee of \$5,500 payable in advance to the Air Resources Board (ARB) shall be charged for each application for license or renewal. Licenses shall be renewed annually.

B. APPLICATION FORMS

1. A laboratory applying for initial licensing shall submit an application form to ARB consisting of:

- a. A completed ARB laboratory questionnaire.
- b. A quality control test plan in accordance with paragraph ~~IV.C.1.c.~~ IV.C.1.b. of this document.
- c. Copies of current calibration data for laboratory equipment.
- d. Other supplementary information as specified in the laboratory questionnaire.

2. The renewal application shall be in the same format as the initial application and shall reflect changes in the laboratory including movement of critical personnel, laboratory location, ownership, and changes to major equipment.

C. REQUIREMENTS

1. Technical Evaluation Criteria

Each application for laboratory licensing shall be evaluated by ARB or its contractor in accordance with the following technical evaluation criteria:

- a. The laboratory shall demonstrate the technical competence of its staff.
 - (1) Each person involved in the inspection and testing of emission control systems may be required to take a qualification test developed by ARB or its contractor.
 - (2) The performance of laboratory personnel shall be subject to observation through on-site assessment of laboratory operation.
- b. Each licensed laboratory shall conform with equipment and quality control requirements specified under Sections 86.106 to 86.126, Title 40, Code of Federal Regulations.
- c. Material handling techniques used for test fuels and analytical gases shall comply with requirements listed in Sections 86.113 and 86.114, Title 40, Code of Federal Regulations, and Section 3.h. of the "California Emission Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-duty Trucks and Medium-duty

Vehicles" as incorporated in Section 1960.1, Title 13, California Administrative Code.

- d. Test procedures being practiced shall comply with Sections 86.127 to 86.140, and 86.143, Title 40, Code of Federal Regulations, Sections 3.1., 3.n., and 3.o., of the "California Emission Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles" as incorporated in Section 1960.1, Title 13, California Administrative Code and Section 6. of the "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Liquefied Petroleum Gas- or Gasoline Powered Motor Vehicles" as incorporated in Section 1976, Title 13, California Administrative Code.

2. Other Requirements

Each laboratory applying for a license shall agree to the following conditions:

- a. Licensed laboratories shall purchase from ARB in advance, numbered Certificates of Conformance which will be issued as specified under Section III. B. and C., "California Certification Procedures for Used Modifier-Certified Motor Vehicles." The licensed laboratory shall furnish ARB with a copy of each Certificate of Conformance issued within 30 days of its issuance.
- b. Each licensed laboratory shall perform functions specified under Section III of this regulation.

- c. Licensed laboratories shall perform correlation testing and quality control consisting of:
- (1) Calibrations and checks as specified in Sections 86.116 through 86.126, Title 40, Code of Federal Regulations.
 - (2) A correlation test program at intervals to be specified by ARB or its contractor which may include:
 - Exhaust emission tests
 - Evaporative emission tests
 - Coast down tests
 - Steady-state tests(For the tests above, the test vehicle shall be provided by ARB.)
 - CVS system verification (propane tests)
 - CVS flow and response checks
 - Gas cylinder checks
 - Manual checks on soak temperature, humidity and barometer checks
 - NOx converter efficiency checks
 - CO₂/H₂O interference checks
 - Back pressure checks
- d. The ARB will or its contractor shall randomly inspect laboratory facilities and any vehicles on the premises of a licensed laboratory for purposes of laboratory quality assessment or vehicle inspection.

- e. Each licensed laboratory shall agree to hold all vehicles and certificates at the laboratory for five calendar days following testing to assure availability of vehicles for inspection and confirmatory testing. Upon request by ARB, a licensed laboratory shall further agree to hold vehicles up to a maximum of additional five calendar days. Immediately after vehicle selection for confirmatory testing, ARB will seal the hoods of vehicles chosen. The licensed laboratory shall deliver these vehicles to ARB. Following delivery of a vehicle, the ARB may retain the vehicle for testing for up to five working days.
- f. The licensed laboratory shall maintain the following records of emission testing and quality control in a format prescribed by ARB:
 - (1) Submit vehicle test records monthly to ARB, identified by vehicle identification number, which include:
 - (a) CVS data sheet, showing exhaust emission results in grams/mile, input values, full vehicle information, and start and stop times for vehicle test segments.
 - (b) Exhaust emissions mass calculation sheet.
 - (c) Evaporative emission data sheet, showing evaporative emissions in grams.
 - (d) Evaporative emission mass calculation sheet.

- (e) Driver's trace.
 - (f) Fuel analysis for fuel used in test.
 - (g) Cold soak temperature chart.
 - (h) Photographs of major emission control components including the unleaded fuel inlet restrictor and unleaded label on the area surrounding the fuel inlet restrictors.
 - (i) Particulate emission data sheets for diesel vehicles.
 - (j) Records submitted by the modifier of additional repairs or modifications on the modified vehicle and the reasons for doing such repairs.
- (2) Maintain records of test conditions and emission test results as specified under Section 86.142, Title 40, Code of Federal Regulations as well as records of calibration and quality control test data and have these records available for review upon ARB's request. These records shall be retained by the licensed laboratory for a period not less than seven years after the records have been generated.
- (3) Maintain a continuous log of testing activities containing vehicle descriptions, type of test, reason for tests, start time, end time, and raw test data.

θ/ Τηλέφωνο/Γραβόρατο/ΣΗΔΥ/Κάθε/ά/Σμόθ/ΟΗΕΚ/ο/ΝΥΡ
 Τηλέφωνο/φρόν/Τη/Βυρέα/ο/Αυτομότινε/Κεράι.

- D. Each application for laboratory licensing shall be evaluated based on the information from the completed questionnaire, and an on-site assessment by the ARB or its contractor. The results of the evaluation shall be submitted to the Executive Officer with a recommendation on whether to issue a license. An Executive Order shall be issued to each laboratory meeting the requirements for licensing under III.C. of this document. The Executive Officer may deny an application and refuse to issue a license for reasonable cause. A laboratory denied licensing shall be formally advised of the reasons for denial.
- E. A laboratory denied a license may request reconsideration of its application pursuant to the procedures in Section V of this document.
- F. 1. A licensed laboratory with certified vehicle(s) failing confirmatory tests shall submit to ARB its reasons for the emission test failure along with supporting data within 30 calendar days of receipt of written notification from the Executive Officer. Upon review by the Executive Officer, the license of a laboratory found to be certifying imported vehicles that do not conform with the requirements specified in this regulation, may be suspended or revoked.
2. A licensed laboratory may request a hearing to notify the Executive Officer of its objections to the suspension or to discuss corrective actions.
3. A licensed laboratory may be subject to the penalties listed under Section 43016 of the Health and Safety Code for

certification of noncomplying vehicles for the period starting with the most recent confirmatory or quality control cross check with ARB and ending with the vehicle(s) failing the confirmatory test.

V. REVOCATION, SUSPENSION, OR DENIAL OF A LABORATORY LICENSE

- A. A laboratory license may be revoked, suspended, denied, or withheld if:
1. The laboratory submits false or incomplete information in its application.
 2. The laboratory renders false or inaccurate emission test data.
 3. The laboratory fails to comply with the requirements under Section IV.C. of this regulation.

Upon revocation or suspension, any unused certificates of conformance shall be returned to the ARB upon request.

- B. In any case where a license is denied or withheld, the laboratory may request the Executive Officer for reconsideration of the decision. The request shall be in writing, signed by an authorized representative of the laboratory and shall include a statement specifying the laboratory's objections to the Executive Officer's decision and data in support of such objections. After a review of the request and supporting data, the Executive Officer may schedule a hearing, if he or she finds that the request raises substantial issues.
- C. Any revocation or suspension under paragraph A. of this section shall be made only after the laboratory has been offered an opportunity for a hearing.

- D. Any laboratory which knowingly submits false or inaccurate information, renders inaccurate or invalid test data, or commits any other fraudulent acts related to the certification of used modifier-certified motor vehicles shall be subject to penalties under Section 44209, Health and Safety Code.
- E. A licensed laboratory may apply for reinstatement of its license after revocation but no sooner than one year after the date of revocation. A laboratory applying for reinstatement shall follow all of the procedures and comply with all of the requirements for the initial licensing of a laboratory.