

**Attachment 2:**

**15-DAY MODIFICATIONS**

Adopt new article 1.5, Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles, sections 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, and 2218, title 137, California Code of Regulations, to read as follows:

[Note: This is a newly adopted regulation, and incorporated test procedure, shown without underline as permitted by California Code of Regulations, title 1, section 8. Modifications to the original proposed version of the regulation are shown in single underline to indicate additions and ~~single strikeout~~ to indicate deletions.]

~~[Note: All of the text below is new language to be added to the California Code of Regulations (CCR)]~~

**Title 13.** Motor Vehicles

**Division 3.** Air Resources Board

**Chapter 1.** Motor Vehicle Pollution Control Devices

**Article 1.5.** Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles

**§ 2210. Applicability.**

- (a) This section applies to 2012 and subsequent model-year light-duty certified engine packages for use in light-duty specially constructed vehicles (SPCNS) and the installers of SPCNS.
- (b) Each part of this article is severable, and in the event that any part of this chapter or article is held to be invalid, the remainder of this article continues in full force and effect.
- (c) This article, and the documents incorporated by reference herein, includes provisions for certification, labeling requirements, emissions standard enforcement, and warranty.

Note: Authority cited: Sections 39600, 39601, 43000, 43100, 43101, 43102, 43104, and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43100, 43101, 43102, 43104, 43105, 43106, 43205, Health and Safety Code, and 580 Vehicle Code.

## § 2211. Definitions.

- (a) The definitions in Section 1900(b), chapter 1, title 13 of the California Code of Regulations (CCR) apply to this Article with the following additions:
- (1) “ARB Enforcement Officer” means any employee of the Air Resources Board (ARB) so designated in writing by the Executive Officer of ARB or by the Executive Officer’s designee.
  - (2) “Certified engine configuration” means all engine parts on a certified engine package engine that will affect emissions, including, but not limited to pistons, cylinder heads, etc., as described in the application for certification submitted to and approved by ARB.
  - (3) “Certified engine package” means a new engine package, intended for use only in a specially constructed vehicle (SPCNS) with a gross vehicle weight rating (GVWR) at or below 8,500 pounds, which includes a fully assembled and functioning engine, a controller, emission control components, evaporative emissions system control components (e.g.- canister, purge control valves, etc.) and- purge control logic.
  - (4) “Emission control system or ECS” includes any component, group of components, or engine modification which controls or causes the reduction of substances emitted from an engine or an SPCNS.
  - (5) “Emission warranty information report” means emission warranty information report as defined by section 2144, title 13, CCR.
  - (6) “Exhaust emissions” means substances emitted into the atmosphere from any opening downstream from the exhaust port of an engine.
  - (7) “Installer” means any person who installs a certified engine package in an SPCNS for compensation or consideration of value; but -does not include any person that assembles or produces an SPCNS for resale-. Installers must be registered as Automotive Repair Dealers under California Business and Professions Code, section 9880 through section 9889.68. Ultimate purchasers are not considered to be installers.
  - (8) “Light-duty motor vehicle” refers to either a passenger car or light-duty truck.

- (9) "Light-duty truck" means a light-duty truck as defined in Section 1900, title 13, California Code of Regulations.
- (10) "Manufacturer" means the manufacturer granted certification for a certified engine package.
- (11) "Motor vehicle inspection and maintenance program" means the program established under section 44000 et. seq. of the Health and Safety Code to identify and repair high polluting vehicles for the purpose of reducing air pollution.
- ~~(412)~~ "Passenger car" means a Passenger Car as defined in Section 1900, title 13, California Code of Regulations.
- (13) "Smog Check inspection" means a motor vehicle inspection, established under section 44000 et. seq. of the Health and Safety Code, of the vehicle and the installed certified engine package performed at a Smog Check station or Smog Check referee.
- ~~(4214)~~ "Specially constructed vehicle or SPCNS" means a Specially Constructed Vehicle as defined by California Vehicle Code 580.
- ~~(4315)~~ "Ultimate purchaser" means ultimate purchaser as defined by California Health and Safety Code 39033.5.
- ~~(4416)~~ "Useful life" means 120,000 miles or 10 years for exhaust and crankcase emissions for vehicles certified to the Low Emission Vehicle (LEV) II exhaust emission standards, 150,000 miles or 10 years for exhaust and crankcase emissions for vehicles certified to the LEV III exhaust emission standards, and 150,000 miles or 15 years for evaporative emissions.
- ~~(4517)~~ "Warrantable condition" means any condition of a certified engine package that triggers the responsibility of the manufacturer to take corrective action pursuant to sections 2214 or 2215.
- ~~(4619)~~ "Warranted part" means any part installed on a certified engine package by the manufacturer, or installed in a warranty repair, which affects any regulated emissions from a certified engine package that is subject to any of the standards prescribed in this article and the documents incorporated by reference herein.

(~~17~~20) "Warranty period" means the period of time and mileage that the certified engine package or part are covered by the warranty provisions.

(~~18~~21) "Warranty station" means a facility authorized by the manufacturer, or a repair facility agreed upon by both the manufacturer and the ultimate purchaser, to service the warranted engine.

(~~19~~22) "Worst case vehicle" means a vehicle configuration with a vehicle test weight, vehicle road load, vehicle frontal area, calibration, emission control system configuration and calibration, transmission, engine displacement, and engine speed to vehicle speed (N/V) ratio which (1) with respect to emission deterioration over the vehicle's useful life, produces the greatest stress on the emission related components or (2) with respect to certification testing, has the greatest probability of exceeding any of the applicable emission standards.

Note: Authority cited: Sections 39600, 39601, 43000, 43100, 43101, 43102, 43104, and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43100, 43101, 43102, 43104, 43105, 43106, 43205, Health and Safety Code, and 580 Vehicle Code.

**§ 2212. Emission Standards, Test Procedures, Package Requirements, and Reporting Requirements for Engine Packages for Specially Constructed Vehicles.**

- (a) This section applies to 2012 and subsequent model year certified engine packages.
- (b) Production and sale of certified engine packages which result in noncompliance with the provisions of this section shall subject a manufacturer to civil penalties, as prescribed in Article 1.5 of Chapter 2, Part 5, Division 26 of the Health and Safety Code.
- (c) Exhaust Emissions. Exhaust emissions from engine packages that are manufactured for sale, sold, or offered for sale in California, or that are introduced, delivered or imported into California into commerce and that are subject to any of the standards prescribed in this article and the documents incorporated by reference herein must not exceed applicable LEV II or LEV III exhaust emission standards, as set forth below:

- (1) “Low Emission Vehicle (LEV II and LEV III)” Exhaust Emission Standards. A manufacturer must demonstrate that the certified engine package, when installed in a worst case vehicle, does not exceed the applicable useful life exhaust emissions standards set for new light-duty vehicles ~~in Section 1961(a)(1), title 13, California Code of Regulations (CCR)~~ as set forth below:

(A) 2012 through 2014 model year certified engine packages must be certified to the LEV II exhaust emission standards set forth in title 13, California Code of Regulations (CCR) section 1961(a)(1) as set forth in the table below.

<u>Model Years</u>	<u>Standard</u>	<u>NMOG (g/mi)</u>	<u>CO (g/mi)</u>	<u>NOx (g/mi)</u>	<u>HCHO (mg/mi)</u>	<u>PM (g/mi)</u>
<u>2012 and Subsequent through 2014 and 2015-2019 certifying to LEV II exhaust standards in section 2212(c)(1)(A)</u>	<u>LEV II LEV (120,000 mi Durability)</u>	<u>0.090</u>	<u>4.2</u>	<u>0.07</u>	<u>18</u>	<u>0.01</u>

(B) 2015 through 2019 model year certified engine packages may be certified to either the LEV II exhaust emission standards set forth in title 13, California Code of Regulations (CCR) section 1961(a)(1) as set forth in the table above or the LEV III exhaust emission standards as set forth in section 2212(c)(1)(C).

(C) 2020 and subsequent model year certified engine packages must be certified to the LEV III exhaust emission standards set forth in the table below.

Model Years	Standard	NMOG (g/mi)	CO (g/mi)	NOx (g/mi)	HCHO (mg/mi)	PM (g/mi)
2012 and Subsequent	LEV II LEV (120,000 mi Durability)	0.090	4.2	0.07	18	0.04

Model Years	Standard	NMOG + NOx (g/mi)	CO (g/mi)	HCHO (mg/mi)	PM (g/mi)
2015 and subsequent	LEV III LEV (150,000 mi Durability)	0.160	4.2	4	0.01

Notes:

The exhaust emission standards at 50,000 miles durability in Section 1961(a)(1), title 13, CCR, are not applicable.

- (2) “50°F Exhaust Emission Standards.” Manufacturers must also demonstrate that the certified engine package-, when installed on a vehicle in a worst case configuration, does not exceed the following exhaust emissions standards set for new light-duty motor vehicles.

(A) 2012 through 2014 MY certified engine packages and 2015 through 2019 MY certified engine packages certified to the LEV II exhaust emission standards in section 2212(c)(1)(A).

Model Year	Standard	NMOG (g/mi)	CO (g/mi)	NOx (g/mi)	HCHO (mg/mi)	Notes
2012 and subsequent through 2014 and 2015 through 2019 certifying to LEV II exhaust standards in section 2212(c)(1)(A)	LEV II LEV	0.150	3.4	0.05	30	A B

Notes:

A: The 50°F exhaust emission standards applicable at 4,000 miles for NMOG and HCHO are at two times the NMOG and HCHO standards at 50,000 miles durability mileage, respectively, applicable under the FTP test. The 50°F exhaust emission standards applicable at 4,000 miles for CO and NOx are at one times the CO and NOx standards at 50,000 miles durability mileage, respectively, applicable under the FTP test. There is no 50°F exhaust emission standard applicable at 4,000 miles for PM.

B: Compliance with the 50°F exhaust emission standards for NMOG and formaldehyde (HCHO) must be demonstrated by measuring those emissions on the FTP (40 CFR, Part 86, Subpart B) conducted at a nominal test temperature of 50°F, as modified by Part II, Section C of the “California 2001 through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 through 2016 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as amended March 22, 2012, incorporated by reference in section 1961(d), and which are incorporated herein by reference.. The NMOG mass emission result shall be multiplied by the applicable reactivity adjustment factor, if any, prior to comparing to the applicable adjusted 50,000 mile certification standards set forth below. A manufacturer may demonstrate compliance with the NMOG and HCHO certification standards contained in this subparagraph by measuring NMHC exhaust emissions or issuing a statement of compliance for HCHO in accordance with Section D.1, subparagraph (p) and Section G.3.1.2, respectively, of the “California 2001 through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 through 2016

Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as amended March 22, 2012, incorporated by reference in section 1961(d), and which are incorporated herein by reference. Emissions of CO and NOx measured at 50°F shall not exceed the standards set forth above applicable to vehicles of the same emission category and vehicle type subject to a cold soak and emission test at 68° to 86°F. Natural gas and diesel-fueled vehicles are exempt from the 50°F test requirements.

(B) 2015 and subsequent MY certified engine packages certified to LEV III exhaust emission standards in section 2212(c)(1)(C).

<u>Model Year</u>	<u>Standard</u>	<u>NMOG + NOx (g/mi)</u>	<u>CO (g/mi)</u>	<u>HCHO (g/mi)</u>	<u>Notes</u>
<u>2015 and subsequent</u>	<u>LEV III LEV</u>	<u>0.320</u>	<u>4.2</u>	<u>0.030</u>	<u>A</u>

A: Compliance with the 50°F exhaust emission standards for NMOG+NOx and formaldehyde (HCHO) must be demonstrated by measuring those emissions on the FTP (40 CFR, Part 86, Subpart B) conducted at a nominal test temperature of 50°F, as modified by Part II, Section C of the “California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” adopted March 22, 2012, which are incorporated herein by reference. A manufacturer may demonstrate compliance with the NMOG+NOx and HCHO certification standards contained in this subparagraph by measuring NMHC exhaust emissions or issuing a statement of compliance for HCHO in accordance with Section D.1, subparagraph (p) and Section G.3.1.2, respectively, of the “California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” adopted March 22, 2012, which are incorporated herein by reference . Emissions of CO measured at 50° F shall not exceed the standards set forth in section 2212(c)(2)(B) applicable to vehicles of the same emission category and vehicle type subject to a cold soak and emission test at 68° to 86° F.

(3) “Highway NOx Standard,” and “Highway NMOG + NOx Standard.”

(A) A manufacturer of a 2012 through 2014 MY certified engine package must also demonstrate compliance with Section 1961(a)(6), title 13, CCR. See LEV II standard in table below.

(B) A manufacturer of a 2015 through 2019 MY certified engine package that has elected to certify to the LEV II exhaust emission standards in section 2212(c)(1)(A) must demonstrate compliance with section 1961(a)(6), title 13, CCR. See LEV II standard in table below.

(C) A manufacturer of a 2015 and subsequent MY certified engine package that is certifying to the LEV III exhaust emission standards in section 2212(c)(1)(C) must demonstrate compliance with the LEV III Highway NMOG+NOx Standard shown in the table below.

Model Year	Standard	Durability (miles)	NOX (g/mi)	<u>NMOG +NOx (g/mi)</u>	Notes
<u>2012 through 2014 and 2015 through 2019 certifying to LEV II exhaust standards in 2212(c)(1)(A)</u>	LEV II LEV	120,000	<del>0.07</del> <u>0.09</u>		A
<u>2015 and subsequent</u>	<u>LEV III LEV</u>	<u>150,000</u>		<u>0.160</u>	

Notes:

~~The exhaust emission standard for NOX applicable at the full durability mileage under the HFET test is at 1.33 times the NOX standard at the full durability mileage under the FTP test.~~

(4) “Supplemental Federal Test Procedure Off-Cycle Emission Standards.”

(A) A manufacturer of a 2012 through 2014 MY certified engine package, or of a 2015 through 2019 MY certified engine package that has elected to certify to the LEV II exhaust emission standards in section 2212(c)(1)(A) must also demonstrate compliance with section 1961(a)(7), title 13, CCR , which references 13 CCR 1960.1(r).

The maximum Supplemental Federal Test Procedure (SFTP) exhaust emissions at 4,000 miles or the mileage specified per 13 CCR 1960.1(r) are shown in 13 CCR 1960.1(r) and summarized below. All footnotes in 13 CCR 1960.1(r) apply.

Vehicle	Loaded Vehicle	US06	US06	SC03	SC03S
Type	Weight (lbs.)	NMHC+ NOx (g/mi)	CO (g/mi)	NMHC+ NOx (g/mi)	CO (g/mi)
PC	All	0.14	8.0	0.20	2.7
LDT	0-3750	0.14	8.0	0.20	2.7
LDT	3751-5750	0.25	10.5	0.27	3.5
MDV	3751-5750	0.40	10.5	0.31	3.5
MDV	5751-8500	0.460	10.511.8	0.31-0.44	3.54.0

As an alternative, a manufacturer can request Executive Officer approval to be exempt from the SC03 test portion of the SFTP. The Executive Officer will grant approval upon the manufacturer providing data, analysis, etc. demonstrating that the control system cannot be altered by the use of the air conditioning system.

(B) A manufacturer of a 2015 and subsequent MY certified engine package that is certifying to the LEV III exhaust emission standards in section 2212(c)(1)(C) must demonstrate compliance with the Supplemental Federal Test Procedure NMOG+NOx and CO Stand-Alone Exhaust Emission Standards set forth in the following table:

The stand-alone 150,000-mile durability basis exhaust emissions standards in the following table apply to 2015 and subsequent model year LEV III LEV passenger cars, light duty trucks, and medium duty vehicles less than 8501 lbs. GVWR.

<u>US06</u>	<u>US06</u>	<u>SC03</u>	<u>SC03</u>
<u>NMHC+NOx</u> <u>(g/mi)</u>	<u>CO</u> <u>(g/mi)</u>	<u>NMHC+NOx</u> <u>(g/mi)</u>	<u>CO</u> <u>(g/mi)</u>
<u>0.140</u>	<u>9.6</u>	<u>0.10</u>	<u>3.2</u>

(5)

(A) The test procedures for determining compliance with the LEV II exhaust emission standards in sections 2212(c)(1)(A), 2212(c)(2)(A), 2212(c)(3)(A), and 2212(c)(4)(A) are set forth in the “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as amended September 27, 2010, California 2001 Through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 Through 2016 Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles” as amended March 22, 2012, and the “California Non-Methane Organic Gas Test Procedures,” as amended July 30, 2002 March 22, 2012 which are incorporated herein by reference.

(B) The test procedures for determining compliance with the LEV III exhaust emission standards in sections 2212(c)(1)(C), 2212(c)(2)(B), 2212(c)(3)(C), and 2212(c)(4)(B) are set forth in the “California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as adopted March 22, 2012, and the “California Non-Methane Organic Gas Test Procedures,” as amended March 22, 2012, which are incorporated herein by reference.

(d) Evaporative Emissions. Evaporative emissions from certified engine packages that are manufactured for sale, sold, or offered for sale in California, or that are introduced, delivered or imported into California into commerce and that are subject to any of the standards prescribed in this article and the documents incorporated by reference herein must not exceed the evaporative emissions standards applicable to new light-duty motor vehicles as specified in Section

1976, title 13, CCR. The test procedures for determining compliance with such evaporative emission standards are set forth in the “California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and subsequent Model Years”, adopted [insert date], which is- incorporated by reference herein.

- (e) Crankcase Emissions. The certified engine package must be equipped with a closed crankcase system and must not discharge crankcase emissions to the atmosphere.
- (f) All emissions testing must be performed on a worst case vehicle, as defined in the “California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years”, adopted [insert date], which is- incorporated by reference herein.

As an alternative to performing testing on a worst case vehicle, a manufacturer may submit for Executive Officer approval carry over emission test data from a previously certified vehicle, meeting applicable California new light duty exhaust emission standards in Section 1961, title 13, CCR, and California new light duty evaporative emission standards in Section 1976, title 13, CCR having a similar certified engine configuration to the certified engine package.- The Executive Officer shall approve such a request if the manufacturer demonstrates one of the following:

- (1) In the case of durability data, the manufacturer must demonstrate successfully that the previously generated durability data represent a worst case or equivalent rate of deterioration for all applicable emission constituents compared to the configuration selected for durability demonstration.
  - (2) In the case of emission data, the manufacturer must demonstrate successfully that the previously generated emissions data represent a worst case or equivalent level of emissions for all applicable emission constituents compared to the configuration selected for emission compliance demonstration.
- (g) On-Board Diagnostic System. Except as allowed in (g)(1)-(g)(14) below, the certified engine package must comply with Section 1968.2, title 13, CCR for on-board diagnostic (OBD) requirements applicable to the model year of the engine. For the specific sections identified below, in lieu of complying with all applicable OBD requirements per Section 1968.2, the following alternate criteria can be used:

- (1) 1968.2(d)(2.1.1)—Malfunction Indicator Light (MIL) location and required image: In lieu of the requirements of this section for location of MIL and the required image, text, and color for the MIL, the system may include a hardwired output for the MIL and include instructions in the installation requirements that the installer/purchaser must connect an indicator light to the output and locate the indicator light in a position that is readily visible to the operator of the vehicle while driving the vehicle and readily identifiable by an inspector as the MIL when performing an ~~emission~~ Smog Check inspection.
- (2) 1968.2(d)(3.2.1)—Minimum in-use monitoring performance ratios: In lieu of meeting the ~~minimum~~ minimum ratios identified in this section (e.g., 0.336, etc.), the system may be designed to meet a minimum ratio of 0.100 for all monitors subject to minimum ratio requirements.
- (3) 1968.2(e)(3.2.2)(A) and (e)(3.3)—Misfire malfunction criteria and monitoring conditions: The system may utilize a percentage of misfire as the malfunction criteria that equates to emissions not exceeding 3.0 times any of the applicable FTP standards in lieu of 1.5 times. If this percentage of misfire is determined to be lower than 2.5 percent, the manufacturer may set the malfunction criteria at 2.5 percent. For monitoring conditions, in lieu of monitoring for misfire under all positive torque conditions, with Executive Officer approval, the system may disable monitoring under light loads where the system may not be able to accurately discern positive and negative torque due to differences in vehicle configurations. Executive Officer approval shall be granted upon determining the proposed monitoring conditions provide for maximum monitor enablement in positive torque conditions across various expected vehicle types and minimize the risk for false indications of misfire and for end vehicle configurations that have misfire disabled during significant portions of urban driving.
- (4) 1968.2(e)(4)—Evaporative system monitoring: The requirements of this section are not required.
- (5) 1968.2(e)(6.2.1)(C)—Cylinder air-fuel imbalance monitoring: The system may utilize a malfunction criteria of 3.0 times any of the applicable FTP standards in lieu of 1.5 times.
- (6) 1968.2(e)(11.2.2.) (B)—Cold start emission reduction strategy monitoring: The system may utilize a malfunction criteria of 3.0 times any of the applicable FTP standards in lieu of 1.5 times.

- (7) 1968.2(e)(15.1.3)—Comprehensive component monitoring: The system shall be required to monitor transmission related input or output components/systems comprehensive components only if the component or system is used as part of the diagnostic strategy for any other monitored system or component.
- (8) 1968.2(g)(2.1) and (2.2)—Diagnostic Connector location: In lieu of the requirements of this section for location of the diagnostic connector (e.g., in a fairly constrained area of the driver interior footwell), the system may include the standardized SAE J1962 compliant connector with the certified kit and include instructions in the installation requirements that the installer/purchaser must wire the connector appropriately and locate the connector in a position that is readily identifiable and accessible by a repair technician or an inspector when performing an ~~emission~~ Smog Check inspection.
- (9) 1968.2(g)(4.8)—VIN in standardized data format: The manufacturer of the certified engine shall design the system to have the engine control module output the engine serial number and a designation of the manufacturer in lieu of the VIN to a generic scan tool in accordance with SAE J1979. The combined manufacturer designation and engine serial number shall be no more than 17 characters long, consist only of printable ASCII characters, and shall be padded with zeros at the front or between the manufacturer designation and the engine serial number to reach a total of 17 characters if fewer than 17 characters are used.
- (10) 1968.2(h)—Durability demonstration vehicle testing: All testing must be performed on a worst case vehicle, as defined in the “California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years”, adopted [insert date], which is- incorporated by reference herein.

As an alternative to performing testing on a worst case vehicle, a manufacturer may submit for Executive Officer approval, carry over emission test data from a previously certified vehicle, meeting applicable California OBD requirements in Section 1968.2, title 13, CCR, using a- certified engine configuration or an engine configuration that is representative of the certified engine package. Executive Officer approval shall be granted upon determining the proposed previously certified vehicle uses the same OBD II

strategies and similar calibrations and is expected to have similar emission and OBD system test results.

- (11) 1968.2(j)(1.2) and (j)(2.2)—Production vehicle evaluation testing vehicle selection: In lieu of an actual production vehicle, manufacturers may utilize a slave vehicle or worst case vehicle for the test vehicle as long as the vehicle has the engine package installed in accordance with the instructions the manufacturer provides to its ultimate purchasers.
- (12) 1968.2(j)(2.3)—Production vehicle evaluation testing evaluation requirements: As an alternative to performing testing on each individual diagnostic, a manufacturer may submit for Executive Officer approval, a request to carry over test data for all unchanged diagnostics from a previously certified vehicle, meeting applicable California OBD requirements in section 1968.2, title 13, CCR, using a certified engine configuration or an engine configuration that is representative of the certified engine configuration. Executive Officer approval shall be granted upon determining the proposed previously certified vehicle uses the same OBD II strategies and similar calibrations and is expected to have identical test results. Manufacturers using this alternative are still required to perform testing on each individual diagnostic that is new, changed, or materially recalibrated for the certified engine package relative to the previously certified vehicle.
- (13) 1968.2(j)(3)—Production vehicle evaluation testing for in-use monitoring performance ratio: As an alternative to collecting and submitting data required in 1968.2(j)(3) on vehicles using the certified engine package, a manufacturer may submit for Executive Officer approval, a request to use data generated from previously certified vehicles, meeting applicable California OBD requirements in section 1968.2, title 13, CCR, using a certified engine configuration or an engine configuration that is representative of the certified engine configuration. Executive Officer approval shall be granted upon determining the proposed vehicles use the same OBD II strategies and similar calibrations and are expected to have similar in-use monitoring performance.
- (14) 1968.5—Enforcement regulation: For purposes of selection of test vehicles in 1968.5(b)(3)(D), the Executive Officer shall only include vehicles in the test sample that have the engine installed in accordance with the installation requirements of the certified engine package. For purposes of a finding of nonconformance for emission and ratio testing in 1968.5(b)(6)(A) and (B)

respectively, a finding of nonconformance shall be based on the criteria identified in sections 1968.5(b)(6)(A)(i) and (B)(i), respectively, for all model years.

- (h) Package Requirements. For each certified engine package manufactured for sale in California, the manufacturer must provide written materials, according to the requirements specified in the “California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and subsequent Model Years”, adopted [insert date] which is incorporated by reference herein,- including:
- (1) Written instructions for installing the certified engine package into an SPCNS;
  - (2) Statement that the certified engine package must only be- installed in an SPCNS with an N/V ratio less than the N/V ratio of the worst case vehicle and below the weight of the worst case vehicle;
  - (3) Statement that no changes may be made to the certified engine package;
  - (4) Statement that installation of a certified engine package into a vehicle other than an SPCNS is subject to the penalty provisions of Part 5, Division 26 of the Health and Safety Code;
  - (5) Instructions that the certified engine package should be installed in the vehicle so as not to make it impossible to perform an ~~enhanced area~~ Smog Check inspection on the vehicle. ~~Enhanced area is as defined in section 3340.1, title 16, CCR.~~ The instructions must state that the evaporative canister and vapor lines be capable of, and be accessible for, off-board low pressure evaporative testing as part of a Smog Check inspection. Additionally, either the instructions must state the fuel cap and filler neck must be capable of being tested as part of a Smog Check inspection, or be equivalent to that manufactured by a large volume original equipment manufacturer for 2006 model year or later.
  - (6) An engine owner’s manual; and
  - (7) An affidavit to be completed if necessary by the installer.

- (i) **Manufacturer Reporting Requirements.** For each certified engine package manufactured for sale in California, the manufacturer must provide the following information to the Executive Officer by June 30 of the year following the model year of the certified engine package (for example, for a Model Year 2013 certified engine package, the manufacturer would be required to report by June 30, 2014):
  - (1) engine identification number and an explanation of the identification code; and
  - (2) the total number of certified engine packages marketed and produced for sale in California.

Note: Authority cited: Sections 39600, 39601, 43000, 43100, 43101, 43102, 43104, and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43100, 43101, 43102, 43104, 43105, 43106, 43205, Health and Safety Code, and 580 Vehicle Code.

### **§ 2213. Emission Control Labels – Certified Engine Packages for Use in Specially Constructed Vehicle Engines.**

- (a) **Purpose.** The ARB recognizes that certain emissions-related parts must be properly identified and maintained in order for certified engine packages to comply with the applicable emissions standards. The purpose of this section is to require manufacturers to provide a label to the ultimate purchaser that provides vehicle owners and service mechanics with information needed to properly maintain certified engine packages.
- (b) **Applicability.**
  - (1) All certified engine packages must comply with these labeling requirements.
  - (2) The responsibility for compliance with this section rests with the manufacturer.
- (c) **Label Requirements.**
  - (1) **Engine Identification number.** The manufacturer must permanently identify a certified engine package by direct stamping or embossment. The identification must be readily visible and readable (i.e., utilize block text that is a minimum of 2 millimeters in height), and resistant to heat, cold, or corrosive

materials. A sample of the identification must be submitted in the application for certification.

(2) Emissions Control Label.

(A) The manufacturer must provide a label with each certified engine package to the ultimate purchaser to be affixed to a fully assembled vehicle. Manufacturers must provide instructions to the ultimate purchaser to affix the label in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any part that is likely to be replaced during the vehicle's useful life.

(B)

1. The labels on 2012 through 2014 model year (MY) certified engine packages and 2015 through 2019 MY certified engine packages that are certifying to the LEV II exhaust emission standards in sections 2212(c)(1)(A), 2212(c)(2)(A), 2212(c)(3)(A), and 2212(c)(4)(A) must adhere to the guidelines in the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," California 2001 through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 through 2016 Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" as amended March 22, 2012, which are incorporated herein by reference.

2. The labels on 2015 and subsequent MY certified engine packages that are certifying to the LEV III exhaust emission standards in sections 2212(c)(1)(C), 2212(c)(2)(B), 2212(c)(3)(C), and 2212(c)(4)(B) must adhere to the guidelines in the "California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as adopted March 22, 2012, which are incorporated herein by reference. The applicable section in each of the above cited exhaust emission standards and test procedures is part 1, subpart C, section 3, which incorporates by reference and amends 40 CFR 86.1807-04 "Vehicle Labeling."

- (C) Additional Label Requirements: The label must also contain the following sentence lettered in the English language in block letters and numerals which must be of a color that contrasts with the background of the label:– “This engine is only for use in a Specially Constructed Vehicle, as defined in California VC Section 580.”
- (D) Manufacturers are not required to comply with “California Environmental Performance Label Specifications for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles,” as last amended March 22, 2012.

Note: Authority cited: Sections 39600, 39601, 43000, 43100, 43101, 43102, 43104, and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43100, 43101, 43102, 43104, 43105, 43106, 43205, Health and Safety Code, and 580 Vehicle Code.

**§ 2214. Defects Warranty Requirements for Certified Engine Packages for Use in Specially Constructed Vehicles.**

- (a) Applicability.

This section shall apply to 2012 and subsequent model year certified engine packages for use in light-duty SPCNSs.

- (b) General Defects Warranty Coverage.

The manufacturer of each certified engine package shall warrant to the ultimate purchaser and each subsequent purchaser that the certified engine package:

- (1) Is designed, built, and equipped so as to conform with all applicable regulations adopted by the ARB pursuant to its authority in chapters 1 and 2, part 5, division 26 of the Health and Safety Code;
- (2) Is free from defects in materials and workmanship which cause the failure of a warranted part, including any defect in materials or workmanship which would cause the certified engine package’s on-board diagnostic malfunction indicator light to illuminate, for a period of three years or 50,000 miles, whichever first occurs;
- (3) Is free from defects in materials and workmanship which cause the failure of a warranted part described in subsection (c) for seven years or 70,000 miles, whichever first occurs; and

(4) The warranty period for a certified engine package shall begin on the date an SPCNS using that certified engine package is registered for use in California or two years after the certified engine package is purchased by the ultimate purchaser, whichever first occurs. However, as an alternative to beginning the warranty period on the date an SPCNS is registered for use in California or two years after the engine is purchased by the ultimate purchaser, a manufacturer may instead begin the warranty period on the purchase date of the certified engine package and warrant for a period of five years or 50,000 miles, whichever first occurs, that the certified engine package is free from defects in materials and workmanship which cause the failure of a warranted part, including any defect in materials or workmanship which would cause the certified engine package's on-board diagnostic malfunction indicator light to illuminate.

(c) "High-Priced" Warranted Parts

(1) Each manufacturer shall identify in its application for certification the "high-priced" warranted parts which are:

(A) subject to coverage as a warranted part in subsection (b)(2) above; and

(B) have an individual replacement cost at the time of certification exceeding the cost limit defined in subsection (c)(3) below.

(2) The replacement cost shall be the retail cost to the ultimate purchaser of a certified engine package and includes the cost of the part, labor, and standard diagnosis. The costs shall be those of the highest-cost metropolitan area of California.

(3) The cost limit shall be calculated using the following equation:

$$\text{Cost limit}_n = \$300 \times (\text{CPI}_{n-2} / 118.3)$$

where:

$\text{Cost limit}_n$  is the cost limit for the applicable model year of the certified engine package rounded to the nearest ten dollars.

$n$  is the model year of the certified engine package.

$n-2$  is the calendar year two years prior to the model year of the certified engine package.

CPI is the annual average nationwide urban consumer price index published by the United States Bureau of Labor Statistics.

- (4) The cost limit shall be revised annually by the Executive Officer. The highest-cost metropolitan area in California shall be identified by the Executive Officer for use in this section. If a manufacturer seeks certification of a certified engine package before the applicable annual average CPI is available, the cost limit shall be calculated using the average of the monthly nationwide urban CPI figures for the most recent twelve month period for which figures have been published by the United States Bureau of Labor Statistics.
  - (5) Each manufacturer shall submit to the Executive Officer the documentation used to identify the "high-priced" warranted parts required in this section. The documentation shall include the estimated retail parts costs, labor rates in dollars per hour, and the labor hours necessary to diagnose and replace the parts. The documentation is not required for certified engine packages certified before July 15, 2013.
  - (6) The Executive Officer may reject or require modification of the manufacturer's list of "high-priced" warranted parts to ensure that such list includes all emission-related parts whose replacement cost exceeds the cost limit defined in subsection (c)(3).
- (d) Subject to the conditions and exclusions of subsection (i), the warranty on emission-related parts shall be interpreted as follows:
- (1) Any warranted part which is not scheduled for replacement as required maintenance in the written instructions required by subsection (e) shall be warranted for the applicable warranty period defined in subsection (b)(2). If any such part fails during the period of warranty coverage, it shall be repaired or replaced by the manufacturer according to subsection (d)(4) below. Any such part repaired or replaced under the warranty shall be warranted for the remaining warranty period.
  - (2) Any warranted part which is scheduled only for regular inspection for maintenance reasons as specified in the written instructions required by subsection (e) shall be warranted for the applicable warranty period defined in subsection (b)(2). A statement in such written instructions to the effect of "repair or replace as necessary" shall not reduce the period of warranty coverage. Any such part required or replaced under warranty shall be warranted for the remaining warranty period.
  - (3) Any warranted part which is scheduled for replacement as required maintenance in the written instructions required by subsection (e) shall be warranted for the period of time or mileage, whichever first occurs, prior to the first scheduled replacement point for that part. If the part fails prior to the first

scheduled replacement, the part shall be repaired or replaced by the manufacturer according to subsection (d)(4) below. Any such part required or replaced under warranty shall be warranted for the remainder of the period prior to the first scheduled replacement point for the part.

- (4) Repair or replacement of any warranted part under the warranty provisions of this article shall be performed at no charge to the certified engine package owner at a warranty station, except in the case of an emergency when a warranted part or a warranty station is not reasonably available to the certified engine package owner. In an emergency, repairs may be performed at any available service establishment, or by the owner, using any replacement part. The manufacturer shall reimburse the owner for his or her expenses including diagnostic charges for such emergency repair or replacement, not to exceed the manufacturer's suggested retail price for all warranted parts replaced and labor charges based on the manufacturer's recommended time allowance for the warranty repair and the geographically appropriate hourly labor rate. A certified engine owner may reasonably be required to keep receipts and failed parts in order to receive compensation for warranted repairs reimbursable due to an emergency, provided the manufacturer's written instructions required by subsection (e) advise the owner of this obligation.
- (5) Notwithstanding the provisions of subsection (d)(4) above, warranty services or repairs shall be provided at all of a manufacturer's dealerships, warranty stations or service providers which are franchised or under contract to service the subject vehicles or engines.
- (6) The certified engine owner shall not be charged for diagnostic labor which leads to the determination that a warranted part is defective, provided that such diagnostic work is performed at a warranty station.
- (7) The manufacturer shall be liable for damages to other vehicle components proximately caused by a failure under warranty of any warranted part.
- (8) Throughout the certified engine's warranty period defined in subsection (b)(2), the manufacturer shall maintain a supply of warranted parts sufficient to meet the expected demand for such parts. The lack of availability of such parts or the incompleteness of repairs within a reasonable time period, not to exceed 30 days from the time the vehicle or engine is initially presented to the warranty station for repair, shall constitute an emergency for purposes of subsection (d)(4) above.
- (9) Any replacement part may be used in the performance of any maintenance or repairs. Any replacement part designated by a manufacturer may be used in warranty repairs provided without charge to the vehicle owner. Such use shall not reduce the warranty obligations of the manufacturer, except that the manufacturer shall not be liable under this article for repair or replacement of

any replacement part which is not a warranted part (except as provided under subsection (d)(7) above).

- (10) Any add-on or modified part exempted by the Air Resources Board from the prohibitions of Vehicle Code section 27156 may be used on a vehicle or engine. Such use, in and of itself, shall not be grounds for disallowing a warranty claim made in accordance with this article. The manufacturer shall not be liable under this article to warrant failures of warranted parts caused by the use of such an add-on or modified part.
  - (11) The Executive Officer may request and, in such case, the manufacture shall provide, any documents which describe the manufacturer's warranty procedures or policies.
- (e) Each manufacturer shall furnish with each certified engine package, written instructions for the maintenance and use of the vehicle or engine by the owner, and the instructions shall be consistent with this article and Section 5(b)(1) of the "California Certification Procedures for Light-Duty Engine Packages for Use In Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years," adopted (~~adopted~~ DATE), which is incorporated by reference herein.
  - (f) Each manufacturer shall furnish with each new certified engine package a list of the "high-priced" warranted parts established by subsection (c).
  - (g) Each manufacturer shall submit the documents required by subsections (c)(5), (e), and (f) with its application for certification pursuant to Section 7 of the "California Certification Procedures for Light-Duty Engine Packages for Use In Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years," adopted (~~adopted~~ DATE), which is incorporated by reference herein. The Executive Officer may reject or require modification of any of the documents required by subsections (c), (e), and (f) for, among other reasons, incompleteness and lack of clarity. Approval by the Executive Officer of the documents required by subsections (c), (e), and (f) shall be a condition of certification. The Executive Officer shall approve or disapprove the documents required by subsections (c), (e), and (f) within 90 days of the date such documents are received from the manufacturer. Any disapproval shall be accompanied by a statement of the reasons thereof. In the event of disapproval, the manufacturer may petition the Board to review the decision of the Executive Officer.
  - (h) Motor Vehicle Inspection And Maintenance Program.
    - (1) This subsection applies to light-duty specially constructed vehicles that have 2012 and subsequent model new certified engine packages which fail to pass a Ssmog Cecheck inspection pursuant to ~~Health and Safety Code section 44012~~ after the warranty period of three years or 50,000 miles, whichever

occurs first, has expired, but before the warranty period of seven years or 70,000 miles, whichever occurs first, has expired. The provisions of this section shall be contained in the warranty statement required pursuant to Section 10 of the "California Certification Procedures for Light-Duty Engine Packages for Use In Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years," adopted (adopted DATE) , which is incorporated by reference herein.

- (2) The owner of a certified engine package in a light-duty specially constructed vehicle which fails an Smog Check inspection during the period described in subsection (h)(1) may choose to have the certified engine package repaired at a warranty station.
  - (A) If the warranty station identifies that the Smog Check inspection failure was caused by the failure or malfunction of a "high-priced" part defined in subsection (c), then the manufacturer shall be liable for expenses involved in detecting and correcting the part failure or malfunction, unless the warranty station demonstrates that the part failure or malfunction was caused by abuse, neglect, improper installation, or improper maintenance as specified in subsection (i).
  - (B) If the warranty station demonstrates that the Smog Check inspection failure was caused by one or more conditions excluded from warranty coverage pursuant to subsection (i), the certified engine package owner shall be liable for all diagnostic and repair expenses. Such expenses shall not exceed the maximum repair costs permissible under the motor vehicle inspection and maintenance program.
  - (C) If the warranty station determines that the Smog Check inspection failure was caused by one or more defects covered under warranty pursuant to these regulations and in combination with one or more conditions excluded from warranty coverage pursuant to subsection (i), then the certified engine package owner shall not be charged for the diagnostic and repair costs related to detecting and repairing the warrantable defects.
- (3) In the alternative, the owner of a certified engine package in a light-duty specially constructed vehicle which fails the Smog Check inspection may choose to have the certified engine package repaired at other than a warranty station. If a warrantable defect is found, the vehicle owner may deliver the vehicle to a warranty station and have the defect corrected free of charge. The certified engine package manufacturer shall not be liable for any expenses incurred at a service establishment not authorized to perform warranty repairs, except in the case of an emergency as defined in subsection (d)(4). If the vehicle owner chooses to have a warrantable defect repaired at other than a warranty station, cost for repairs of warrantable

defects shall not apply toward the repair cost limit ~~the upper cost limit~~  
pursuant to Health and Safety Code section 44017 ~~shall not apply to the~~  
repair.

(i) Exclusions.

The repair or replacement of any warranted part otherwise eligible for warranty coverage under subsections (d) and (h) shall be excluded from such warranty coverage if the manufacturer demonstrates that the engine has been abused, neglected, improperly installed, or improperly maintained, and that such abuse, neglect, improper installation, or improper maintenance was the direct cause of the need for the repair or replacement of the part.

(j) Certified Engine Package Owner Obligations.

- (1) The owner of any certified engine package warranted pursuant to this article shall be responsible for the performance of all required scheduled maintenance specified in the written instructions furnished to the owner pursuant to subsection (e). Such maintenance may be performed by the owner, at a service establishment of the owner's choosing, or by a person or persons of the owner's choosing.
- (2) Except as specified in subsection (i), failure of the certified engine package owner to ensure the performance of such scheduled maintenance or to keep maintenance records shall not, per se, be grounds for disallowing a warranty claim.

(k) Warranty Card.

The manufacturer shall provide a warranty card, or online warranty registration equivalent, with each certified engine package intended for California sale or use, as described in the "California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years", adopted [insert date], and incorporated by reference herein.

(l) Emissions Control System Warranty Statement.

- (1) The manufacturer shall furnish a copy of the warranty statement with each 2012 and subsequent model year certified engine package for use in a specially constructed vehicle, as specified in the "California Certification Procedures for Engine Packages for Use in Specially Constructed Vehicles for 2012 and Subsequent Model Years", adopted [insert date], and incorporated by reference herein.

- (2) The manufacturer shall submit the warranty statement with the manufacturer's application for new certified engine- package to the Executive Officer. Approval by the Executive Officer of the documents shall be a condition of certification. The Executive Officer shall approve or disapprove the documents within 90 days of receipt from the manufacturer. Any disapproval shall be accompanied by a statement of the reasons therefore. In the event of disapproval, the manufacturer may petition the Board to review the decision of the Executive Officer.
- (m) Mediation; Finding of Warrantable Condition.
- (1) This section is intended to provide a mechanism for mediating unresolved emissions warranty disputes between engine owners and manufacturers or their agents.
- (2) An engine owner may request that the Executive Officer mediate a warranty claim.
- (A) Upon receipt of such a claim the Executive Officer, or the Executives Officers's representative, may make a determination regarding whether the claim is meritorious on its face and, if meritorious, shall notify the appropriate dealer, or manufacturer of the claim. The party against whom a complaint is made shall be given a reasonable time in which to respond. The Executive Officer may conduct an informal conference, and may request additional information and evidence.
- (B) Upon examination of the facts submitted by the parties concerned, the Executive Officer, or the Executive Officer's representative, may find that a warranted part, or a certified engine package's nonconformity with any California statutorily authorized motor vehicle ~~emissions~~ inspection and maintenance program, is eligible for warranty coverage pursuant to this article. If such a finding is made, the Executive Officer shall issue a Finding of Warrantable Condition.
- (C) The Finding of Warrantable Condition shall include the name of the vehicle or engine package owner, name of manufacturer of the certified engine package, and model of certified engine package, engine family, odometer reading, date of inspection, identification of the defective part or other warrantable condition and the signature of the person issuing the Finding.

Note: Authority cited: Sections 39600, 39601, 43000, 43100, 43101, 43102, 43104, and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43100, 43101, 43102, 43104, 43105, 43106, 43205, Health and Safety Code, and 580 Vehicle Code.

**§ 2215. Performance Warranty Requirements for Certified Engine Packages for Use in Specially Constructed Vehicles.**

(a) Applicability.

This section shall apply to 2012 and subsequent model year certified engine packages for use in light-duty SPCNSs-.

(b) General Performance Warranty Requirements.

A manufacturer shall warrant, beginning on the date an SPCNS using that certified engine package is registered for use in California or two years after the engine is purchased by the ultimate purchaser, whichever first occurs, to the ultimate purchaser and each subsequent purchaser that the certified engine package:

- (1) Is designed, built, and equipped so as to conform with all applicable regulations adopted by the ARB pursuant to its authority in chapters 1 and 2, part 5, division 26 of the Health and Safety Code; and
- (2) Will, for a period of three years or 50,000 miles, whichever first occurs, pass an Smog Check inspection ~~established under section 44012 of the Health and Safety Code~~ (“inspection”).
- (3) As an alternative to beginning the warranty period on the date an SPCNS is registered for use in California or two years after the engine is purchased by the ultimate purchaser, a manufacturer may warrant for a period of five years or 50,000 miles, whichever first occurs, that the SPCNS with the certified engine package will pass an Smog Check inspection ~~established under section 44012 of the Health and Safety Code~~ (“inspection”), and may begin the warranty period on the purchase date of the certified engine package.

(c) Written Instructions.

- (1) Each manufacturer shall furnish with each certified engine package, written instructions for the required maintenance and use of the vehicle or engine by the owner, and the written instructions shall be consistent with this article and Section 5(b)(1) of the “California Certification Procedures for Light-Duty Engine Packages for Use In Light-Duty Specially Constructed Vehicles For 2012 and Subsequent Model Years,” ~~(adopted DATE)~~ [insert date], which is incorporated by reference herein. ~~applicable regulations in article 2 of this subchapter.~~
- (2) Each manufacturer shall submit the documents required by subsection (c)(1) above with its application for certification pursuant to Section 7 of the “California Certification Procedures for Light-Duty Engine Packages for Use In Light-Duty Specially Constructed Vehicles For 2012 and Subsequent Model

Years,"(~~adopted DATE~~) [insert date], which is incorporated by reference herein.

- (3) The Executive Officer may reject or require modification of the written instructions for, among other reasons, incompleteness or lack of clarity. Approval by the Executive Officer of the written instructions shall be a condition of certification. The Executive Officer shall approve or disapprove the written instructions within 90 days of the date such documents are received from the manufacturer. Any disapproval shall be accompanied by a statement of the reasons thereof. In the event of disapproval, the manufacturer may petition the Board to review the decision of the Executive Officer.

(d) Proper Use and Maintenance.

- (1) An emission performance warranty claim may be denied if the manufacturer demonstrates that the failure of the Smog Check inspection was directly caused by abuse, neglect, improper installation, or improper maintenance as reflected by a failure to maintain or use the vehicle or certified engine package in accordance with the written instructions.
- (2) Except as provided in subsection (d)(5), a manufacturer may deny an emission performance warranty claim on the basis of noncompliance with the written instructions only if:
  - (A) An owner is not able to comply with a request by a manufacturer for evidence pursuant to subsection (d)(4); or
  - (B) Notwithstanding the evidence presented pursuant to subsection (d)(4), the manufacturer is able to prove that the vehicle failed an Smog Check inspection because the vehicle or certified engine package was abused, the required maintenance and use was performed in a manner resulting in a component being improperly installed or a component or related parameter being adjusted substantially outside of the manufacturer's specifications, or maintenance was performed on the certified engine package which resulted in the removing or rendering inoperative of any component affecting the certified engine package's emissions.
- (3) When determining whether an owner has complied with the written instructions, a manufacturer may require an owner to submit evidence of compliance only with those written instructions for which the manufacturer has an objective reason for believing:
  - (A) Were not performed, and;

- (B) If not performed, could be the cause of the particular vehicle's failed Smog Check inspection.
- (4) Evidence of compliance with a maintenance instruction may consist of:
- (A) A maintenance log book which has been validated at the approximate time or mileage intervals specified in the written instructions by someone who regularly engages in the business of servicing light-duty vehicles or light-duty vehicle engines for the relevant maintenance; or
  - (B) A repair order, sales receipt, or similar evidence showing that the certified engine package has been submitted for scheduled maintenance at the approximate time or mileage intervals specified in the written instructions to someone who regularly engages in the business of servicing light-duty vehicles or light-duty vehicle engines for the purpose of performing the relevant maintenance; or
  - (C) A statement by the certified engine package owner that the maintenance was performed at the approximate time or mileage interval specified in the written instructions using proper replacement parts.
- (5) In no case may a manufacturer deny an emission performance warranty claim on the basis of:
- (A) Warranty work or predelivery service performed by any facility authorized by the manufacturer to perform such work or service; or
  - (B) Work performed in an emergency situation to rectify an unsafe condition, including an unsafe driveability condition, attributable to the manufacturer, provided the certified engine package owner has taken steps to put the certified engine package vehicle back in a conforming condition in a timely manner; or
  - (C) Any cause attributable to the manufacturer; or
  - (D) The use of any fuel which is commonly available in the geographical area in which the vehicle or engine is located, unless the written instructions specify that the use of that fuel would adversely affect the emission control devices and systems of the certified engine package, and there is commonly available information for the certified engine package owner to identify the proper fuel to be used.
- (6) The certified engine package owner may perform maintenance or have maintenance performed more frequently than required in the written instructions.

- (7) Except as specified in subsection (d)(2)(B) above, failure of the certified engine package owner to ensure the performance of such scheduled maintenance or to keep maintenance records shall not, per se, be grounds for disallowing a warranty claim.
- (e) Repair, adjustment, or replacement of any part under the warranty provisions of this article shall be performed at no charge to the certified engine package owner at a warranty station, except where a warranted part is not available to the certified engine package owner within a reasonable time (in no case more than 30 days) after the certified engine package is initially presented to the warranty station for repair. In case of such unavailability, repairs may be performed at any available service establishment, or by the owner, using any replacement part. The manufacturer shall reimburse the owner for his or her expenses including diagnostic charges for such repair or replacement, not to exceed the manufacturer's suggested retail price for all warranted parts replaced and labor charges based on the manufacturer's recommended time allowance for the warranty repair and the geographically appropriate hourly labor rate. A certified engine package owner may reasonably be required to keep receipts and failed parts in order to receive reimbursement due to such unavailability, provided the manufacturer's written instructions advise the owner of this obligation.
- (f) The manufacturer shall be liable for damages to other vehicle components proximately caused by a failure under warranty of any warranted part.
- (g) Any replacement part may be used in the performance of any maintenance or repairs. Any replacement part designated by a manufacturer may be used in warranty repairs provided without charge to the certified engine package owner. Such use shall not reduce the warranty obligations of the manufacturer, except that the manufacturer shall not be liable under this article for repair or replacement of any replacement part which is not a warranted part (except as provided under subsection (d) above).
- (h) Any add-on or modified part exempted by the Air Resources Board from the prohibitions of Vehicle Code section 27156 may be used on a vehicle or certified engine package. Such use, in and of itself, shall not be grounds for disallowing a warranty claim made in accordance with this article. The manufacturer shall not be liable under this article to warrant failures of warranted parts caused by the use of such an add-on or modified part.
- (i) Warranty Claim Procedures.
- (1) A warranty claim may be submitted by bringing a certified engine package to any repair facility authorized by the manufacturer to service that certified engine package.

- (2) The manufacturer shall establish procedures as to the manner in which a claim under the emission performance warranty is to be processed. The procedures shall provide for a final decision and repair of a warrantable condition by the manufacturer within a reasonable time, not to exceed 30 days from the time at which the certified engine package is initially presented for repair, or unless a delay:
  - (A) is requested by the certified engine package owner, or
  - (B) is caused by an event not attributable to the manufacturer or the warranty station.
- (3) Within the time period specified in subsection (i)(2), the manufacturer shall provide the owner, in writing, with an explanation as to why the claim is being denied.
- (4) Failure to notify a certified engine package owner that a warrantable condition does not exist within the required time period of subsection (i)(2), for reasons other than those provided for in subsections (i)(2)(A) and (B), shall result in the manufacturer being responsible for repairing the certified engine package free of charge to the certified engine package owner.
- (5) The manufacturer shall incur all costs associated with a determination that an emission performance warranty claim is valid.
- (j) Warranty services or repairs shall be provided at all of a manufacturer's dealerships, warranty stations, or service providers which are franchised or under contract to service the subject vehicles or engines.
- (k) The certified engine package owner shall not be charged for diagnostic labor which leads to the determination of a warrantable condition provided that such diagnostic work is performed at a warranty station.
- (l) Throughout the certified engine package's warranty period defined in subsection (b), the manufacturer shall maintain a supply of warranted parts sufficient to meet the expected demand for such parts. The lack of availability of such parts or the incompleteness of the repairs within a reasonable time period, not to exceed 30 days from the time the certified engine package is initially presented to the warranty station for repair, shall constitute an unavailability of parts for purposes of subsection (e).
- (m) The Executive Officer may request and, in such case, the manufacturer shall provide, any documents which describe the manufacturer's warranty procedures or policies.

(n) Certified Engine Package Owner Obligations.

- (1) The owner of any certified engine package warranted pursuant to this article shall be responsible for the performance of all required scheduled maintenance specified in the written instructions furnished to the owner pursuant to subsection (c)(1). Such maintenance may be performed by the owner, at a service establishment of the owner's choosing, or by a person or persons of the owner's choosing.
- (2) Except as specified in subsection (d), failure of the vehicle or engine owner to ensure the performance of such scheduled maintenance or to keep maintenance records shall not, per se, be grounds for disallowing a warranty claim.

- (o) Mediation; Finding of Warrantable Condition.
- (1) This section is intended to provide a mechanism for mediating unresolved emissions warranty disputes between owners of certified engine packages and manufacturers or their agents.
  - (2) A certified engine package owner may request that the Executive Officer mediate a warranty claim.
    - (A) Upon receipt of such a claim the Executive Officer, or the Executive Officers's representative, may make a determination regarding whether the claim is meritorious on its face and, if meritorious, shall notify the appropriate dealer, or manufacturer of the claim. The party against whom a complaint is made shall be given a reasonable time in which to respond. The Executive Officer may conduct an informal conference, and may request additional information and evidence.
    - (B) Upon examination of the facts submitted by the parties concerned, the Executive Officer, or the Executive Officers's representative, may find that a warranted part, or a certified engine package's nonconformity with any California statutorily authorized motor vehicle emissions inspection and maintenance program, is eligible for warranty coverage pursuant to this article. If such a finding is made, the Executive Officer shall issue a Finding of Warrantable Condition.
    - (C) The Finding of Warrantable Condition shall include the name of the certified engine package owner, certified engine package manufacturer and model, engine identification number, engine family, odometer reading, date of Smog Check inspection, identification of the defective part or other warrantable condition and the signature of the person issuing the Finding.

Note: Authority cited: Sections 39600, 39601, 43000, 43100, 43101, 43102, 43104, and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43100, 43101, 43102, 43104, 43105, 43106, 43205, Health and Safety Code, and 580 Vehicle Code.

**§ 2216. Warranty Reporting Requirements for Certified Engine Packages for Use in Specially Constructed Vehicles.**

(a) Applicability.

This section shall apply to 2012 and subsequent model year light-duty motor vehicle engines certified for use in specially constructed vehicles.

(b) Warranty Reporting Requirements.

- (1) A manufacturer shall retain and review unscreened warranty claims for each certified engine package family on a production year basis for a period of three years following the production year and shall submit a warranty information report quarterly to ARB during the three year period. The warranty information report shall contain the following information:
  - (A) The manufacturer's name;
  - (B) A description of each class or category of certified engine package, including the model year and engine family;
  - (C) The cumulative number and percentage of certified engine packages covered by the Executive Order for which a warranty replacement or other warranty work was identified; and
  - (D) The number of each type of certified engine package produced for sale in California.
- (2) Alternative Procedures
  - (A) A manufacturer may use an alternative procedure to those specified in Section 2216 (b)(1), provided the Executive Officer has determined that the alternative procedure will produce substantially equivalent results. In making such a determination, the Executive Officer shall consider the capacity of the alternative procedure to:
    1. ensure early detection of failing components within the useful life of the vehicles or engines;
    2. track failing components by engine family;
    3. assure prompt notification of the Executive Officer when a systematically failing component is indicated;
    4. provide objective, complete and easily monitored data; and

5. be audited by the Executive Officer.

- (3) Any exhaust and/or evaporative emission control components that are used in the manufacturers' regular production California-certified vehicles and also used in the certified engine package would be subject to corrective action when the warranty claim trigger levels (four percent or 50 parts, whichever is greater) in CCR, section 2143 are exceeded.
- (4) For confirmed warranty rates greater than four percent or 50 parts, whichever is greater, including a certified engine package or ECS in California-certified vehicles produced by the same manufacturer and equipped with the same engine components or ECS components, the Executive Officer may initiate an ordered recall as provided in section 2217.

Note: Authority cited: Sections 39600, 39601, 43000, 43100, 43101, 43102, 43104, and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43100, 43101, 43102, 43104, 43105, 43106, 43205, Health and Safety Code, and 580 Vehicle Code.

### **§ 2217. Recall Procedures for Motor Vehicle Engines Certified for Use in Specially Constructed Vehicles.**

(a) Applicability.

This section shall apply to 2012 and subsequent model year certified engine packages.

(b) Recall Procedures.

A manufacturer shall be notified whenever the Executive Officer has determined, based on emissions warranty information reports, enforcement testing results, or any other information, that more than four percent of the certified engine packages covered under each Executive Order, or more than four percent of California-certified engine packages produced by the manufacturer and having the same components as the certified engine package, although properly maintained and used, contain a failure in an emission-related component which, if uncorrected, may result in the vehicles' or engines' failure to meet applicable standards. In such a situation, the certified engine package and/or specific components used in the certified engine package or ECS will be subject to corrective action, including recall, to correct such failures, as specified in the "Procedures for Reporting Failure of Emission-Related Components," Article 2.4, title 13, CCR.

Note: Authority cited: Sections 39600, 39601, 43000, 43100, 43101, 43102, 43104, and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43100, 43101, 43102, 43104, 43105, 43106, 43205, Health and Safety Code, and 580 Vehicle Code.

**§ 2218. Requirements for Installers of Certified Engine Packages for Use in Specially Constructed Vehicles.**

(a) Applicability.

This section shall apply to installers of 2012 and subsequent model year certified engine packages.

(b) Requirements.

- (1) Affidavit. An installer must sign and date the affidavit provided by the manufacturer, as required in section 2212(h)(6), confirming under penalty of perjury that the certified engine package has been installed into an SPCNS per the manufacturer's written instructions. The signed and dated affidavit must be submitted to the manufacturer and a copy must be submitted to the ultimate purchaser.
- (2) Record Keeping. Installers must maintain written and photographic records, for not less than two years, of each vehicle built with a certified engine package. Upon the request of ARB, installers must immediately provide for ~~immediate inspection of records~~ documenting the proper assembly of each SPCNS ~~upon the request of ARB.~~

(c) Installation Warranty.

Each installer of a certified engine package for use in an SPCNS shall warrant to the ultimate purchaser that the certified engine package was installed per the manufacturer's instructions.

- (1) The installer shall install the certified engine package in a certified configuration and shall agree to indemnify the ultimate purchaser for the cost of repair of any vehicle as a result of an improper installation of the certified engine package or ECS.
- (2) The installer shall agree to indemnify the ultimate purchaser for any penalties that may be imposed as a result of an improper installation of the certified engine package or ECS.
- (3) The warranties and agreements to indemnify shall be effective for 1 year or 12,000 miles, from the date of installation, whichever first occurs. This warranty shall cover customer service and the full repair or replacement costs including the cost of diagnosis, labor, and parts, including any part on the

certified engine package or ECS that is damaged due to the improper installation of the certified engine package or ECS.

Note: Authority cited: Sections 39600, 39601, 43000, 43100, 43101, 43102, 43104, and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43100, 43101, 43102, 43104, 43105, 43106, 43205, Health and Safety Code, and 580 Vehicle Code.