

# **Final Regulation Order**

**Off-Highway Recreational Vehicles: Evaporative Emission  
Control**

**Title 13, California Code of Regulations**

**§§ 2416, 2417, 2418, 2419, 2419.1, 2419.2, 2419.3, and 2419.4**

**California Air Resources Board  
Monitoring and Laboratory Division**

## **FINAL REGULATION ORDER**

Adopt new sections 2416, 2417, 2418, 2419, 2419.1, 2419.2, 2419.3, and 2419.4 in Article 3, Chapter 9, Division 3, title 13, California Code of Regulations, to read as follows:

Note: The entire text below is new language proposed to be added to the California Code of Regulations.

### **Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices**

#### **Article 3. Off-Highway Recreational Vehicles and Engines**

##### **§ 2416. Applicability.**

(a) (1) This Article applies to all new model year 2018 or later off-highway recreational vehicles (OHRV) for sale, lease, use, or offered for sale, lease or use, or otherwise introduced into commerce in California (hereinafter collectively referred to as “sold or offered for sale”).

(2) New OHRVs, subject to any of the standards set forth in Article 3, must be certified by the Air Resources Board and covered by an Executive Order of Certification pursuant to section 2419.4 of this Article before being sold or offered for sale in California.

(b) The following OHRVs are exempt from the requirements of this regulation:

(1) OHRVs certified solely to operate on diesel fuel,

(2) Snowmobiles,

(3) Zero emission vehicles, except when optionally certified to generate advanced fuel system credits, pursuant to section 2419.4, and

(4) OHRVs certified as meeting Cal. Code Regs., tit. 13 § 2412(f).

(c) 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.

(d) This Article includes provisions for certification, labeling requirements, emissions standard enforcement, recall, and use restrictions.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5, 43210, and 43824, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43205, 43205.5, 43210, and 43824, Health and Safety Code. Section 27156, California Vehicle Code.

## **§ 2417. Definitions.**

(a) The definitions in Cal. Code Regs., tit.13, § 1900(b), apply as well as the following additions:

- (1) "Abuse" as defined in Cal. Code Regs., tit.13, § 2441(a).
- (2) "All-Terrain Vehicle (ATV)" as defined in Cal. Code Regs., tit.13, § 2411(a).
- (3) "Auxiliary Emission Control Device" as defined in Cal. Code Regs., tit.13, § 2701(a).
- (4) "Compliance Testing" as defined in Cal. Code Regs., tit.13, § 2421(a).
- (5) "Component Executive Order of Certification" means an Executive Order of Certification issued by the Executive Officer for an evaporative emission component.
- (6) "Conventional Tool" is any of the following: a blade or Phillips screwdriver, open-end or box wrench, adjustable wrench, standard hexagonal socket, hands, pliers, or Torx bit.
- (7) "Diurnal Emissions" means evaporative emissions resulting from the daily cycling of ambient temperatures and include resting losses and permeation emissions, as measured according to test procedures incorporated in this Article.
- (8) "Emission Control System" as defined in Cal. Code Regs., tit.13, § 2411(a).
- (9) "End of the Assembly-Line" as defined in Cal. Code Regs., tit.13, § 2411(a).
- (10) "Evaporative Emissions Control Component Manufacturer" means the manufacturer of an evaporative emissions control component applying for or holding a Component Executive Order of Certification.
- (11) "Evaporative Emissions" as defined in Cal. Code Regs., tit.13, § 2752(a).
- (12) "Evaporative Emissions Control Component" means components that control evaporative hydrocarbon emissions from the fuel system. Evaporative emission components include, but are not limited to, low permeation fuel tanks, low permeation fuel hoses, carbon canisters, pressure relief valves, fuel-injection, and carburetors.
- (13) "Evaporative Family" as defined in Cal. Code Regs., tit.13, § 2752(a).

- (14) “Evaporative Family Emissions Limit (EFEL)” is defined as the numerical value selected by the manufacturer to serve in the advanced fuel system credit program. The EFEL serves as the evaporative family’s emission standard for emission compliance efforts. If the manufacturer does not declare an EFEL for an evaporative family, the applicable emissions standard must be treated as that evaporative family’s EFEL for the purposes of any provision in this Article. In addition, the EFEL must be set in increments of 0.025 grams per test.
- (15) “Executive Order of Certification” as defined in Cal. Code Regs., tit.13, § 2752(a).
- (16) “Fuel Injection” is defined as any mechanical or electrical fuel system in which pressurized fuel is sprayed or injected, only when the engine is starting or running, into the intake system or cylinder of an internal combustion engine.
- (17) “Golf Cart” as defined in Cal. Code Regs., tit.13, § 2411(a).
- (18) “Independent Laboratory” is defined as a laboratory that is not owned, operated, or affiliated with the applicant seeking an Executive Order of Certification of Component Executive Order of Certification.
- (19) “Manufacturer” as defined in Cal. Code Regs., tit.13, § 2411(a).
- (20) “Nominal Capacity” as defined in Cal. Code Regs., tit. 13, § 2752(a).
- (21) “Nonconformity” or “Noncompliance” as defined in Cal. Code Regs., tit.13, § 2112(h).
- (22) “Off-Highway Recreational Vehicle (OHRV)” means any vehicle powered by an off-highway recreational vehicle engine.
- (23) “Off-Highway Recreational Vehicle Engines” or “Engines” as defined in Cal. Code Regs., tit. 13, § 2411(a).
- (24) “Off-Road Motorcycle” as defined in Cal. Code Regs., tit. 13, § 2411(a).
- (25) “Off-Road Sport Vehicle” as defined in Cal. Code Regs., tit. 13, § 2411(a).
- (26) “Off-Road Utility Vehicle” as defined in Cal. Code Regs., tit. 13, § 2411(a).
- (27) “Owner” as defined in Cal. Code Regs., tit.13, § 2180.1(a).

- (28) “Permeation Emissions” or “Permeation” means evaporative emissions that result from reactive organic gas molecules penetrating through the walls of fuel system components and evaporating on outside surfaces. Permeation emissions are a component of diurnal emissions.
- (29) “SAE J1737” means Society of Automotive Engineers *Test Procedure to Determine the Hydrocarbon Losses from Fuel Tubes, Hoses, Fittings, and Fuel Line Assemblies by Recirculation* (May 2013), which is incorporated by reference herein.
- (30) “Sand Car” as defined in Cal. Code Regs., tit. 13, § 2411(a).
- (31) “Scheduled Maintenance” as defined in Cal. Code Regs., tit.13, § 2411(a).
- (32) “Small Volume Off-Highway Recreational Vehicle Manufacturer” means any off-highway recreational vehicle manufacturer with three-year average California sales less than or equal to a total of 50 new off-highway recreational vehicles per model year in California.
- (33) “Tampering” means removing, modifying, or disconnecting emissions-related parts, or, as it applies to emission control related labels, in a manner that voids equipment certification.
- (34) “Total Organic Gases” or “TOG” means all gases containing carbon, except carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- (35) “TP-902” means “Test Procedure for Determining Diurnal Evaporative Emissions from Small Off-Road Engines and Equipment,” adopted July 26, 2004, which is incorporated by reference herein.
- (36) “TP-933” means “Test Procedure for Determining Evaporative Emissions from Off-Highway Recreational Vehicles,” adopted November 5, 2014, which is incorporated by reference herein.
- (37) “Vehicle or Engine Manufacturer” as defined in Cal. Code Regs., tit.13, § 2035(c).
- (38) “Warranty Period” as defined in Cal. Code Regs., tit.13, § 2035(c).
- (39) “Warranty Station” as defined in Cal. Code Regs., tit.13, § 2035(c).
- (40) “Zero Emission Vehicle” or “Electric Motorcycle” as defined in Cal. Code Regs., tit.13, § 2411(a).

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5, 43210, and 43824, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43205, 43205.5, 43210, and 43824, Health and Safety Code. Section 27156, California Vehicle Code.

**§ 2418. Evaporative Emission Standards and Test Procedures.**

(a) Manufacturers of OHRVs must comply with the following evaporative emission standards for new OHRVs sold or offered for sale in California.

(1) Evaporative emissions from an OHRV may not exceed the following limitations:

(A) The applicable emission standards outlined in Table 1 for either the 72 hour diurnal standard or the steady state diurnal standard. All OHRVs certified to the emission standards below are presumed to demonstrate compliance with federal permeation standards specified in Cal. Code Regs., tit.13, § 2412(b)(2).

**Table 1**

<i>Vehicle and Model Year</i>	<i>Required Tests</i>	<i>72-Hour Diurnal Standard<sup>(1)</sup></i>	<i>Steady State Diurnal Standard<sup>(2)</sup></i>
OHRVs 2018 and later model years	Diurnal	1 gram TOG/day	1 gram TOG/day
	Fuel System Leakage Tip Test	No visible liquid leakage	

(1) Highest 24-hour diurnal test result over three consecutive 24-hour diurnal test periods.

(2) 24-hour diurnal test result plus calculated vented emissions.

(B) All-Terrain Vehicle (ATV) Filler Neck Compatibility Standard.

Beginning with model year 2018, ATVs with fuel tanks that are re-designed to be geometrically different from fuel tanks of 2017 and earlier model years, and have a nominal capacity of greater than 3.5 gallons, must meet the filler pipe sealing surface requirements of Figure 1 of the International Standards Organization 13331:1995(E), published June 1, 1995, which is incorporated by reference herein. Perpendicularly down from the mating surface there must be a minimum of 120 mm (90 mm for nozzle, 5 mm for bellows compression, and 25 mm for extra space fuel flow) to the bottom of the tank.

(2) Zero emission vehicles must produce zero fuel evaporative emissions under any and all possible operational modes and conditions and are, therefore, not required to perform evaporative emissions testing to certify in accordance with section 2419.4.

(b) Small Volume OHRV Manufacturer Design-Based Standard.

(1) In lieu of certifying to the emission standards in subdivision (a), a small volume OHRV manufacturer may certify OHRVs to the design-based standards set out in Table 2. If a Small Volume OHRV Manufacturer elects to certify under this subdivision, they must perform a tip-test as specified in subdivision (a)(1).

**Table 2**

<i>Effective Date Model Year</i>	<i>Fuel Tank Permeation Grams/m<sup>2</sup>/day</i>	<i>Fuel Hose Permeation Grams/m<sup>2</sup>/day</i>	<i>Carbon Canister Working Capacity Grams/Liter of Nominal Fuel Tank Volume</i>	<i>Fuel Injection</i>
2018 and later model years	1.5 @ 28°C (82°F) <sup>(1)</sup>	5.0 @ 35°C (95°F)	1.0 <sup>(2)</sup>	Required

(1) Fuel tank permeation standards specified in Cal. Code Regs., tit.13, § 2412(b)(2).

(2) The carbon canister must be actively purged during engine operation.

(c) The test procedures for determining compliance with the standards in subdivision (a) and (b) are as follows:

(1) The test procedure used for subdivision (a) is TP-933.

(2) The test procedures used for subdivision (b) are specified in subdivisions (A), (B), and (C) below:

(A) Fuel hose permeation, as set forth in SAE J1737, as amended May 14, 2013, using the test fuel specified in TP-933.

(B) Fuel tank permeation, as set forth in Part 1060.520, Title 40, Code of Federal Regulations, as amended on April 30, 2010, and incorporated by reference herein.

(C) The carbon canister, as set forth in TP-902.

(d) Phase-in Schedule.

(1) For model years 2018 through 2021, OHRV manufacturers may phase-in evaporative emission standards specified in subdivision (a) so that 75 percent of all OHRVs sold in model years 2018 through 2021 are compliant with the requirements in section 2419.4, or;

(2) The weighted average of compliant OHRVs must be greater than 75 percent and can include early compliant model year 2017 OHRVs in the model year (MY) 2018 calculation so that:  $(MY2017\%control + MY2018\%control) \times 0.4 + MY2019\%control \times 0.3 + MY2020\%control \times 0.2 + MY2021\%control \times 0.1 > 75\%$  and percent compliance cannot decrease.

(3) All 2018 through 2021 model year OHRVs that are not subject to these standards pursuant to the phase-in schedule must comply with the evaporative permeation requirements for 2008 and later model year OHRVs, as described in Cal. Code Regs., tit.13, § 2412(b)(2).

(4) The percentage of OHRV fleet averaged across model years 2018 through 2021 must be used to determine compliance with this requirement.

(5) For the purpose of calculating the fleet average, an OHRV manufacturer must use the percentage of OHRVs sold or offered for sale in California for model years 2018 through 2021. An OHRV manufacturer may calculate this average percentage using the projected sales for these model years in lieu of actual sales.

(6) Any OHRV manufacturer that participates in the phase-in period must comply with the administrative requirements in section 2419.4(d).

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5, 43210, and 43824, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43205, 43205.5, 43210, and 43824, Health and Safety Code. Section 27156, California Vehicle Code.

### **§ 2419. Evaporative Emission Control Labels—New Off-Highway Recreational Vehicles.**

(a) Purpose. An evaporative emissions label (or labels) must be affixed to every certified OHRV to provide proper vehicle identification and maintenance information for emissions-related parts. The maintenance information on the label may be omitted if such information is included in the owner's manual.

(b) The OHRV manufacturer applying for an Executive Order of Certification must comply with this section.

(c) OHRV Evaporative Emissions Label: Content and Requirements.



(1) An evaporative emissions label made of a permanent material must be welded, riveted or otherwise permanently attached to an area on the OHRV in such a manner that the label will be readily visible to the average person with the engine installed.

(A) The label must be readable from a distance of 18 inches (46 centimeters) without any obstructions from vehicle or engine parts (including all OHRV manufacturer available optional equipment) except for flexible parts (e.g., vacuum hoses, ignition wires) that can be moved out of the way without disconnection.

(B) Specifications to be printed on the label must be no smaller than 8 point type size (2 millimeters in height).

(2) In selecting an acceptable location, the OHRV manufacturer must consider the possibility of accidental damage (e.g., possibility of tools or sharp instruments coming in contact with the label). Each label must be affixed in such a manner that it cannot be removed without destroying or defacing the label, and must not be affixed to any part that is likely to be replaced during the OHRV's useful life.

(3) The evaporative emissions label must be in the English language, and use block letters and numerals, which must be of a color that contrasts with the background color of the label.

(4) The evaporative emissions label must contain the following information:

(A) A label heading that must read: "Vehicle Evaporative Emission Control Information."

(B) The complete corporate name and trademark of the OHRV manufacturer.

(C) Evaporative family name and model name.

(D) Identification of the Evaporative Emission Control System. Abbreviations may be used and must conform to the nomenclature and abbreviations found in the Society of Automotive Engineers' procedure J1930, "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations and Acronyms," October 2008, which is incorporated by reference herein.

(E) The tune-up specifications and adjustments recommended by the OHRV manufacturer. These specifications must indicate the proper transmission position during tune-up and what accessories, if any, should be in operation, and what systems, if any (e.g., vacuum advance, air pump), should be disconnected during the tune-up. Any tune-up specifications or adjustment instructions that appear on labels must be sufficiently clear and complete so as to preclude the need for a mechanic or OHRV owner to consult other references in order to correctly perform the adjustments. The OHRV manufacturer must include the single statement: "No other adjustments needed" in lieu of any tune-up adjustment instruction when the OHRV manufacturer does not recommend a tune-up specification or an adjustment.

(F) An unconditional statement of compliance with the appropriate model year California regulations. For example, "This (specify off-road motorcycle, all-terrain vehicle, off-road sport vehicle, off-road utility vehicle, or sand car, as applicable) conforms to California evaporative emissions regulations applicable to (specify applicable model year) model-year new (specify off-road motorcycles, all-terrain vehicles, off-road sport vehicles, off-road utility vehicles, or sand cars, as applicable)." The statement must also include the phrase, "is certified to (specify applicable TOG designated standard in grams per day) evaporative emission standard in California" or "is certified to meet the applicable small volume evaporative emissions standards in California."

(G) Statements such as those in (F) must not appear on labels placed on OHRVs that do not comply with all applicable California regulations.

(5) An OHRV manufacturer may elect to use a supplemental label when the original label lacks sufficient space to include all the required information. A supplemental label must conform to all of the specifications as the original label. The original label must be indicated as "1 of 2" and the supplemental label must be indicated as "2 of 2" whenever a supplemental label is utilized.

(6) The provisions of this section must not prevent an OHRV manufacturer from also reciting on the label that such OHRV complies with any applicable federal emission standards for new OHRVs, or any other information that an OHRV manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of such OHRVs.

(7) The labels and any adhesives used must be designed to withstand, for the OHRV's total useful life, typical OHRV environmental conditions at the location where a label has been attached. Typical OHRV environmental conditions include, but are not limited to, exposure to engine fuels, lubricants and coolants (e.g., gasoline, motor oil, brake fluids, ethylene glycol), engine operating temperatures, steam cleaning, and paints or paint solvents. The

OHRV manufacturer must submit, with its application for an Executive Order of Certification, a statement attesting that its labels comply with this requirement.

(8) Approval of Emission Control Label.

(A) The OHRV manufacturer must obtain approval from the Executive Officer for all evaporative emission control label formats and locations prior to certification. Approval of the specific tune-up specifications and adjustments is not required; however, the format for all such specifications and adjustments, if any, is subject to review. If the Executive Officer finds that the information on the label is vague or subject to misinterpretation or that the location does not comply with these specifications, the Executive Officer may require that the label or its location be modified accordingly.

(B) Samples of all actual production emission control labels used within an evaporative family must be submitted to the Executive Officer of the Air Resources Board within 30 days after the start of production.

(C) The Executive Officer may approve alternate label locations or may, upon request and when the Executive Officer determines warranted, waive or modify one or more of the label content requirements, provided that the intent of this section is satisfied.

(D) If the Executive Officer finds any OHRV using evaporative emission control labels that are different from those approved or that do not substantially comply with the readability or durability requirements set forth in this section, the Executive Officer may invoke section 2419.3.

(d) Integrated Exhaust and Evaporative Emissions Control Label.

(1) An OHRV manufacturer may use an integrated exhaust and evaporative emissions control label for OHRVs certified to the provisions of this Article, subject to approval of the label format, content, and location by the Executive Officer as set forth in subdivision (c)(8), and subject to exhaust emissions labeling requirements as set forth in Cal. Code Regs., tit.13, § 2413.

(e) Evaporative Emissions Control Component Label Content and Requirements.

(1) The evaporative emissions control component label information must be written in the English language.

(2) The evaporative emissions control component must be labeled with the approved Component Executive Order of Certification number or identifying characters (e.g., symbol, image, letters, EO number, model number, manufacturing part number, or combination thereof). The evaporative

emissions control component label must be described in the Component Executive Order of Certification application.

(3) The label must be readable from a distance of 18 inches (46 centimeters) if the component is removed from the evaporative emission system and inspected.

(4) The labels and any adhesives used must be designed to withstand, for the evaporative emissions control component's total useful life, typical component environmental conditions at the location where a label has been attached. Typical evaporative emissions control component environmental conditions include, but are not limited to, exposure to engine fuels, lubricants and coolants (e.g., gasoline, motor oil, brake fluids, ethylene glycol), engine operating temperatures, steam cleaning, and paints or paint solvents. The evaporative emissions control component manufacturer must submit, with its application for a Component Executive Order of Certification, a statement attesting that its labels comply with this requirement.

(5) If the Executive Officer finds any evaporative emissions control emission component with an emission control label that is different from those approved, or that does not substantially comply with the readability or durability requirements set forth in this section, the Executive Officer may suspend or revoke the Component Executive Order of Certification.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5, 43210, and 43824, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43205, 43205.5, 43210, and 43824, Health and Safety Code. Section 27156, California Vehicle Code.

### **§ 2419.1. Defect Warranty Requirements for Evaporative Emissions Control Systems of 2018 and Later Model Year Off-Highway Recreational Vehicles.**

(a) The warranty period must begin on the date the OHRV is delivered to an ultimate purchaser.

(b) General Emissions Warranty Coverage.

The manufacturer of an OHRV must warrant to the ultimate purchaser and each subsequent purchaser that the OHRV is:

(1) Designed, built, and equipped so as to conform, at the time of sale, with all applicable laws, rules and regulations; and

(2) Free from defects in materials and workmanship that may cause the failure of a warranted part. All replacement parts must be identical in all material respects to that part as described in the OHRV manufacturer's Executive Order of Certification application.

(c) Warranty Period.

The warranty period applicable to this section is 30 months, or 2500 miles, or 250 hours, whichever comes first, except for "high-priced" warranty parts, which are covered for 60 months, or 5000 miles, or 500 hours, whichever comes first.

(1) Each OHRV manufacturer must identify in its Executive Order of Certification application the "high-priced" warranted parts which are:

(A) OHRV parts included on the Air Resources Board "Emissions Warranty Parts List," dated December 14, 1978, as last amended on February 22, 1985, and incorporated herein by reference, and;

(B) Have an individual replacement cost at the time of certification exceeding the cost limit defined in subdivision (c)(3).

(2) The replacement cost must be the retail cost to an OHRV owner and include the cost of the part, labor, and standard diagnosis. The costs must be those of the highest-cost metropolitan area of California.

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

$$\text{Cost limit}_n = \$200 \times (\text{CPI}_{n-2} / \text{CPI}_{2016})$$

Where,

- Cost limit<sub>n</sub> = the cost limit for the applicable model year of the OHRV rounded to the nearest ten dollars
- n = model year of the new OHRVs
- n-2 = calendar year two years prior to the model year of the new OHRVs
- CPI = annual average nationwide urban consumer price index for a calendar year published by the United States Bureau of Labor Statistics

(4) The cost limit may be revised annually by the Executive Officer. The highest-cost metropolitan area in California must be identified by the Executive Officer for use in this section. If a manufacturer seeks certification of an OHRV before the applicable annual average CPI is available, the cost limit must be calculated using the average of the monthly nationwide urban CPI figures for the most recent 12 month period for which figures have been published by the United States Bureau of Labor Statistics.

(5) Each OHRV manufacturer must submit to the Executive Officer the documentation used to identify the "high-priced" warranted parts required in this section. The documentation must include the estimated retail parts costs, labor rates in dollars per hour, and the labor hours necessary to diagnose and replace the parts.

(6) The Executive Officer may reject or require modification of the OHRV 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 subdivision (c)(3).

(d) Subject to the conditions and exclusions of subdivision (i), the warranty on emissions-related parts must function as follows:

(1) Any warranted part which is not scheduled for replacement as part of maintenance in the written instructions pursuant to subdivision (e) must be warranted for the warranty period defined in subdivision (c). If any such part fails during the warranty period, it must be repaired or replaced by the OHRV manufacturer according to subdivision (d)(4). Any such part repaired or replaced under warranty must be fully warranted.

(2) Any warranted part which is scheduled only for regular inspection in the written instructions required by subdivision (e) must be warranted for the warranty period defined in subdivision (c). A statement in such written instructions to the effect of "repair or replace as necessary" must not reduce the period of warranty coverage. Any such part repaired or replaced under warranty must be warranted for the remaining warranty period.

(3) Any warranted part which is scheduled for replacement as part of maintenance in the written instructions pursuant to subdivision (e) must be warranted for the period of time prior to the first scheduled replacement point for that part. If the part fails before the first scheduled replacement point, the part must be repaired or replaced by the OHRV manufacturer according to subdivision (d)(4). Any such part repaired or replaced under warranty must 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 must be performed at no charge to the OHRV owner, at a warranty station, except in the case of a temporary repair when a warranted part or a warranty station is not reasonably available to the OHRV owner. In the event a temporary repair is permitted according to subdivision (d)(8), repairs may be performed at any available service establishment, or by the owner, using any replacement part. The OHRV manufacturer must reimburse the owner for his or her expenses including diagnostic charges for such temporary repair or replacement, not to exceed the OHRV

manufacturer's suggested retail price for all warranted parts replaced and labor charges based on the OHRV manufacturer's recommended time allowance for the warranty repair and the geographically appropriate hourly labor rate.

(5) Notwithstanding the provisions of subdivision (d)(4), warranty services or repairs must be provided at all manufacturer dealerships that are owned by the manufacturer or franchised to service the subject OHRVs.

(6) The OHRV owner must not be charged for diagnostic labor which leads to the determination that a warranted part is, in fact, defective, provided that such diagnostic work is performed at a warranty station.

(7) The OHRV manufacturer is liable for damages to other vehicle components proximately caused by a failure, under warranty, of any warranted part.

(8) Throughout the OHRV's warranty period defined in subdivision (c), the OHRV manufacturer must 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 OHRV is initially presented to the warranty station for repair, will qualify the need for a temporary repair for purposes of subdivision (d)(4).

(9) Any replacement part designated by an OHRV manufacturer may be used in warranty repairs provided without charge to the OHRV owner. Such use will not reduce the warranty obligations of the OHRV manufacturer, except that the OHRV manufacturer will not be liable under the provisions of this Article for repair or replacement of any replacement part which is not a warranted part (except as provided under subdivision (d)(7)).

(10) Any add-on or modified part exempted by the Air Resources Board from the prohibitions of section 27156 of the California Vehicle Code may be used on an OHRV. Such use, in and of itself, will not be grounds for disallowing a warranty claim made under the provisions of this Article. The OHRV manufacturer is not liable under the provisions of this Article to warrant failures of warranted parts caused by the use of an add-on or modified part(s) unless such part(s) are also warranted.

(11) Upon a request of the Executive Officer, the OHRV manufacturer must provide any documents that describe the manufacturer's warranty procedures or policies.

(12) Any replacement part must not reduce the effectiveness of the OHRV emission control system. An OHRV manufacturer must demonstrate that the

applicable emission standards are being met when the replacement part(s) are installed on the OHRV. The demonstration of equivalence to applicable emission standards can be achieved through replacing the part(s) with the evaporative emissions control components the OHRV evaporative family was certified with; or, if unavailable, alternative parts may be installed if the OHRV manufacturer can provide test data to verify the evaporative control system meets, at least, the OHRV EFEL.

(e) Commencing with the 2018 model year, each manufacturer must furnish with each new OHRV written instructions for the maintenance and use of the OHRV by the owner.

(f) Commencing with the 2018 model year, the manufacturer must furnish with each new OHRV, a list of the warranted parts installed on that vehicle. The list must include those parts included on the Air Resources Board "Emissions Warranty Parts List," incorporated by reference in subdivision (c)(1)(A).

(g) Each OHRV manufacturer must submit the documents required by subdivisions (e) and (f) with the OHRV manufacturer's preliminary Executive Order of Certification application for approval by the Executive Officer. The Executive Officer may disapprove or require modification of the OHRV manufacturer's list of warranted parts to ensure that each such list is of proper scope. The Executive Officer may also disapprove or require modification of any of the documents required by subdivision (e). Approval by the Executive Officer of the documents required by subdivisions (e) and (f) is a condition of certification.

(h) Notwithstanding subdivision (f), the Executive Officer may delete any part from an OHRV manufacturer's list of warranted parts if the OHRV manufacturer demonstrates to the Executive Officer that:

(1) Failure of such part will not increase the emissions of any OHRV on which it is installed, and

(2) Any deterioration of drivability or performance which results from failure of the part could not be corrected by adjustments or modifications to other OHRV components.

(i) Exclusions.

The repair or replacement of any warranted part otherwise eligible for warranty coverage under subdivision (d), is excluded from such warranty coverage if the OHRV manufacturer can provide evidence to the Executive Officer, to the Executive Officer's satisfaction, that the OHRV has been abused, neglected, improperly maintained, or had unapproved modifications and that such abuse, neglect, improper maintenance, or unapproved modification, was the direct cause of the need for the repair or replacement of the part.



NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5, 43210, and 43824, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43205, 43205.5, 43210, and 43824, Health and Safety Code. Section 27156, California Vehicle Code.

## **§ 2419.2. Evaporative Emissions Control System Warranty Statement.**

(a) An OHRV manufacturer must furnish a copy of the following statement with each new 2018 and later model year OHRV, using those portions of the statement applicable to the OHRV, unless otherwise authorized by the Executive Officer. The warranty statement must generally describe the obligations and rights of OHRV manufacturers and owners under the provisions of this Article.

### **CALIFORNIA EVAPORATIVE EMISSIONS CONTROL WARRANTY STATEMENT**

#### **YOUR WARRANTY RIGHTS AND OBLIGATIONS**

The California Air Resources Board (and OHRV manufacturer's name, optional) is pleased to explain the evaporative emissions control system warranty on your (model year) (OHRV). In California, new off-highway recreational vehicles must be designed, built, and equipped to meet the State's stringent anti-smog standards. (OHRV manufacturer's name) must warrant the evaporative emissions control system on your (OHRV) for the periods of time listed below provided there has been no abuse, neglect, improper maintenance, or unapproved modification of your (OHRV).

Your evaporative emissions control system may include parts such as the carburetor or fuel-injection system, fuel tank, fuel hoses, carbon canister, and engine computer. Also included may be hoses, belts, connectors and other evaporative emissions-related assemblies. Where a warrantable condition exists, (OHRV manufacturer's name) will repair your (OHRV) at no cost to you including diagnosis, parts and labor.

#### **OHRV MANUFACTURER'S WARRANTY COVERAGE:**

[For 2018 and later model year OHRVs.]

The warranty period for this OHRV is 30 months, or 2500 miles, or 250 hours, whichever comes first, except for "high-priced" warranty parts, which are covered for 60 months, or 5000 miles, or 500 hours, whichever comes first.

If any evaporative emissions-related part on your (OHRV) is defective the part will be repaired or replaced by (OHRV manufacturer's name).

## OWNER'S WARRANTY RESPONSIBILITIES:

As the (OHRV) owner you are responsible for the performance of the required maintenance listed in your owner's manual. (OHRV manufacturer's name) recommends that you retain all receipts covering maintenance on your (OHRV), but (OHRV manufacturer's name) cannot deny warranty solely for the lack of receipts or for your failure to ensure the performance of a scheduled maintenance.

As an owner you are responsible for presenting your (OHRV) to a(n) (OHRV manufacturer's name) dealer as soon as a problem exists. The warranty repairs should be completed in a reasonable amount of time, not to exceed 30 days.

As an (OHRV) owner, you should also be aware that (OHRV manufacturer's name) may deny you warranty coverage if your (OHRV) or a part has failed due to abuse, neglect, improper maintenance or unapproved modifications.

If you have any questions regarding your warranty rights and responsibilities, you should contact (Insert chosen OHRV manufacturer's contact) at 1-XXX-XXXX or the California Air Resources Board at 9528 Telstar Avenue, El Monte, CA 91731.

(b) Each OHRV manufacturer must submit the documents required by this section with the Executive Order of Certification application for approval by the Executive Officer. The Executive Officer may reject or require modification of the documents to the extent the submitted documents do not satisfy the requirements of this section. Approval by the Executive Officer of the documents required by this section must be a condition of certification. The Executive Officer must approve or disapprove the documents required by this section within 90 days of the date such documents are received from the OHRV manufacturer. Any disapproval must be accompanied by a statement of the reasons therefore. In the event of disapproval the OHRV manufacturer may petition the Board to review the decision of the Executive Officer.

NOTE: Authority cited: Sections 39600, 39601, and 43824, Health and Safety Code. Reference: Sections 43106, 43205, and 43824, Health and Safety Code. Section 27156, California Vehicle Code.

### **§ 2419.3. New Off-Highway Recreational Vehicle Evaporative Emission Standards, Enforcement and Recall Provisions, Warranty, Quality Audit, and New Engine Testing.**

Commencing with model year 2018, an OHRV is subject to Cal. Code Regs., tit.13, Chapter 2, Articles 2.1-2.3 including Appendix A to Article 2.1."California In-Use Vehicle Emission-Related Recall Procedures, Enforcement Test

Procedures, and Failure Reporting Procedures for 1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, Motorcycles, 1997 and Subsequent Model-Year Off-Road Motorcycles and All-Terrain Vehicles, 2000 and Subsequent Model-Year Off-Road Compression-Ignition Engines, and 2008 and Subsequent Model-Year Spark-Ignition Sterndrive/Inboard Marine Engines."

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5, 43210, and 43824, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43205.5, 43210, and 43824, Health and Safety Code. Section 27156, California Vehicle Code.

#### **§ 2419.4. Evaporative Emissions Control System Testing and Certification Requirement.**

(a) Requirement to Comply with All Other Applicable Codes and Regulations.

Certification or approval of any equipment or evaporative emissions control system by the Executive Officer does not exempt the equipment or evaporative emissions control system from compliance with other laws, rules or regulations including state and federal safety codes and regulations.

(b) Certification Requirements.

(1) OHRV Manufacturer Certification Requirements.

For model years 2018 and later, OHRVs must be tested with the entire evaporative emissions control system as a complete vehicle. To obtain an Executive Order of Certification, an OHRV manufacturer must demonstrate compliance with one of the following two options: option one—comply with subparagraph (A) and subparagraphs (C) through (F) below, option two—comply with subparagraph (B) and subparagraphs (C) through (F) below.

(A) Perform OHRV testing in accordance with section 2418(c). Measured emissions must be at or below the applicable evaporative emissions standards listed in section 2418(a) unless certifying as a zero emissions vehicle.

(B) Evaporative families that do not meet the evaporative emissions standards outlined above must comply by offsetting any shortfall with evaporative emissions credits generated with the same model year as specified in subdivision (c).

(C) Comply with all administrative requirements in subdivision (d).

(D) Meet the applicable warranty requirements of sections 2419.1 and 2419.2.

(E) Meet the evaporative emissions control labeling requirements of section 2419.

(F) Submit an Executive Order of Certification application as described in subdivision (4) to the Emissions Compliance, Automotive Regulations and Science Division Chief, Air Resources Board.

(2) Small Volume OHRV Manufacturer Design-Based Certification Requirements.

In order to facilitate OHRV design-based certification, small volume OHRV manufacturers may reference Component Executive Order of Certification numbers in their design-based Executive Order of Certification application or provide test results. The Air Resources Board (ARB) will certify emissions-related parts relating to fuel hoses, fuel tanks, and venting control devices to the emission standards in section 2418(b) by issuing Component Executive Orders of Certification. Evaporative emissions control component manufacturers may obtain a Component Executive Order of Certification through the process outlined in subdivision (3). To obtain an OHRV Executive Order of Certification for the design-based evaporative emissions standard a small volume OHRV manufacturer must demonstrate compliance with paragraphs (A) through (F) below.

(A) Have measured emissions at or below the emission standards listed in section 2418(b) in accordance with the testing requirements in section 2418(c) or reference Component Executive Order of Certification numbers of approved evaporative emissions control components.

(B) Comply with all administrative requirements in subdivision (d).

(C) Meet the applicable warranty requirements of sections 2419.1 and 2419.2.

(D) Meet the evaporative emissions control labeling requirements of section 2419.

(E) Complete the installation as directed by the fuel hose, fuel tank, and carbon canister component or other venting evaporative emissions control component manufacturer and verify adherence to specifications contained within the referenced Component Executive Order of Certification.

(F) Submit a design-based Executive Order of Certification application, as described in subdivision (4) to the Emissions Compliance, Automotive Regulations and Science Division Chief, Air Resources Board.

(3) Evaporative Emissions Control Component Manufacturer Certification Requirements.

To obtain a Component Executive Order of Certification, an evaporative emissions control component manufacturer must demonstrate compliance with paragraphs (A) through (D) below:

(A) Have measured evaporative emissions at or below the emission standards listed in section 2418(b) in accordance with the testing requirements in section 2418(c).

(B) Comply with all administrative requirements in subdivision (d)(2).

(C) Meet the evaporative emissions control component labeling requirements of section 2419(e).

(D) Submit a Component Executive Order of Certification application in writing as described in subdivision (5) to: Chief, Monitoring and Laboratory Division, Air Resources Board, P.O. Box 2815, Sacramento, California 95812.

(4) Application for an Executive Order of Certification.

An application for an evaporative emissions control Executive Order of Certification must be submitted in the English language by the OHRV manufacturer. Where possible, an OHRV manufacturer may submit a combined application for both exhaust emissions control certification, as set forth in Cal. Code Regs., tit.13, § 2412, and evaporative emissions control certification, as set forth in this section, as long as the requirements for both are fulfilled. The application for an evaporative emissions control Executive Order of Certification must describe all OHRVs in each evaporative family for which the certification is requested. Any changes to the Executive Order of Certification application must be updated and corrected by amendment. The Executive Order of Certification application must be signed under penalty of perjury by an authorized representative of the OHRV manufacturer. The Executive Order of Certification application submitted by the OHRV manufacturer must include items described in paragraphs (A) through (H) and paragraphs (I) or (J) below:

(A) Identification and description of the OHRVs covered by the Executive Order of Certification application and a description of the engine, evaporative emission control system, and fuel system components. This must include a detailed description of each auxiliary emission control

device. Transmission gear ratios, overall drive ratios, and vehicle mass (or masses) must also be included.

(B) The range of available fuel and ignition system adjustments.

(C) Projected California sales data sufficient to enable the Executive Officer to select a test fleet representative of the OHRVs for which certification is requested.

(D) A statement attesting that the test equipment meets the requirements set forth in TP-933, or if different, a description of the test equipment used for determining compliance with the applicable emission standards and the test fuel and engine lubricant proposed to be used in the test OHRVs for certification.

(E) A statement specifying the service accumulation procedures used follows subdivision 1 or 2 below:

1. The service accumulation procedure is the same as used for exhaust emissions testing set forth in Cal. Code Regs., tit.13, § 2410 et seq., and the requirements in TP-933; or,

2. A description of the proposed service accumulation procedure used to age the test OHRV or evaporative emission control system to its useful life and a description of the proposed scheduled maintenance.

(F) A statement of recommended periodic and anticipated maintenance and procedures necessary to assure that, in operation, the OHRVs covered by an Executive Order of Certification conform to the regulation. The statement must include the fuels and lubricants recommended for use by the ultimate purchaser, a description of the program for training of personnel on maintenance requirements, and the equipment required to perform this maintenance.

(G) A statement attesting that the evaporative emissions control label is designed to withstand the OHRV's total useful life and a description of the label as specified in section 2419. The description may be a scaled copy or blueprint of the label. The Executive Order of Certification application must specify the location where the label is to be affixed on the OHRV.

(H) A copy of the evaporative emissions control warranty that is provided to the ultimate purchaser as specified in sections 2419.1 and 2419.2.

(I) For complete OHRV certification to the standards specified in section 2418(a) the Executive Order of Certification application must include a description of the evaporative emission controls and applicable test data and a statement declaring that all test OHRVs for which data was submitted were tested using the appropriate test procedure and conform to the provisions of this Article. If such statements cannot be made with

respect to any test OHRV, the OHRV must be identified, and all pertinent test data relating thereto must be supplied.

1. The test data must include laboratory test reports, name and address of test laboratory, a description of the test, test dates and mileages, test fuel specification, and test results. The test data must include invalid and/or voided tests and the reason such tests are invalid or void.

2. Include a statement that the deterioration factors are determined in the same manner as the exhaust emissions deterioration factors with the exception that evaporative emissions deterioration factors are additive or include a description of the deterioration factor calculation. Additive deterioration factors computed to be less than 0.000 must be 0.000.

3. The certification level may be equal to or greater than the emissions level of the certification test. The certification level must be specified.

4. Calculations showing any over compliance or under compliance. For evaporative families that under comply, calculations must be submitted showing how the shortfall will be made up using credits as specified in subdivision (c).

(J) For small volume OHRV manufacturer design-based certification as specified in 2418(b) the Executive Order of Certification application must include the approved Component Executive Order of Certification number(s) for the fuel tank, fuel hose, and carbon canister evaporative emissions control components certified to the emissions standards listed in Table 2 of section 2418(b). Optionally, small volume OHRV manufacturers can supply compliant test results for the fuel tank, fuel hose, and carbon canister evaporative emissions control components showing that they meet the requirements listed in Table 2 of section 2418(b) when tested following the test procedures listed in section 2418(c)(2). The small volume OHRV manufacturer must document all evaporative emissions control-related parts installed on the OHRV. If the evaporative emissions control design-based standards are amended in Table 2 of section 2418(b), only Component Executive Orders of Certification that comply with the amended standard(s) may be used by small volume OHRV manufacturers after the amended standards become effective.

(5) Application for a Component Executive Order of Certification.

An application for a Component Executive Order of Certification must be submitted in the English language by the evaporative emissions control component manufacturer. Any changes to the Component Executive Order of Certification application must be updated and corrected by amendment.

The Component Executive Order of Certification application must be signed under penalty of perjury by an authorized representative of the evaporative emissions control component manufacturer. The Component Executive Order of Certification application submitted by the evaporative emissions control component manufacturer must include items described in paragraphs (A) through (F) below:

(A) The Executive Order of Certification application must include data demonstrating that the evaporative emissions component meets the applicable standards in Table 2 of section 2418(b).

(B) A statement attesting that the test equipment meets the requirements set forth in section 2418(c) and a description of the test equipment used for determining compliance with applicable emission standards.

(C) The applicant must include the data generated by an independent laboratory from at least five representative samples of the evaporative emissions control component. All five representative samples of the evaporative emissions control components must be tested using the approved test procedures as specified in 2418(c)(2). All information, including proprietary data submitted by an evaporative emission control component manufacturer pursuant to this section, will be handled in accordance with the disclosure of public records procedures specified in Cal. Code Regs., tit.17, § 91000-§ 91022.

(D) The test data must include laboratory test reports, the name and address of the test laboratory, test dates, a description of the evaporative emission control technology, and test fuel specification. The test data must include invalid and/or voided tests and the reason such tests are invalid or void.

(E) A statement attesting that the evaporative emissions control label is designed to withstand the component's total useful life and a description of the label as specified in section 2419(e). The description may be a scaled copy or blueprint of the label.

(F) The evaporative emissions control component manufacturer must submit a sample of the evaporative emission control component for which the certification application has been submitted.

(6) Approval and Disapproval of Executive Orders of Certification.

(A) Within 30 days of receipt of the Executive Order of Certification application the Executive Officer must determine whether an application is complete. If no determination is made the Executive Order of Certification application is deemed to be incomplete. If an application is deemed incomplete the Executive Officer will notify the applicant of the



determination, and the basis therefore, in writing within 30 days of the application being deemed incomplete.

(B) Within 90 days after an application has been deemed complete, the Executive Officer will notify the applicant of his or her intent to approve or disapprove an Executive Order of Certification. The Executive Officer will review the test reports and data submitted, including data from tests requested or conducted by the Executive Officer, data obtained during an inspection, and any other pertinent data or information. If the Executive Officer determines that a test OHRV does not meet the requirements of sections 2416, 2417, 2418, 2419, 2419.1, 2419.2, 2419.3, or 2419.4, or any of the incorporated test procedures, the Executive Officer will notify the applicant in writing and set forth the reason(s) for the determination. If approved, an Executive Order of Certification will be issued by the Executive Officer. The applicant and the Executive Officer may mutually agree to a longer time for reaching a decision. An applicant may submit additional supporting documentation before a decision has been reached.

(C) The Executive Officer may disapprove in whole or in part an Executive Order of Certification application for any failure to meet regulatory requirements including, but not limited to, emission results exceeding the applicable standards, incompleteness, inaccuracy, inappropriate proposed mileage accumulation procedures, maintenance, test equipment, label content or location, fuel or lubricant, and incorporation of defeat devices in OHRV(s) described by the application. Within 30 days of a decision to disapprove, the Executive Officer will notify the applicant in writing and set forth the reasons for such disapproval.

(D) Within 30 days of receiving the notice of intent to disapprove, the OHRV manufacturer may choose to proceed with option 1 or 2 below. If no communication is received from the OHRV manufacturer within 30 days, the Executive Officer will formally disapprove the Executive Order of Certification application.

1. Option 1-Request a hearing.
2. Option 2-Repair the test OHRV and demonstrate by retesting that it meets applicable evaporative emissions standards.
3. Option 3-Replace the test OHRV and demonstrate by testing, in accordance with the requirements of this regulation, that it meets applicable evaporative emissions standards.

(E) An Executive Order of Certification will be issued for a period not to exceed one model year. The Executive Order of Certification will set forth such terms and conditions, as necessary, to assure that any new OHRV(s) covered by the Executive Order of Certification will meet the provisions of this Article.

(F) If the Executive Officer determines that an evaporative emissions control component for which a Component Executive Order of Certification has been issued no longer meets the applicable emission standard the Executive Officer may suspend or revoke the Component Executive Order of Certification in accordance with subdivision (g). In such a case any pre-existing Executive Order of Certification for an OHRV that references the suspended or revoked Component Executive Order of Certification will remain valid.

(7) Approval and Disapproval of Component Executive Orders of Certification.

(A) Within 30 days of receipt of the Component Executive Order of Certification application the Executive Officer must determine whether the application is complete. If no determination is made the Component Executive Order of Certification application is deemed to be incomplete. If an application is deemed incomplete, the Executive Officer will notify the applicant of the determination, and the basis therefore, in writing within 30 days.

(B) Within 90 days after an application has been deemed complete the Executive Officer will notify the applicant of his or her intent to approve or disapprove the Component Executive Order of Certification. The Executive Officer will review the test reports and data submitted by the evaporative emissions control component manufacturer, including data from tests requested or conducted by the Executive Officer, data obtained during an inspection, and any other pertinent data or information. If the Executive Officer determines that an evaporative emissions control component does not meet the requirements of sections 2416, 2417, 2418, 2419, 2419.3, or 2419.4, or any of the incorporated test procedures, the Executive Officer will notify the applicant in writing and set forth the reason(s) for the determination. If approved, a Component Executive Order of Certification will be issued by the Executive Officer. The applicant and the Executive Officer may mutually agree to a longer time for reaching a decision. An applicant may submit additional supporting documentation before a decision has been reached.

(C) The Executive Officer may disapprove in whole or in part an application for a Component Executive Order of Certification for any failure to meet regulatory requirements including, but not limited to, evaporative emissions results exceeding the applicable standards, incompleteness, inaccuracy, inappropriate preconditioning, test equipment, label content or location, and test fuel described by the application. Within 30 days of a decision to disapprove, the Executive Officer will notify the applicant in writing and set forth the reasons for such disapproval.

(D) Within 30 days upon receipt of a disapproval notice, the evaporative emissions control component manufacturer may request a hearing with the Executive Officer.

(E) A Component Executive Order of Certification is valid until suspended or revoked by the Executive Officer or upon request of the evaporative emissions control component manufacturer.

(F) If the Executive Officer determines that an evaporative emissions control component for which an approval has been issued no longer meets the applicable standards, the Executive Officer may suspend or revoke the Component Executive Order of Certification following provisions in subdivision (g).

(c) Advanced Fuel System Credits.

(1) An OHRV manufacturer is eligible to use advanced fuel system credits to certify OHRV evaporative families with the following requirements:

(A) OHRV(s) must be tested to the diurnal standards in section 2418(a) or must be certified as a zero-emissions vehicle.

(B) In order to generate credits, zero emission vehicles must follow the administrative requirements in subdivision (d) to obtain an Executive Order of Certification.

(C) Certified zero emission vehicles will be awarded a 0.75 TOG diurnal credit by the Air Resources Board.

(D) Advanced fuel system credits may only be applied to emissions families of the same model year.

(E) An OHRV manufacturer may not sell or trade advanced fuel system credits.

(F) No evaporative family can be certified for sale in California that emits over 300 percent of the diurnal standard in section 2418(a).

(G) Results are to be calculated with consistent arithmetic units and rounded to the nearest tenth of a gram.

(H) Zero emission golf carts are not eligible to participate.

(I) An OHRV manufacturer must offset TOG debits with TOG credits for each model year, so that the sum of total TOG credits is greater than or equal to the sum of TOG debits.

(2) For each model year, an OHRV manufacturer electing to certify with credits must calculate TOG credits and debits separately for each evaporative family. For each evaporative family the OHRV manufacturer must subtract the diurnal EFEL from the diurnal standard in section 2418(a). A negative result is a TOG debit. A positive result is a TOG credit. For certified zero emission vehicles the TOG credit is 0.75 g TOG/day for each vehicle certified. The result, or per zero emission vehicle credit, is multiplied by the number of projected sales for each evaporative family for the model year to calculate the total TOG credits or debits.

(3) The OHRV manufacturer bears the burden of establishing, to the satisfaction of the Executive Officer, that the conditions upon which the Executive Order of Certification was issued were satisfied. Evaporative family certification based on credits may be revoked based on review of end-of-year reports, follow-up audits, actual sales volumes, and any other verification steps considered appropriate by the Executive Officer. If any evaporative family is found to exceed the OHRV EFEL all vehicles sold under that Executive Order of Certification will be considered non-compliant with this regulation.

(d) Administrative Requirements.

(1) Maintenance of Records for OHRV Manufacturers.

(A) The OHRV manufacturer must establish, maintain, and retain the following organized records for each evaporative family:

1. ARB evaporative family identification code,
2. Model number and engine size,
3. Make and model name,
4. Projected sales volume for the model year,
5. Certification test results,
6. Actual sales volume for the model year,
7. Phase-in calculation, and
8. Advanced fuel system credit calculations.

(B) For the purpose of this Article, actual sales are defined as shipments to distributors of OHRV(s) sold or offered for sale in California. The OHRV manufacturer must submit California actual sales data as it becomes available for each model sold or offered for sale in California, but no later than 90 days after the end of the model year.

(C) The OHRV manufacturer must retain all records required to be maintained under this section for a period of eight years from the due date for the end-of-model year report. Records may be retained as a hard copy, on CD-ROM, diskettes, and on other electronic storage media depending on the OHRV manufacturer's record retention procedure provided that in every case all information contained in the hard copy is retained. An OHRV manufacturer must submit all information requested by the Executive Officer within 30 days of the date of such request.

(D) The Executive Officer may revoke or suspend the Executive Order of Certification for an evaporative family for which the OHRV manufacturer fails to retain the records required in this section or fails to provide such information to the Executive Officer upon request. No new Executive Orders of Certification will be issued to the OHRV manufacturer until the requested records are made available, or the Executive Officer approves an OHRV manufacturer's or evaporative emissions control component manufacturer's submitted plan addressing why the records were unavailable and steps being taken to ensure future records will be available upon request.

(2) Maintenance of Records for Evaporative Emissions Control Component Manufacturers.

(A) The evaporative emissions control component manufacturer must establish, maintain, and retain the following organized records for each evaporative emissions control component certified:

1. Certification test results,
2. List of OHRV manufacturers that reference the evaporative emissions control component in their certification application, and
3. A copy of all the information and documents provided with the application for Component Executive Order of Certification.

(B) The evaporative emissions control component manufacturer must retain all evaporative emission control components used for testing to generate certification or durability data for as long as the Component Executive Order of Certification remains valid.

(C) Records may be retained as a hard copy, on CD-ROM, diskettes, and on other electronic storage media depending on the evaporative

emissions control component manufacturer's record retention procedure provided that in every case all information contained in the hard copy is retained. An evaporative emissions control component manufacturer must submit all information requested by the Executive Officer within 30 days of the date of such request.

(D) The Executive Officer may revoke or suspend the Component Executive Order of Certification for an evaporative emission control component for which the manufacturer fails to retain the records required in this section or fails to provide such information to the Executive Officer upon request. No new Executive Orders of Certification will be issued to the evaporative emissions control component manufacturer until the requested records are made available and/or the Executive Officer approves an evaporative emissions control component manufacturer submitted plan addressing why the records were unavailable and steps being taken to ensure future records will be available upon request.

(e) Final Report.

(1) All manufacturers that certify OHRV(s) to subdivision (c) must generate a final report for each evaporative family that includes the OHRV projected sales volume, actual sales volume, and EFELs. Additionally, the following items must be included in the final report:

(A) Manufacturers that certify OHRV(s) using advanced fuel system credits, described in subdivision (c), must include a calculation to show that the total TOG credits are equal to or greater than the TOG debits.

(B) At the end of the four year phase-in period OHRV manufacturers must submit a calculation to show at least 75 percent compliance with evaporative emissions standards over the 4-year period as described in section 2418(d).

(2) Unless otherwise approved by the Executive Officer, final reports must be submitted within 90 days of the end of the model year to: Chief, Emissions Compliance, Automotive Regulations and Science Division, Air Resources Board, 9528 Telstar Avenue, El Monte, CA 91731.

(3) Failure by an OHRV manufacturer to submit any final reports in the specified time for any OHRV(s) subject to regulation under this section is a violation.

(f) Evaporative Testing Requirements.

(1) Compliance Test Procedures.

(A) The Executive Officer may order an OHRV manufacturer or evaporative emissions control component manufacturer to make available for compliance testing and/or inspection one OHRV or evaporative

emission component. Unless otherwise directed by the Executive Officer, the OHRV or evaporative emissions control component must be delivered to: Chief, Emissions Compliance, Automotive Regulations and Science Division, Haagen-Smit Laboratory, Air Resources Board, 9528 Telstar Avenue, El Monte, CA 91731. The OHRV or evaporative emissions control component must be selected at random from sources specified by the Executive Officer according to a method approved by the Executive Officer which, insofar as practical, must exclude an OHRV or evaporative emissions control component that would result in an unreasonable disruption of the manufacturer's distribution system.

(B) Air Resources Board personnel must have access to OHRV or evaporative emissions control component assembly plants or distribution facilities for the purposes of OHRV selection and testing. Scheduling of access must be arranged with the representative designated in the application for an Executive Order of Certification or a Component Executive Order of Certification.

(C) All testing must be conducted in accordance with the applicable model year evaporative emission test procedures or evaporative emissions control component test procedures. Any evaporative emission control system parameters must be set to values or positions that are within the range available to the ultimate purchaser as determined by the Executive Officer. No break-in or modifications, adjustments, or special preparation or maintenance will be allowed on OHRV(s) chosen for compliance testing.

(D) Correction of damage or maladjustment that may reasonably be found to have resulted from shipment of the OHRV(s) is permitted only after an initial test of the OHRV(s) unless the damage prevents the test from being completed safely. The OHRV manufacturer may then make a request to the Executive Officer that the shipping damage be repaired, and if the Executive Officer concurs the OHRV(s) may be retested, and the original test results may be replaced by the after-repair test results.

(E) The OHRV(s) must be randomly chosen from the selected evaporative families according to the criteria specified herein.

1. The OHRV(s) must be representative of the OHRV manufacturer's California sales.
2. The OHRV(s) will be selected from the end of the assembly line.
3. The selected OHRV(s) must pass a visual inspection test to verify the OHRV has the appropriate evaporative emissions control systems as documented in the approved Executive Order of Certification for the evaporative family.

(F) Any OHRV(s) scheduled for compliance testing must be selected, tested, and evaluated in accordance with TP-933, adopted November 5, 2014. The evaporative family will be deemed to have failed the compliance testing if the measured evaporative emissions are above the applicable EFEL. Any evaporative emissions control component(s) subject to compliance testing must be selected, tested, and evaluated in accordance with the test procedure found in 2418(c)(2). The evaporative emissions control component will be deemed to have failed the compliance testing if the measured evaporative emissions are above the applicable standard.

(G) If the OHRV(s) selected for inspection fails the requirements of this section, or fails to conform to the labeling requirements of section 2419, the Executive Officer will notify the OHRV manufacturer or evaporative emissions control component manufacturer in accordance with subdivision (f)(2).

## (2) Notification of Failure.

If compliance testing identifies an OHRV or evaporative emissions control component that does not meet the evaporative emissions standards set out in section 2418, or that does not conform to the certification requirements in subdivision (b), the Executive Officer will notify the OHRV manufacturer or evaporative emissions control component manufacturer. The Executive Officer will also notify the OHRV manufacturer or evaporative emissions control component manufacturer that the Executive Order of Certification may be suspended or revoked. The OHRV manufacturer or evaporative emissions control component manufacturer has 30 calendar days in which to notify the Executive Officer of their intent to provide additional information and/or independent test results for five tanks, engines, or equipment that document compliance of the evaporative family or evaporative emissions control component. The Executive Officer will consider all relevant information provided by the OHRV manufacturer or evaporative emissions control component manufacturer and other interested parties, including, but not limited to, corrective actions applied to the noncompliant evaporative family or evaporative emissions control component.

## (g) Suspension and Revocation of Executive Orders of Certification and Component Executive Orders of Certification.

(1) The Executive Officer may not revoke or suspend the Executive Order of Certification or Component Executive Order of Certification without considering any information provided by the OHRV manufacturer or evaporative emissions control component manufacturer related to the certification requirements contained in subdivision (b).



(2) If the results of the compliance testing indicate that the failed OHRV(s) of a particular evaporative family or the failed evaporative emissions control component is produced at one plant, the Executive Officer may suspend the Executive Order of Certification or Component Executive Order of Certification with respect to the OHRV(s) or evaporative emissions control components manufactured at that plant only.

(3) Notwithstanding the foregoing, the Executive Officer may suspend an OHRV's Executive Order of Certification or Component Executive Order of Certification effective upon written notice to the OHRV manufacturer or evaporative emissions control component manufacturer if the Executive Officer finds that:

(A) The OHRV manufacturer or evaporative emission control component manufacturer has refused to comply with any of the applicable requirements for certification of this section; or

(B) The OHRV manufacturer or evaporative emissions control component manufacturer has submitted false or incomplete information in any report or information provided to the Executive Officer under this section; or

(C) The OHRV manufacturer or evaporative emissions control component manufacturer has rendered inaccurate any test data submitted under this section; or

(D) ARB personnel have been denied the opportunity to conduct activities authorized under this section by the OHRV manufacturer or evaporative emissions control component manufacturer.

(4) The Executive Officer may revoke an Executive Order of Certification for an evaporative family after the Executive Order of Certification has been suspended pursuant to subdivision (f)(1) or (f)(2) if the proposed remedy for the nonconformity, as reported by the OHRV manufacturer to the Executive Officer, is one requiring a design change or changes to the evaporative emission control system as described in the Executive Order of Certification application of the affected evaporative family.

(5) Once an Executive Order of Certification or Component Executive Order of Certification has been suspended pursuant to subdivision (f), the OHRV manufacturer or evaporative emissions control component manufacturer must take the following actions before the Executive Officer will consider reinstating the Executive Order of Certification:

(A) Submit a written report to the Executive Officer that identifies the reason for the noncompliance of the OHRV(s) or evaporative emissions control component, describes the proposed remedy, including a description of any proposed quality control and/or quality assurance measures to be taken by the OHRV manufacturer or evaporative emissions control component manufacturer to prevent future occurrences of the problem, and states the date on which the remedies will be implemented; and

(B) Demonstrate that the evaporative family for which the Executive Order of Certification, or the evaporative emissions control component for which a Component Executive Order of Certification has been issued, has been suspended does in fact comply with the regulations of this part by testing an OHRV. The results must meet the criteria required for certification in subdivision (b).

(6) Once the Executive Order of Certification has been revoked for an evaporative family or evaporative emissions control component, and if the OHRV manufacturer or evaporative emissions control component manufacturer desires to continue introduction into commerce of a modified version of that evaporative family or evaporative emissions control component then the OHRV manufacturer or evaporative emissions control component manufacturer must, after implementing the change or changes intended to remedy the nonconformity, demonstrate that the modified evaporative family or evaporative emissions control component does in fact conform to the applicable evaporative emissions standards of section 2418. Conformity can be demonstrated by having five OHRVs from the modified evaporative family or five evaporative emissions control components tested following the test procedures in section 2418(c). Testing may be waived by the Executive Officer based on an OHRV manufacturer-submitted engineering evaluation that shows the change or changes do not affect evaporative emissions.

(h) Tampering/Tamper Resistance.

(1) Manufacturers must design OHRV evaporative emissions control systems in such a way that they are resistant to tampering or removal.

(2) Any canister used to capture evaporative emissions from an off-road motorcycle must be mounted so it does not protrude from the OHRV such that it is prone to damage in a tip over.

(3) If the canister installed on an off-road motorcycle is outside what would otherwise be the cross-sectional profile of the OHRV (with the hoods closed and cargo boxes in the position required for operation), or if the canister installed on an OHRV, except off-road motorcycles, is visible to someone standing next to the OHRV when the OHRV is completely assembled then the

canister must be mounted such that non-conventional tools are required to remove it and the vapor line connections to the canister. Otherwise, fasteners requiring conventional tools may be used.

(4) The evaporative system must be designed in such a way that tampering/disassembling is not needed to conduct normal functions. Normal functions include routine maintenance and refueling of the OHRV.

(5) OHRV owners are responsible for confirming all add-on or modified parts installed on OHRVs are compliant with evaporative emissions standards.

(6) OHRV manufacturers must publish the following statement in the owner's manual to inform OHRV owners of California regulations that prohibit tampering with emission control systems: "An add-on or modified part must be compliant with applicable ARB evaporative emission control standards. A violation of this requirement is punishable by civil and/or criminal punishment."

(7) OHRV manufacturers must include an OHRV tampering statement for all new OHRVs certified to the provisions of this Article informing OHRV owners of laws that prohibit tampering. This may be accomplished by including the appropriate tampering statement on a tag attached to the OHRV or by printing the appropriate tampering statement on the front cover of the owner's manual.

(A) The OHRV tampering statement text must be printed in the English language and use block letters and numerals, which must be of a color that contrasts with the background.

(B) The OHRV tampering statement text must be large enough to be clearly legible.

(C) The OHRV tampering statement must include a warning statement that reads "The removal or modification of evaporative emission-related parts on this OHRV is illegal. Violators may be subject to civil and/or criminal penalties as provided under California and federal law."

(D) If a removable tag is used, the OHRV tampering statement must be fastened in a way that it is destroyed upon removal. The tag must also include an additional statement that reads "This tag may not be removed under penalty of law except by the vehicle owner."

(8) Any tampering, removal or modifications of the evaporative emissions control system is prohibited under Part 1068.101(b)(1), Title 40, Code of Federal Regulations.

(A) Peace officers are given the authority to enforce illegal vehicle tampering by section 27156 of the California Vehicle Code.

(B) Section 27156 of the California Vehicle Code prohibits the installation of any add-on or modified emission-related part on any pollution-controlled OHRV unless the part has been exempted by the Executive Officer. The Executive Officer will exempt an OHRV part from the prohibition of

California Vehicle Code section 27156 if the part is found to do either of the following:

1. Not reduce the effectiveness of any required evaporative emissions control device on the OHRV, or
2. Demonstrate that the applicable evaporative emissions standards are being met when the part(s) are properly installed on the OHRV. Sale or installation of any aftermarket part or parts which could potentially affect the evaporative emissions control system is prohibited in California without an ARB approved Anti-Tampering Exemption as stated in Cal. Code Regs., tit.13, § 2470 through 2476.

(i) Inspection.

Subject to the provision of this Article the Executive Officer or an authorized representative of the Executive Officer, may, as deemed necessary to ensure compliance with this Article, periodically inspect any facility which sells or offers for sale or manufactures OHRVs, sells or offers for sale or manufactures engines or sells or offers for sale or manufactures evaporative emissions control components, technology, or systems. Failure of an OHRV manufacturer or evaporative emissions control component manufacturer, distributor, retailer or other person subject to this Article to allow access for inspection purposes may be grounds for suspension or revocation of an Executive Order of Certification.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5, 43210, and 43824, Health and Safety Code. Reference: Section 43013, 43018, 43105, 43106, 43106, 43205, 43205.5, 43210, and 43824, Health and Safety Code. Section 27156, California Vehicle Code.