

# **APPENDIX I**

## **STAFF'S PROPOSED MODIFICATIONS TO THE PROPOSED REGULATION ORDER**

**Title 13 California Code of Regulations**

Staff's Proposed Modifications to the Proposed Regulation Order

**CALIFORNIA REGULATION FOR NEW 1997 AND LATER OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES**

NOTE: The following text shows the additional modifications to the previously proposed regulatory text. Unless otherwise indicated below, the originally proposed new provisions are shown in plain text, the proposed modifications made available for public comment on March 29, 2007, are shown in underline to indicate additions and strikeout to show deletions. The second set of modifications now being made available for public comment is shown in double underline to indicate additions and ***bold italicized strikethrough*** to indicate deletions. Only comments relating to the modifications described in this second notice will be considered by the Executive Officer. The symbol “\* \* \* \* \*” indicates that the text that immediately follows the symbols remains unchanged from the previous proposed regulation order.

Amend section 2411, title 13, California Code of Regulations, to read as follows:

**§ 2411. Definitions.**

(a) The definitions in Section 1900(b), Chapter 1, Division 3, Title 13 of the California Code of Regulations, apply with the following additions:

\* \* \* \* \*

(17) “Off-Road Sport Vehicle” means any off-highway motor vehicle that has all of the following features and characteristics: designed to travel on four wheels, having bench or bucket seating for one or more persons, having a steering wheel for steering control, designed for operation over rough terrain, having a rear payload ~~of less than 350 pounds~~ not exceeding 600 pounds, having an internal combustion engine with a displacement less than or equal to one liter, and is capable of speeds 25 miles per hour or more. Vehicles otherwise meeting the definition for sand cars but powered by an engine with a displacement less than or equal to one liter are considered off-road sport vehicles.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018 and 43105, Health and Safety Code.

Reference: Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107, and 43204-43205.5, Health and Safety Code.

*Comment:* The modified text in section 2411(a)(17) is a technical modification that more accurately describes the payload capacity of these new types of off-road recreational vehicles. This change reflects the Board's intent to include this vehicle into California's off-highway recreational vehicle regulation. It is also consistent with the information received in the first 15-day public comment period.

Amend section 2112, title 13, California Code of Regulations, to read as follows:

**§ 2412. Emission Standards and Test Procedures – New Off-Highway Recreational Vehicles and Engines.**

(b)

\* \* \* \* \*

(2) Evaporative Emissions. With the exception of vehicles certified solely with compression-ignition engines, ~~E~~evaporative emissions must not exceed:

Evaporative Emissions

<i>Vehicle &amp; Model Year</i>	<i>Emission Component</i>	<i>Permeation Standard</i>	<i>Test Temperature</i>
ALL Off-Highway Recreational Vehicles 2008 and Later g/m <sup>2</sup> /day <sup>(1)</sup>	Fuel Tank Permeation	1.5	28 °C (82 °F)
	Hose Permeation	15.0	23 °C (73 °F)

1. Grams per square meter per day.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, and 43107, Health and Safety Code.

Reference: Sections 43013, 43018, 43102, 43104 and 43107, Health and Safety Code.

*Comment:* The modified text in section 2412(b)(2) is intended to clarify that compression-ignition off-highway recreational vehicles are not subject to the evaporative emission standards contained in this regulation. There was no intent in the staff's original proposal to expand the California's OHRV evaporative emission requirements beyond those contained in the federal rule. This change is consistent with the information received in the first 15-day public comment period.