

California Code of Regulations

Title 13. Motor Vehicles

Division 3. Air Resources Board

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

Article 3. Off-Highway Recreational Vehicles and Engines

§ 2410. Applicability.

(a)(1) This article applies to all new off-highway recreational vehicles and engines manufactured for use in such vehicles produced on or after January 1, 1997, for sale, lease, use, and introduction into commerce in California. (See Note below.)

(2) New off-highway recreational vehicles and engines used in such vehicles, subject to any of the standards set forth in Article 3, shall be certified for use and sale by the Air Resources Board and covered by an Executive Order, pursuant to Section 2412 of this Article.

(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 includes provisions for certification, labeling requirements, emission standard enforcement, recall, and use restrictions.

Note: Under section 209(e)(2) of the Federal Clean Air Act (42 U.S.C. § 7543(e)(2)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives the authorization from the U.S. EPA.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43104, 43105, 43107, and 43205.5, Health and Safety Code.

Reference: Sections 43013, 43018, 43101, 43104, 43105, 43107, and 43205.5, Health and Safety Code.

§ 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:

(1) "All-Terrain Vehicle (ATV)" means any off-highway motor vehicle 50 inches (1270 mm) or less in overall width that has all of the following features and characteristics: designed to travel on four or more low pressure tires, having a single seat designed to be straddled by the operator or a single seat designed to be straddled by the operator and a seat for no more than one passenger, having handlebars for steering control, and is powered by an internal combustion engine. Width shall be exclusive of accessories and optional equipment. A golf cart, off-road sport vehicle, off-road utility vehicle, or sand car is not, for purposes of this regulation, to be classified as an all-terrain vehicle.

(2) "ARB Enforcement Officer" means any employee of the Air Resources Board so designated in writing by the Executive Officer of the Air Resources Board or by the Executive Officer's designee.

(3) "Assembly-Line Tests" are those tests or inspections which are performed on or at the end of the assembly-line.

(4) "Confirmatory testing" means an ARB directed follow-up emissions test and inspection of the test engine or test vehicle that had been used by the manufacturer to obtain test data for submittal with the certification application. The emissions test can be conducted at ARB or contracted-out facilities or at the manufacturer's facility.

(5) "Crankcase Emissions" means airborne substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication system.

(6) "Emission Control System" includes any component, group of components, or engine modification which controls or causes the reduction of substances emitted from an engine.

(7) "End of Assembly-Line" is defined as that place where the final inspection test or quality-audit test is performed by the manufacturer.

(8) "Exhaust Emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust port of an engine.

(9) "Final Calendar Quarter Production" is defined as the calendar quarter in which the production of an engine family ends.

(10) "Fuel System" means the combination of any of the following components: fuel tank, fuel pump, fuel lines, oil injection metering system, carburetor or fuel injection components, evaporative controls and all fuel system vents.

(11) "Golf Cart" means a vehicle used to convey equipment and no more than two persons, including the driver, to play the game of golf in an area designed as a golf course. Golf carts are designed to have an unladen weight of less than 1,300 pounds and carry not more than 100 pounds, excluding passengers, accessories and optional equipment. A golf cart is not used for grounds keeping or maintenance purposes.

(12) "Manufacturer" means the engine or vehicle manufacturer that applies to have the vehicle or engine certified.

(13) "Off-Highway Recreational Vehicle Engines" or "Engines" are identified as: two-stroke or four-stroke, air-cooled, liquid-cooled, gasoline, diesel, or alternate-fuel powered engines or electric motors that are designed for powering off-road recreational vehicles and engines included in the following: off-road motorcycles, all-terrain vehicles, off-road sport vehicles, off-road utility vehicles, sand cars, and golf carts. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically not included within this category.

(14) "Off-Highway Vehicle (OHV) Area" is defined as a public land area in which the riding of off-highway recreational vehicles is allowed. These areas are managed by public land agencies, such as the California Department of Parks and Recreation, the Bureau of Land Management, the United States Forest Service, cities, counties, and other jurisdictions.

(15) "Off-Road Equipment and Vehicle" means any non-stationary device, powered by an internal combustion engine or electric motor, used primarily off the highways, to propel, move or draw persons or property including any device propelled, moved, or drawn exclusively by human power, and used in, but not limited to the following applications: Marine Vessels, Construction/Farm Equipment, Locomotives, Utility engines and Lawn and Garden Equipment, Off-Road Motorcycles, and Off-Highway Vehicles.

(16) "Off-Road Motorcycle" means any two- or three-wheeled vehicle equipped with an internal combustion engine and weighing less than 1,499 pounds. An off-road motorcycle is primarily designed for use off highways. These vehicles are mainly used for recreational riding on dirt trails but are not limited to this purpose.

(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 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.

(18) "Off-Road Utility Vehicle" means any off-highway motor vehicle that has all of the following features and characteristics: designed to travel on four or more wheels, having bench or bucket seating for two or more persons, having a steering wheel for steering control, designed for operation over rough terrain, having an internal combustion engine with a displacement less than or equal to one liter, having a maximum brake power less than or equal to 30 kilowatts, capable of speeds 25 miles per hour or more, and having either 1) a rear payload of 350 pounds or more, or 2) seating for six or more passengers.

(19) "Sand Car" 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 primarily for operation over sand dunes, and is powered by an internal combustion engine with a displacement greater than one liter. Vehicles otherwise meeting the criteria in the previous sentence that are powered by an engine with a displacement less than or equal to one liter are considered off-road sport vehicles.

(20) "Scheduled Maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems required by the manufacturer which is performed on a periodic basis to prevent part failure or equipment or engine malfunction, or anticipated as necessary to correct an overt indication of malfunction or failure for which periodic maintenance is not appropriate.

(21) "Ultimate Purchaser" means the first person who in good faith purchases or leases a new engine, vehicle, or piece of equipment for purposes other than resale.

(22) "Unscheduled Maintenance" means any inspection, adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems which is performed to correct or diagnose a part failure which was not anticipated.

(23) "Vehicle Identification Number (VIN)" means an alpha numeric code which has been permanently assigned by the manufacturer to a vehicle. The VIN is unique to each vehicle and may contain information deemed necessary by

governing agencies. If a manufacturer cannot obtain a federal VIN from the National Highway Traffic Safety Administration for their vehicles, an alternate VIN approved by the Executive Officer of the Air Resources Board may be used. Unless otherwise noted, the VIN and alternate VIN will follow formats specified in the Code of Federal Regulations 49, Chapter V, Parts 565, 566, and 571, which are incorporated herein by reference.

(24) "Zero Emission Vehicle" means any vehicle which produces zero exhaust emissions of any criteria pollutant under any and all possible operational modes.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, and 43107, Health and Safety Code.

Reference: Sections 43013, 43018, 43101, and 43107, Health and Safety Code.

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

(a) This section applies to all off-highway recreational vehicles and engines used in such vehicles produced on or after January 1, 1997.

(b) For purposes of certification in California, manufacturers must comply with the following exhaust and evaporative emissions from new off-highway recreational vehicles and engines that are sold, leased, used, or introduced into commerce in California.

(1) Exhaust emissions must not exceed:

Exhaust Emission Standards Based on
Chassis-Based Testing

<i>Vehicle & Model Year</i>	<i>Hydro-carbon (HC)</i>	<i>Oxides of Nitrogen (NO_x)</i>	<i>Carbon Monoxide (CO)</i>	<i>Particulate Matter⁽⁴⁾</i>
Off-Road Motorcycles and All-Terrain Vehicles with Engines Greater Than 90 cc ⁽¹⁾ 1997 and Later (g/km) ⁽²⁾	1.2 ⁽³⁾	—	15.0	—
Off-Road motorcycles and All-Terrain Vehicles with Engines 90 cc or Less 1999 and Later (g/km)	1.2 ⁽³⁾	—	15.0	—
Off-Road Motorcycle and All-Terrain Vehicle Option: 1997 and Later Vehicles with Engines Greater Than 90 cc, and 1999 and Later Vehicles with Engines 90 cc or Less	Vehicles and engines that do not meet the emissions standards noted above may be certified subject to the use restrictions described in subsection (f) below.			
Off-Road Sport Vehicles and Off-Road Utility Vehicles 2007 and Later (g/km)	1.2 ⁽³⁾	—	15.0	—
Sand Cars 2007 and Later (g/km)	1.2 ⁽³⁾	—	15.0	—
Golf Carts in Federal Ozone Non-Attainment Areas 1997 and Later	ZERO	ZERO	ZERO	ZERO

1. Cubic centimeters.
2. Grams per kilometer.
3. Compliance with the 1.2 grams per kilometer HC standard to be applied as a “corporate average” shall be determined as provided in subsection (d). Each engine family shall have only one applicable standard.
4. Applicable to diesel and two-stroke spark ignited engines only.

Emission Standards Based on
Optional Engine-Based Testing⁽¹⁾

<i>Vehicle & Model Year</i>	<i>Hydrocarbon plus Oxides of Nitrogen (HC+NO_x)</i>	<i>Carbon Monoxide (CO)</i>	<i>Particulate Matter⁽⁵⁾</i>
All-Terrain Vehicles with engines less than 225 cc ⁽²⁾ 1997 and Later (g/kW-hr) ⁽³⁾	16.1 ⁽⁴⁾	400	—
All Terrain Vehicles with engines greater than or equal to 225 cc 1997 and Later (g/kW-hr)	13.4 ⁽⁴⁾	400	—
Off-Road Sport Vehicles and Off-Road Utility Vehicles 2007 and Later (g/kW-hr)	12.0 ⁽⁴⁾	400	—
Sand Cars 2007 and Later (g/kW-hr)	13.4 ⁽⁴⁾	400	—

1. All-Terrain Vehicles, Off-Road Sport Vehicles, Off-Road Utility Vehicles, and Sand Cars may use the utility test procedures set forth in the "California Exhaust Emission Standards and Test Procedures for 1995-2004 Small Off-Road Engines," as incorporated by reference in CCR, title 13, section 2403(d). The test cycle is limited to the 6-mode Test Cycle A only.
2. Cubic centimeters.
3. Grams per kilowatt-hour.
4. Compliance with the optional HC+NO_x standard to be applied as a "corporate average" shall be determined as provided in subsection (d). Each engine family shall have only one applicable standard.
5. Applicable to diesel and two-stroke spark ignited engines only.

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

Evaporative Emissions

<i>Vehicle & 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 ² /day ⁽¹⁾	Fuel Tank Permeation	1.5	28 °C (82 °F)
	Hose Permeation	15.0	23 °C (73 °F)

1. Grams per square meter per day.

(c)(1) The test procedures for determining certification and compliance with the standards for exhaust and evaporative emissions from new off-road motorcycles, all-terrain vehicles, and golf carts are set forth in “California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines,” adopted November 23, 1994, and last amended October 22, 1999, which are hereby incorporated by reference herein and which in turn incorporate by reference Subparts E and F, Part 86, and Subparts C and F, Part 1051, Title 40, Code of Federal Regulations. Manufacturers of the following are not required to perform emissions testing, but must file an application of certification and comply with the administrative requirements outlined in the procedures to certify their vehicles for sale in California:

(A) Golf carts.

(B) Off-road motorcycles and all-terrain vehicles, and engines used in such vehicles, as described in subsection (f) below.

(2) The test procedures for determining certification and compliance with the standards for exhaust emissions from all-terrain vehicle engines (those engines utilizing the optional standards noted in (b) above) are set forth in “California Exhaust Emission Standards and Test Procedures for 1995-2004 Small Off-Road Engines,” adopted March 20, 1992, and last amended March 23, 1999.

(d)(1) For chassis-based testing, compliance with a standard to be applied as a “corporate average” shall be determined as follows:

$$\frac{\sum_{j=1}^n (PROD)_{jx} (STD)_{jx}}{\sum_{j=1}^n (PROD)_{jx}} = STD_{ca}$$

n = Off-highway recreational vehicle engine families.

PROD_{jx}= Number of units in engine family j produced for sale in California in model year x.

STD_{jx} = The manufacturer designated HC exhaust emission standard for engine family j in model year x, which shall be determined by the manufacturer subject to the following conditions: (1) no individual engine family exhaust emission standard shall exceed 2.5 g/km, and (2) no engine family designation or engine family exhaust emission standard shall be amended in a model year after the engine family is certified for the model year, and (3) prior to sale or offering for sale in California, each engine family shall be certified in accordance with “California Exhaust Emissions Standards and Test Procedures for 1997 and Later Off-highway Recreational Vehicles and Engines” adopted November 23, 1994, and shall be required to meet the manufacturer’s designated HC exhaust emission standard as a condition of the certification Executive Order. Prior to certification the manufacturer shall also submit estimated production volumes for each engine family to be offered for sale in California.

STD_{ca} = A manufacturer’s corporate average HC exhaust emissions from those California off-highway recreational vehicles subject to the California corporate average HC exhaust emissions standard, as established by an Executive Order certifying the California production for the model year. This order must be obtained prior to the issuance of certification Executive Orders for individual engine families for the model year and shall include but not be limited to the following requirements in subsection (e) below:

(2) For the optional engine-based testing, compliance with a standard to be applied as a “corporate average” shall be determined as follows:

$$\sum_{j=1}^n \frac{(\text{FEL}_j)(\text{Sales}_j)(\text{Power}_j)(\text{Load Factor})(\text{EDP}_j)}{(\text{Sales}_j)(\text{Power}_j)(\text{Load Factor})(\text{EDP}_j)} = \text{STD}_{ca}$$

where

- n = the number of small off-road engine families.
- FEL = the Family Emission Level for an engine family.
- Sales_j = the eligible sales of engine family *j*.
- Power_j = the sales-weighted maximum modal power (in kilowatts) of engine family *j*, or an alternative approved by the Executive Officer.
- EDP_j = the Emissions Durability Period of engine family *j*.
- Load Factor = the Load Factor is 47% (i.e., 0.47).
- STD_{ca} = A manufacturer’s corporate average HC+NO_x exhaust emissions from those California off-highway recreational vehicles subject to the California corporate average HC+NO_x exhaust emissions standard, as established by an Executive Order certifying the California production for the model year. This order must be obtained prior to the issuance of certification Executive Orders for individual engine families for the model year and shall include but not be limited to the following requirements in subsection (e) below:

(e)(1) During the manufacturer’s production year, for each vehicle produced for sale in California, the manufacturer must provide the following information to the Executive Officer within 30 days after the last day in each calendar quarter:

- (A) vehicle identification numbers and an explanation of the identification code if applicable;
- (B) model number and engine size of vehicle;
- (C) the total number of vehicles marketed and produced for sale in California and their applicable designated emissions standards.

(2) The manufacturer’s average HC or HC+NO_x exhaust emissions, as applicable, shall meet the corporate average standard at the end of the manufacturer’s production for the model year.

(3) Production and sale of vehicles which result in noncompliance with the California standard for the model year shall cause a manufacturer to be subject to civil penalties, according to applicable provisions of the Health and Safety Code. All excess emissions resulting from non-compliance with the California standard shall be made up in the following model year.

(4) For a period of up to one year following the end of the model year, for each model the manufacturer shall submit California sales and registration data as it becomes available.

(f) Off-road motorcycles and ATVs, and engines used in such vehicles, that do not meet the emissions standards in subsection (b) above may operate only during certain periods of time at certain off-highway vehicle (OHV) riding areas. Section 2415 of this Article lists these California OHV riding areas and their associated riding seasons for off-highway recreational vehicles that are subject to use restrictions.

(g)(1) On or after January 1, 1997, no new engines greater than 90 cc may be produced for sale to replace off-road motorcycles, all-terrain vehicles and engines used in such vehicles, unless those engines comply with the emission control standards in effect at the time of replacement.

(2) On or after January 1, 1997, manufacturers may not produce for sale in federal ozone nonattainment areas of California new, non-zero emission engines for golf carts.

(3) On or after January 1, 1999, no new engines 90 cc or less may be produced for sale to replace off-road motorcycle and all-terrain vehicle engines, unless those engines comply with the emission control standards in effect at the time of replacement.

(4) On or after January 1, 2007, no new engines may be produced for sale to replace engines in off-road sport vehicles, off-road utility vehicles, or sand cars, unless those engines comply with the emission control standards in effect at the time of replacement.

(h) The Executive Officer may find that any off-highway recreational vehicles or engines used in such vehicles certified to comply with California emission standards and test procedures for on-road or other off-road applications are in compliance with these regulations.

(i) No crankcase emissions shall be discharged into the ambient atmosphere from the following vehicles, or from engines used in such vehicles:

(1) 1997 and later off-road motorcycles, all-terrain vehicles, and golf carts;

(2) 2007 and later off-road sport vehicles, off-road utility vehicles, and sand cars.

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.

§ 2413. Emission Control Labels – New Off-Highway Recreational Vehicles.

(a) Purpose. The Air Resources Board recognizes that certain emissions-critical or emissions-related parts must be properly identified and maintained in order for off-highway recreational vehicles, and engines used in such vehicles, to comply with the applicable emission standards. The purpose of this section is to require off-road motorcycle and ATV engine manufacturers to attach a label (or labels) on each production vehicle (or engine) in order to provide vehicle owners and service mechanics with information necessary for the proper maintenance of these vehicles and engines in customer use.

(b) Applicability

(1) All off-highway recreational vehicles, and engines used in such vehicles, except those certified according to section 2412(f), produced on or after January 1, 1997, for sale, lease, use or introduction into commerce in California, shall comply with these labeling requirements.

(2) Any off-road motorcycle, all-terrain vehicle, and engines used in such vehicles, that are exempt from exhaust emission standards pursuant to title 13 of the California Code of Regulations shall also be exempt from the requirements of this section.

(3) The responsibility for compliance with this section rests with the manufacturer who has been granted certification in order to offer these vehicles and engines for sale in California.

(c) Label Content and Location

(1) A tune-up label made of a permanent material shall be welded, riveted or otherwise permanently attached to an area on the off-highway recreational vehicle or engine in such a manner that the label will be readily visible to the average person after the engine installation.

(2) In selecting an acceptable location, the manufacturer shall consider the possibility of accidental damage (e.g., possibility of tools or sharp instruments coming in contact with the label). Each label shall be affixed 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.

(3) The tune-up label shall be in the English language, and use block letters and numerals, which shall be of a color that contrasts with the background color of the label.

(4) The tune-up label shall contain the following information:

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

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

(C) Engine family name and engine displacement (in cubic centimeters).

(D) Identification of the Exhaust Emission Control System Abbreviations may be used and shall conform to the nomenclature and abbreviations found in the Society of Automotive Engineers' document J1930, which is incorporated by reference in section 1977, title 13, CCR, entitled "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms."

(E) The tune-up specifications and adjustments recommended by the manufacturer, including, if applicable: valve lash, ignition timing, idle air fuel mixture setting procedure and value (e.g., CO, idle speed drop), and high idle speed. These specifications shall 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 shall be sufficiently clear and complete so as to preclude the need for a mechanic or vehicle owner to consult other references in order to correctly perform the adjustments. The manufacturer shall include the single statement: "No other adjustments needed," in lieu of any tune-up adjustment instruction, when the manufacturer does not recommend a tune-up specification or an adjustment.

(F) Any specific fuel or engine lubricant requirements (e.g., research octane number, engine lubricant type, etc.).

(G) 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, sand car, or engine,

as applicable) conforms to California 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, sand cars, or engines, as applicable). The statement shall also include the phrase, "is certified to (specify applicable HC standard in grams per kilometer) HC engine family exhaust emission standard in California" or the phrase "is certified to (specify applicable HC+NO_x standard in grams per kilowatt-hour) HC+NO_x engine family exhaust emission standard in California."

(H) Statements such as those in (G) shall not appear on labels placed on off-highway recreational vehicles or engines that do not comply with all applicable California regulations.

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

(6) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such off-highway recreational vehicle or engine conforms to any applicable federal emission standards for new off-road motorcycles, all-terrain vehicles, off-road utility vehicles or engines used in such vehicles, or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of such off-highway vehicles or engines.

(7) As used in this Section 2413(c), readily visible to the average person means that the label shall be readable from a distance of 18 inches (46 centimeters) without any obstructions from vehicle or engine parts (including all manufacturer available optional equipment) except for flexible parts (e.g., vacuum hoses, ignition wires) that can be moved out of the way without disconnection. Alternatively, information required by these specifications to be printed on the label shall be no smaller than 8 point type size (2 millimeters in height) provided that no vehicle or engine parts (including all manufacturer available optional equipment), except for flexible parts, obstruct the label.

(8) The labels and any adhesives used shall be designed to withstand, for the off-highway recreational vehicle's total expected life, typical off-highway recreational vehicle environmental conditions at the location where a label has been attached. Typical off-highway recreational vehicle 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 manufacturer must submit, with its certification application, a statement attesting that its labels comply with this requirement.

(9) The manufacturer must obtain approval from the Executive Officer for all 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.

(10) Samples of all actual production emission control labels used within an engine family shall be submitted to the Executive Officer of the state Air Resources Board within thirty days after the start of production.

(11) 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.

(12) If the Executive Officer finds any off-highway recreational vehicle or engine manufacturer using 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 2109, title 13, California Code of Regulations.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, and 43107, Health and Safety Code.

Reference: Sections 43013, 43018, 43102, 43105, and 43107, Health and Safety Code.

§ 2414. New Off-Highway Recreational Vehicle Engine Emission Standards, Enforcement and Recall Provisions, Warranty, Quality Audit, and New Engine Testing.

This section applies to off-road motorcycles, all-terrain vehicles, and engines used in such vehicles, except those certified according to section 2412(f), produced on or after January 1, 1997, for sale, lease, use or introduction into commerce in California. Off-road motorcycles, all-terrain vehicles, and engines used in such vehicles are subject to Title 13, California Code of Regulations, Chapter 2, Articles 2.1 through 2.3, and the incorporated Appendix A, "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, and Motorcycles," which are incorporated by reference herein.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code.
Reference: Sections 43013, 43018, 43105, 43107, 43205.5, 43210, Health and Safety Code.

§ 2415. California Off-Highway Vehicle Areas and Riding Seasons for Off-Highway Recreational Vehicles with Use Restrictions.

(a) The following table lists public off-highway vehicle (OHV) areas in California that are designated for off-highway recreational vehicle operation. Although not every type of off-highway recreational vehicle may be eligible to operate at every OHV area due to restrictions by the designated Public Land Management Agency other than this section, vehicles that meet the emission standards in section 2412(b) are not subject to the riding season restrictions noted below. Model year 2003 and later off-road motorcycles and ATVs that are certified pursuant to section 2412(f) are permitted to operate in the public areas designated for OHV use noted below, only during the applicable riding seasons noted. This table contains the following information: Public Land Management entities, OHV riding area names, and the applicable riding seasons. The OHV areas are listed in order of location, from north to south.

Table 1
OHV Areas and Their Riding Seasons for Vehicles with Use Restrictions

Public Land Management		Riding Seasons	
Ranger District: United States Forest Service			
Field Office: Bureau of Land Management	Riding Areas	Riding Seasons	
State Vehicular Recreation Area (SVRA): California State Parks		OHV Area Name	Beginning
Mc Cloud Ranger District	McCloud OHV Area	Year round	
Arcata Field Office	Samoa Dunes	Year round	
Hayfork Ranger District	Hayfork OHV Area	Year round	
Redding Field Office	Chappie-Shasta ORV Area	1-Oct	30-June
Eagle Lake Field Office	Fort Sage OHV Area	Year round	
Mt. Hough Ranger District	Mt. Hough OHV Area	Year round	
Feather River Ranger District	Feather River OHV Area	Year round	
Downieville Ranger District	Downieville OHV Area	Year round	
Beckworth Ranger District	Beckworth OHV Area	Year round	
Army Corps of Engineers	Black Butte Lake	Year round	
Upper Lake Ranger District	Upper Lake OHV Areas	Year round	
Grindstone Ranger District	Grindstone OHV Areas	Year round	
Ukiah Field Office	South Cow Mountain Recreation Area	Year round	
Ukiah Field Office	Knoxville Recreation Area	Year round	
SVRA	Clay Pit	1-Sep	30-Jun
City of Marysville	Eugene Chappie OHV Park	Year round	
SVRA	Mammoth Bar	Year round	
Nevada City Ranger District	Nevada City OHV Areas	Year round	
Truckee Ranger District	Truckee OHV Areas	Year round	
Lake Tahoe Basin Management Unit	Lake Tahoe OHV Area	Year round	
American River Ranger District	American River OHV Areas	Year round	
Georgetown Ranger District	Georgetown OHV Areas	Year round	
Placerville Ranger District	Placerville OHV Areas	Year round	

Amador Ranger District	Amador OHV Areas	Year round	
Pacific Ranger District	Pacific OHV Areas	Year round	
SVRA	Prairie City	1-Oct	30-Apr
Calaveras Ranger District	Calaveras OHV Areas	Year round	
Summit Ranger District	Summit OHV Areas	Year round	
Mi-Wuk Ranger District	Mi-Wuk OHV Areas	1-Oct	31-May
SVRA	Carnegie	1-Oct	30-Apr
Santa Clara County	Metcalf Motorcycle Park	1-Oct	30-Apr
Stanislaus County	Stanislaus OHV Areas	1-Oct	30-Apr
Groveland Ranger District	Groveland OHV Areas	1-Oct	31-May
Bass Lake Ranger District	Bass Lake OHV Areas	1-Oct	31-May
SVRA	Hollister Hills	1-Oct	31-May
Hollister Field Office	Clear Creek Management. Area	1-Oct	31-May
High Sierra Ranger District	High Sierra OHV Areas	1-Oct	31-May
Bishop Field Office	Bishop Resource Area	Year round	
Hume Lake Ranger District	Hume Lake OHV Areas	1-Oct	31-May
SVRA	Oceano Dunes	Year round	
Santa Lucia Ranger District	Santa Lucia OHV Areas	Year round	
Kern River Ranger District	Kern River OHV Areas	1-Oct	31-May
Tule River/Hot Springs Ranger District	Tule River/Hot Springs OHV Areas	1-Oct	31-May
Ridgecrest Field Office	Olancha Dunes	Year round	
Ridgecrest Field Office	Jawbone Canyon, Dove Springs	1-Sep	31-May
Ridgecrest Field Office	Spangler Hill	1-Sep	31-May
White Mountain Ranger District	White Mountain OHV Areas	Year round	
Mt. Pinos Ranger District	Mt. Pinos OHV Areas	1-Oct	30-Apr
SVRA	Hungry Valley	1-Oct	30-Apr
Santa Barbara Ranger District	Santa Barbara OHV Areas	1-Oct	30-Apr
Ojai Ranger District	Ojai OHV Areas	1-Oct	30-Apr

Santa Clara/Mojave Rivers Ranger District	Santa Clara/Mojave Rivers OHV Areas	1-Oct	30-Apr
San Gabriel River Ranger District	San Gabriel River OHV Areas	1-Oct	30-Apr
Front Country Ranger District	Front Country OHV Areas	1-Oct	30-Apr
Mountain Top Ranger District	Mountain Top OHV Areas	1-Oct	30-Apr
San Jacinto Ranger District	San Jacinto OHV Areas	1-Oct	31-May
Barstow Field Office	Dumont Dunes	Year round	
Barstow Field Office	El Mirage	1-Oct	30-Apr
Barstow Field Office	Stoddard Valley	1-Sep	31-May
Barstow Field Office	Rasor	1-Sep	31-May
Barstow Field Office	Johnson Valley	1-Sep	31-May
Needles Field Office	Eastern Mojave Desert Areas	Year round	
San Bernardino County	Park Moabi	Year round	
Lake Havasu Field Office	Parker Strip	Year round	
Palm Springs Field Office	Colorado Desert Areas	1-Oct	30-Apr
Trabuco Ranger District	Trabuco OHV Areas	1-Oct	30-Apr
Descanso Ranger District	Descanso OHV Areas	1-Oct	30-Apr
El Centro Field Office	Lark Canyon	1-Oct	30-Apr
SVRA	Ocatillo Wells	1-Oct	31-May
SVRA	Heber Dunes	Year round	
El Centro Field Office	Arroyo Salado	1-Oct	31-May
El Centro Field Office	Superstition Mountain	1-Oct	31-May
El Centro Field Office	Plaster City	1-Oct	31-May
El Centro Field Office	Imperial Dunes-Mammoth Wash	Year round	
El Centro Field Office	Imperial Dunes-Glamis/Gecko	Year round	
El Centro Field Office	Imperial Dunes-Buttercup Valley	Year round	

(b) The Executive Officer shall publish in the California Regulatory Notice Register and notify potentially affected OHV Area Managing Entities regarding revisions to Table 1 in subsection (a) at least 30 days before the revisions take effect, in the following situations:

(1) The Executive Officer may revise Table 1 in subsection (a) when there is a change in the designation (with respect to California Ambient Air Quality Standards), from ozone nonattainment to attainment, of an area in which an OHV area is located, provided that the attainment area is not identified as an upwind contributor to significant impacts to transport of ozone or ozone precursors as identified and defined in Section 70500, Title 17, California Code of Regulations.

(2) The Executive Officer may revise Table 1 in subsection (a) to reflect changes in the physical characteristics or identity of OHV Areas, including but not limited to changes in ownership or control of listed areas, addition or deletion of areas, or changes in the geographic domain of listed areas.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, and 43107, Health and Safety Code, and sections 38020 and 38390, Vehicle Code.
Reference: Sections 43013, 43018, and 43107, Health and Safety Code.

California Code of Regulations

Title 13. Motor Vehicles

Division 3. Air Resources Board

Chapter 2. Enforcement of Vehicle Emission Standards and Surveillance Testing

Article 2.1. Procedures for In-Use Vehicle Voluntary and Influenced Recalls

§ 2111. Applicability.

(a) These procedures shall apply to:

(1) California certified 1982 through the 2009 model-year passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, motorcycles, and California-certified 1997 and subsequent model-year off-road motorcycles and all-terrain vehicles, and 2007 and subsequent model-year off-road sport vehicles, off-road utility vehicles, and sand cars, including those federally certified vehicles which are sold in California pursuant to Health and Safety Code 43102,

(2) California-certified motor vehicle engines used in such vehicles,

(3) California-certified 2000 and subsequent model-year off-road compression-ignition engines, and

(4) California-certified 2009 and subsequent model-year spark-ignition inboard and sterndrive marine engines complying with the Option 1 requirements in Section 2442(b)(1) and California-certified 2008 and subsequent model-year spark-ignition inboard and sterndrive marine engines complying with the Option 2 requirements in Section 2442(b)(1).

(b) These procedures shall not apply to zero emission vehicles and those vehicles certified under Health and Safety Code section 44201.

(c) The Executive Officer may waive any or all of the requirements of these procedures if he or she determines that the requirement constitutes an unwarranted burden on the manufacturer without a corresponding emission reduction.

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.

§ 2112. Definitions.

(a) "Capture rate" means the percentage of in-use vehicles subject to recall which must be corrected to bring the class or category of vehicles into compliance. The number of vehicles subject to recall shall be based on the actual number of vehicles in use as verified by the Department of Motor Vehicles registration records, or vehicle or engine registration records compiled and prepared by R. L. Polk and Company or a comparable source at the time a recall is initiated.

(b) "Correlation factor" means a pollutant-specific multiplicative factor calculated by a manufacturer for an engine family or test group which establishes a relationship between chassis exhaust emission data, as determined from the test procedures specified in section 1960.1 or 1961, Title 13, California Code of Regulations, and engine exhaust emission data, as determined from the test procedures specified in section 1956.8, Title 13, California Code of Regulations.

(c) "Days", when computing any period of time, means normal working days on which a manufacturer is open for business, unless otherwise noted.

(d) "Emission-Related Failure" means a failure of a device, system, or assembly described in the approved application for certification which affects any parameter, specification, or component enumerated in Appendix A to this subchapter 2.5 or listed in the Emission Warranty Parts List pursuant to section 2036, Title 13, California Code of Regulations, except for failures of devices systems and assemblies which the Executive Officer has deleted from the manufacturer's list of warranted parts pursuant to section 2036 (f), Title 13, California Code of Regulations.

(e) "Emission Warranty Claim" means an adjustment, inspection, repair or replacement of a specific emission-related component for which the vehicle or engine manufacturer is invoiced or solicited by a repairing agent for compensation pursuant to warranty provisions, regardless of whether compensation is actually provided.

(f) "Executive Officer" means the Executive Officer of the Air Resources Board or his or her authorized representative.

(g) "Influenced Emission Recall" means an inspection, repair, adjustment, or modification program initiated and conducted by a manufacturer or its agent or representative as a result of in-use enforcement testing or other evidence of noncompliance provided or required by the Board, to remedy any nonconformity for which direct notification of vehicle or engine owners is necessary.

(h) "Nonconformity" or "noncompliance" exists whenever:

(1) a substantial number of a class or category of vehicles or engines, although properly maintained and used, experience a failure of the same emission-related component within their useful lives which, if uncorrected, results in the vehicles' or engines' failure to meet the applicable standards; or

(2) a class or category of vehicles or engines within their useful lives, although properly maintained and used, on average does not comply with the emission standards prescribed under section 43101 of the Health and Safety Code which are applicable to the model-year of such vehicles or engines.

(i) "Ordered Emission Recall" means an inspection, repair, adjustment, or modification program required by the Board and conducted by the manufacturer or its agent or representative to remedy any nonconformity for which direct notification of vehicle or engine owners is necessary.

(j) "Quarterly reports" refer to the following calendar periods: January 1-March 31, April 1-June 30, July 1-September 30, October 1-December 31.

(k) "Ultimate purchaser" has the same meaning as defined in section 39055.5 of the Health and Safety Code.

(l) "Useful life" means, for the purposes of this article:

(1) For Class I motorcycles and motorcycle engines (50 to 169 cc or 3.1 to 10.4 cu. in.), a period of use of five years or 12,000 kilometers (7,456 miles), whichever first occurs.

(2) For Class II motorcycles and motorcycle engines (170 to 279 cc or 10.4 to 17.1 cu. in.), a period of use of five years or 18,000 kilometers (11,185 miles), whichever first occurs.

(3) For Class III motorcycles and motorcycle engines (280 cc and larger or 17.1 cu. in. and larger), a period of use of five years or 30,000 kilometers (18,641 miles), whichever first occurs.

(4) For 1982 through 1984 model-year diesel heavy-duty vehicles (except medium-duty vehicles), and 1982 through 1984 model-year motor vehicle engines used in such vehicles, a period of use of five years, 100,000 miles, or 3000 hours of operation, whichever first occurs.

(5) For 1982 through 1987 model-year gasoline heavy-duty vehicles (except medium-duty vehicles) certified using the steady-state emission standards and test procedures, and 1982 through 1987 model-year gasoline heavy-duty motor vehicle engines certified using the steady-state emission standards and test procedures, a period of use of five years or 50,000 miles, whichever first occurs.

(6) For 1987 through 2003 model-year gasoline heavy-duty vehicles (except medium-duty vehicles) certified to the transient emission standards and test procedures, and 1987 and subsequent model-year gasoline heavy-duty motor vehicle engines certified using the transient emission standards and test procedures, a period of use of eight years or 110,000 miles, whichever first occurs, except as noted in paragraph (13).

(7) For 1985 through 2003 model-year heavy-duty diesel urban buses, and 1985 through 2003 model-year heavy-duty diesel engines to be used in urban buses, and for 1985 through 2003 model-year diesel heavy-duty vehicles (except medium-duty vehicles), and 1985 through 2003 model-year motor vehicle engines used in such vehicles, a period of use of eight years or 110,000 miles, whichever first occurs, for diesel light, heavy-duty vehicles; eight years or 185,000 miles, whichever first occurs, for diesel medium, heavy-duty vehicles; and eight years or 290,000 miles, whichever first occurs, for diesel heavy, heavy-duty vehicles, except as provided in paragraphs (11), (14), (15) and (16); or any alternative useful life period approved by the Executive Officer. (The classes of diesel light, medium, and heavy, heavy-duty vehicles are defined in 40 CFR section 86.085-2, as amended November 16, 1983.)

(8) For light-duty and medium-duty vehicles certified under the Optional 100,000 Mile Certification Procedure, and motor vehicle engines used in such vehicles, a period of use of ten years or 100,000 miles, whichever first occurs.

(9) For 2001 and subsequent-model year medium-duty low-emission, ultra-low-emission and super-ultra-low-emission vehicles certified to the primary standards in section 1961(a)(1), and motor vehicle engines used in such vehicles, a period of use of ten years or 120,000 miles, whichever occurs first. For 2001 and subsequent medium-duty low-emission, ultra-low-emission and super-ultra-low-emission vehicles certified to the optional 150,000 mile standards in section 1961(a)(1), and motor vehicle engines used in such vehicles, a period of use of fifteen years or 150,000 miles, whichever occurs first. For all other 1995 and subsequent model-year medium-duty vehicles and motor vehicle engines used in such vehicles, and 1992 through 1994 model-year medium-duty low-emission and ultra-low-emission vehicles certified to the standards in Section 1960.1(h)(2), and motor vehicle engines used in such vehicles, a period of use of eleven years or 120,000 miles, whichever occurs first.

(10) For all other light-duty and medium-duty vehicles, and motor vehicle engines used in such vehicles, a period of use of five years or 50,000 miles, whichever first occurs. For those passenger cars, light-duty trucks and medium-duty vehicles certified pursuant to section 1960.1.5, Title 13, California Code of Regulations, the useful life shall be seven years, or 75,000 miles, whichever first occurs; however, the manufacturer's reporting and recall responsibility beyond 5 years or 50,000 miles shall be limited, as provided in section 1960.1.5. For those passenger cars and light-duty trucks certified pursuant to Title 13, California Code of Regulations, section 1960.1 (f) and section 1960.1(g), the useful life shall be ten years or 100,000 miles, whichever first occurs; however, for those vehicles certified under section 1960.1(f), the manufacturer's warranty failure and defects reporting and recall responsibility shall be subject to the conditions and standards specified in section 1960.1 (f).

(11) For 1994 through 2003 model-year heavy heavy-duty diesel urban buses, and 1994 through 2003 model-year heavy heavy-duty diesel engines to be used in urban buses, for the particulate standard, a period of use of ten years or 290,000 miles, whichever first occurs; or any alternative useful life period approved by the Executive Officer.

(12) For 1997 and subsequent model year off-road motorcycles, all-terrain vehicles, and for 2007 and subsequent model year off-road sport vehicles, off-road utility vehicles, sand cars, and engines used in such vehicles, a period of use of five years or 10,000 kilometers (6,250 miles), whichever first occurs.

(13) For 1998 through 2003 model-year gasoline heavy-duty engines, for the NO_x standard, a period of use of ten years or 110,000 miles, whichever first occurs; or any alternative useful life period approved by the Executive Officer.

(14) For 1998 through 2003 model-year light heavy-duty diesel engines, for the NO_x standard, a period of use of ten years or 110,000 miles, whichever first occurs; or any alternative useful life period approved by the Executive Officer.

(15) For 1998 through 2003 model-year medium heavy-duty diesel engines, for the NO_x standard, a period of use of ten years or 185,000 miles, whichever first occurs; or any alternative useful life period approved by the Executive Officer.

(16) For 1998 through 2003 model-year heavy heavy-duty diesel engines, for the NO_x standard, a period of use of ten years or 290,000 miles, whichever first occurs; or any alternative useful life period approved by the Executive Officer.

(17) For those passenger cars and light-duty trucks certified to the primary standards in section 1961(a)(1), the useful life shall be ten years or 120,000 miles, whichever occurs first. For 2001 and subsequent passenger car and light-duty truck low-emission, ultra-low-emission and super-ultra-low-emission

vehicles certified to the optional 150,000 mile standards in section 1961(a)(1), and motor vehicle engines used in such vehicles, a period of use of fifteen years or 150,000 miles, whichever occurs first.

(18) For 2004 and subsequent model-year light heavy-duty diesel engines, for carbon monoxide, particulate, and oxides of nitrogen plus non-methane hydrocarbons emissions standards, a period of use of 10 years or 110,000 miles, whichever first occurs, or any alternative useful life period approved by the Executive Officer.

(19) For 2004 and subsequent model-year medium heavy-duty diesel engines, for carbon monoxide, particulate, and oxides of nitrogen plus non-methane hydrocarbons emissions standards, a period of use of 10 years or 185,000 miles, whichever first occurs; or any alternative useful life period approved by the Executive Officer.

(20) For 2004 and subsequent model-year heavy heavy-duty diesel engines, for carbon monoxide, particulate, and oxides of nitrogen plus non-methane hydrocarbons emissions standards, a period of use of 10 years or 435,000 miles, or 22,000 hours, whichever first occurs, or any alternative useful life period approved by the Executive Officer, except as provided in paragraphs (19)(i) and (19)(ii).

(i) The useful life limit of 22,000 hours in paragraph (19) of this definition is effective as a limit to the useful life only when an accurate hours meter is provided by the manufacturer with the engine and only when such hours meter can reasonably be expected to operate properly over the useful life of the engine.

(ii) For an individual engine, if the useful life hours limit of 22,000 hours is reached before the engine reaches 10 years or 100,000 miles, the useful life shall become 10 years or 100,000 miles, whichever occurs first, as required under Clean Air Act section 202(d) (42 U.S.C. 7521(d)).

(21) For 2004 and subsequent model-year heavy-duty Otto-cycle engines, for carbon monoxide, particulate, and oxides of nitrogen plus non-methane hydrocarbon emission standards, a period of use of 10 years or 110,000 miles, whichever first occurs.

(22) For 2000 and later model year off-road compression-ignition engines, for oxides of nitrogen, hydrocarbon, oxides of nitrogen plus hydrocarbon (when applicable), carbon monoxide, particulate emission standards, and for smoke opacity:

(A) For all engines rated under 19 kilowatts, and for constant-speed engines rated under 37 kilowatts with rated speeds greater than or equal to 3,000 revolutions per minute, a period of use of five years or 3,000 hours of operation, whichever first occurs.

(B) For all other engines rated above 19 kilowatts and under 37 kilowatts, a period of use of seven years or 5,000 hours of operation, whichever first occurs.

(C) For engines rated at or above 37 kilowatts, a period of use of ten years or 8,000 hours of operation, whichever first occurs.

(23) California-certified 2009 and subsequent model-year spark-ignition inboard and sterndrive marine engines complying with the Option 1 requirements in Section 2442(b)(1) and California-certified 2008 and subsequent model-year spark-ignition inboard and sterndrive marine engines complying with the Option 2 requirements in Section 2442(b)(1), a period of ten years or 480 hours, whichever first occurs. Manufacturers of engines greater than 485 kilowatts may petition the Executive Officer for an approval of a shorter period when appropriate.

(m) "Vehicle or engine manufacturer" means the manufacturer granted certification for a motor vehicle or motor vehicle engine.

(n) "Voluntary Emission Recall" means an inspection, repair, adjustment, or modification program voluntarily initiated and conducted by a manufacturer or its agent or representative to remedy any nonconformity for which direct notification of vehicle or engine owners is necessary.

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 Inboard and Sterndrive Marine Engines.

Vehicle and Engine Parameters, Components, and Specifications

I. Passenger Car, Light-Duty Truck, Medium-Duty Vehicle, Motorcycle, and Inboard and Sterndrive Parameters and Specifications

A. Basic Engine Parameters—Reciprocating Engines.

1. Compression ratio.
2. Cranking compression pressure.

3. Valves (intake and exhaust).
 - a. Head diameter dimension.
 - b. Valve lifter or actuator type and valve lash dimension.
4. Turbocharger calibrations.
5. Camshaft timing.
 - a. Valve opening (degrees BTDC).
 - b. Valve closing (degrees ATDC).
 - c. Valve overlap (inch-degrees).

B. Basic Engine Parameters–Rotary Engines.

1. Intake port(s): Timing and overlap if exposed to the combustion chamber.
2. Exhaust port(s): Timing and overlap if exposed to the combustion chamber.
3. Cranking compression pressure.
4. Compression ratio.

C. Air Inlet System: Temperature control system calibration.

D. Fuel System.

1. General
 - a. Engine idle speed.
 - b. Engine idle mixture.
2. Carburetion.
 - a. Air-fuel flow calibration.
 - b. Transient enrichment system calibration.
 - c. Starting enrichment system calibration.
 - d. Altitude compensation system calibration.
 - e. Hot idle compensation system calibration.
3. Fuel injection.
 - a. Control parameters and calibrations.
 - b. Fuel shutoff system calibration.
 - c. Starting enrichment system calibration.
 - d. Transient enrichment system calibration.
 - e. Air-fuel flow calibration.
 - f. Altitude compensation system calibration.
 - g. Operating pressure(s).
 - h. Injector timing calibrations.

E. Ignition System.

1. Control parameters and calibrations.
2. Initial timing setting.
3. Dwell setting.
4. Altitude compensation system calibration.
5. Spark plug voltage.

F. Engine Cooling System: Thermostat calibration.

G. Exhaust Emission Control system.

1. Air injection system.
 - a. Control parameters and calibrations.
 - b. EGR valve flow calibration.
2. EGR system.
 - a. Control parameters and calibrations.
 - b. EGR valve flow calibration.
3. Catalytic converter system.
 - a. Active surface area.
 - b. Volume of catalyst.
 - c. Conversion efficiency.
 - d. Leaded fuel restrictor or constricted fuel filler neck.
4. Backpressure.

H. Evaporative Emission Control System.

1. Control parameters and calibrations.
2. Fuel tank.
 - a. Pressure and vacuum relief settings.
 - b. Fuel fill pipe and opening specifications (Reference section 2290, Title 13, C.C.R.).

I. Crankcase Emission Control System.

1. Control parameters and calibrations.
2. Valve calibration(s).

J. Auxiliary Emission Control Devices (AECD).

1. Control parameters and calibrations.
2. Component calibration(s).

K. Emission Control Related Malfunction and Diagnostic Systems.

1. On-Board Malfunction and Diagnostic Systems
 - a. Control parameters and calibrations.
 - b. Component calibration(s).

2. Emission Control Related Warning Systems
 - a. Control parameters and calibrations.
 - b. Component calibration(s).

L. Driveline Parameters.

1. Axle ratio(s).

II. Heavy-Duty Gasoline Engine Parameters and Specifications.

A. Basic Engine Parameters.

1. Compression ratio.
2. Cranking compression pressure.
3. Supercharger/turbocharger calibration.
4. Valves (intake and exhaust).
 - a. Head diameter dimension.
 - b. Valve lifter or actuator type and valve lash dimension.
5. Camshaft timing.
 - a. Valve opening (degrees BTDC).
 - b. Valve closing (degrees ATDC).
 - c. Valve overlap (inch-degrees).

B. Air Inlet System: Temperature control system calibration.

C. Fuel System.

1. General.
 - a. Engine idle speed.
 - b. Engine idle mixture.
2. Carburetion.
 - a. Air-fuel flow calibration.
 - b. Transient enrichment system calibration.
 - c. Starting enrichment system calibration.
 - d. Altitude compensation system calibration.
 - e. Hot idle compensation system calibration.
3. Fuel injection.
 - a. Control parameters and calibrations.
 - b. Fuel shutoff system calibration.
 - c. Starting enrichment system calibration.
 - d. Transient enrichment system calibration.
 - e. Air-fuel flow calibration.
 - f. Altitude compensation system calibration.
 - g. Operating pressure(s).
 - h. Injector timing calibrations.

D. Ignition System.

1. Control parameters and calibrations.
2. Initial timing setting.
3. Dwell setting.
4. Altitude compensation system calibration.
5. Spark plug voltage.

E. Engine Cooling System: Thermostat calibration.

F. Exhaust Emission Control system.

1. Air injection system.
 - a. Control parameters and calibrations.
 - b. Pump flow rate.
2. EGR system.
 - a. Control parameters and calibrations.
 - b. EGR valve flow calibration.

3. Catalytic converter system.
 - a. Active surface area.
 - b. Volume of catalyst.
 - c. Conversion efficiency.
 - d. Leaded fuel restrictor or constricted fuel filler neck.
4. Backpressure.

G. Evaporative Emission Control System.

1. Control parameters and calibrations.
2. Fuel tank.
 - a. Pressure and vacuum relief settings.
 - b. Fuel fill pipe and opening specifications (Reference section 2290, Title 13, C.C.R.).

H. Crankcase Emission Control System.

1. Control parameters and calibrations.
2. Valve calibration(s).

I. Auxiliary Emission Control Devices (AECD).

1. Control parameters and calibrations.
2. Component calibration(s).

J. Emission Control Related Warning Systems.

1. Control parameters and calibrations.
2. Component calibration(s).

III. Heavy-Duty Diesel Engine and Off-Road Compression-Ignition Engine Parameters and Specifications.

A. Basic Engine Parameters--Four Stroke Cycle Reciprocating Engines.

1. Compression ratio.
2. Cranking compression pressure.

3. Supercharger/turbocharger calibration.
4. Valves (intake and exhaust).
 - a. Head diameter dimension.
 - b. Valve lifter or actuator type and valve lash dimension.
5. Camshaft timing.
 - a. Valve opening (degrees BTDC).
 - b. Valve closing (degrees ATDC).
 - c. Valve overlap (inch-degrees).

B. Basic Engine Parameters--Two Stroke Cycle Reciprocating Engine.

- 1-5. Same as section III.A.
6. Intake port(s): Timing in combustion cycle.
7. Exhaust port(s): Timing in combustion cycle.

C. Air Inlet System: Temperature control system calibration.

1. Temperature control system calibration.
2. Maximum allowable air inlet restriction.

D. Fuel System.

1. Fuel injection.
 - a. Control parameters and calibrations.
 - b. Transient enrichment system calibration.
 - c. Air-fuel flow calibration.
 - d. Altitude compensation system calibration.
 - e. Operating pressure(s).
 - f. Injector timing calibration.

E. Exhaust Emission Control System: Maximum allowable backpressure.

F. Crankcase Emission Control System.

1. Control parameters and calibrations.
2. Valve calibration(s).

G. Auxiliary Emission Control Device (AECD).

1. Control parameters and calibrations.
2. Component calibration(s).

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43104 and 43105, Health and Safety Code.

Reference: Sections 39002, 39003, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

§ 2113. Initiation and Approval of Voluntary and Influenced Emission-Related Recalls.

(a) When any manufacturer initiates a voluntary emission recall campaign, the manufacturer shall notify the Executive Officer of the recall at least 30 days before owner notification is to begin. The manufacturer shall also submit a voluntary recall plan for approval, as prescribed under Section 2114 of these procedures. A voluntary recall plan shall be deemed approved unless disapproved by the Executive Officer within 20 days after receipt of the recall plan.

(b) When any manufacturer, based on enforcement test results or any other information provided or required by the ARB, proposes to initiate an influenced emission recall campaign, the manufacturer shall submit for approval by the Executive Officer an influenced emission recall plan as prescribed by Section 2114 of these procedures. The plan shall be submitted within 45 days following the receipt of a notification from the ARB that enforcement test results or other information demonstrate a vehicle or an engine noncompliance.

(c) The Executive Officer shall approve the recall plan if the plan contains the information specified in Section 2114 and is designed to notify the vehicle owner and correct the nonconformity in an expeditious manner. Notification of vehicle or engine owners and the implementation of recall repairs shall commence no later than the schedule specified under Section 2114 (a)(3) and (4), unless the manufacturer can show good cause for the Executive Officer to extend the deadline.

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

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

§ 2114. Voluntary and Influenced Recall Plans.

(a) The recall plan for both voluntary and influenced recalls shall contain the following information unless otherwise specified:

(1) A description of each class or category of vehicle or engine subject to recall including the number of vehicles or engines to be recalled, the engine family, test group or a subgroup thereof, the model year, the make, the model, and such other information as may be required to identify the vehicles or engines to be recalled.

(2) A description of the nonconformity and the specific modifications, alterations, repairs, adjustments, or other changes to be made to correct the vehicles or engines.

(3) A description of the method by which the manufacturer will determine the names and addresses of vehicle or engine owners and the manufacturer's method and schedule for notifying the service facilities and vehicle or engine owners of the recall.

(4) A description of the procedure to be followed by vehicle or engine owners to obtain correction of the nonconformity. This shall include the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor to remedy the nonconformity, and the designation of facilities at which the nonconformity can be remedied.

(5) If some or all of the nonconforming vehicles or engines are to be remedied by persons other than dealers or authorized warranty agents of the manufacturer, a description of such class of persons.

(6) A copy of the letter of notification to be sent to vehicle or engine owners.

(7) A description of the system by which the manufacturer will assure that an adequate supply of parts will be available to perform the repair under the recall plan, including the date by which an adequate supply of parts will be available to initiate the repair campaign, and the method to be used to assure the supply remains both adequate and responsive to owner demand.

(8) A copy of all necessary instructions to be sent to those persons who are to perform the repair.

(9) A description of the impact of the proposed repairs or adjustments on fuel economy, driveability, performance and safety of each class or category of vehicles or engines to be recalled and a brief summary of the data, technical studies, or engineering evaluations which support these descriptions.

(10) Under an influenced recall, an estimate of the capture rate from the proposed recall derived from actual data and/or manufacturer experience. A 60 percent capture rate shall be assigned for recalls based exclusively on noncompliance as defined in Section 2112(h)(1), above.

(11) Under an influenced recall based on noncompliance as defined in Section 2112(h)(2), above, a description of the impact of the proposed changes on the average emissions from the vehicles or engines to be recalled. The description shall contain the following:

(A) Average noncompliance emission levels.

(B) Average emission reduction per pollutant resulting from the recall repair. These averages shall be verified by the manufacturer by applying the proposed recall repairs to two or more in-use vehicles or engines representing the average noncompliance emission levels. Only those vehicles or engines with baseline-emission levels within 25 percent of the average emission levels of noncomplying pollutant(s) established under the in-use enforcement test program may be used by manufacturers to verify proposed recall repairs. The Executive Officer may allow the use of vehicles or engines exceeding these limits if none which meet the limits can be reasonably procured. In the case of heavy-duty engines, the average emission levels may be verified using laboratory engines, subject to approval by the Executive Officer.

(C) An estimate of the average emission level per pollutant for the class or category of vehicles or engines after repair as corrected by the estimated capture rate. The estimated average emission level shall comply with the applicable emission standard. The Executive Officer may waive the requirement for average emission compliance with the standards provided the emission level per vehicle repaired is reduced to its new-vehicle certification emission level at a minimum capture rate of 60 percent.

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

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

§ 2115. Eligibility for Repair.

The manufacturer shall not condition eligibility for repair on the proper maintenance or use of the vehicle except for strong and compelling reasons and with the approval of the Executive Officer; however, the manufacturer shall not be obligated to repair a component which has been removed or altered so that the remedial action cannot be performed without additional cost.

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

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

§ 2116. Repair Label.

(a) The manufacturer shall require those who perform the repair to affix a label to each vehicle or engine repaired, or, when required, inspected, under the voluntary or influenced recall plan.

(b) The label shall be placed in a location approved by the Executive Officer and shall be fabricated of a material suitable for such location in which it is installed and which is not readily removable.

(c) The label shall contain the recall campaign number and a code designating the campaign facility at which the repair, or inspection for repair, was performed.

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

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

§ 2117. Proof of Correction Certificate.

The manufacturer shall require those who perform the repair to provide the owner for each vehicle or engine repaired with a certificate, in a format prescribed by the Executive Officer, which indicates that the noncomplying vehicle or engine has been corrected under the recall program. This requirement shall become effective and applicable upon the effective date of a recall enforcement program adopted by the Department of Motor Vehicles or another state agency which requires presentation of proof of correction of a recalled vehicle prior to issuance of a smog certificate, registration renewal, or other entitlement to use.

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

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

§ 2118. Notification.

The notification of vehicle or engine owners shall contain the following:

- (a) The statement: "Your (vehicle or engine) (is or may be) releasing air pollutants which exceed (California or California and federal) standards," if applicable as determined by the Executive Officer.
- (b) A statement that the nonconformity of any such vehicles or engines will be remedied at the expense of the manufacturer.
- (c) A statement that such nonconformity if not repaired may cause the vehicle or engine to fail a vehicle inspection or Smog Check test when such tests are required under state law.
- (d) A statement describing the adverse effect, if any, of the uncorrected nonconformity on the performance, fuel economy, or durability of the vehicle or engine.
- (e) After the effective date of the recall enforcement program referred to in Section 2117, a statement that a certificate showing that the vehicle has been repaired under the recall program shall be issued by the service facilities, and that such a certificate will be required as a condition of vehicle registration or operation, as appropriate.

(f) A card to be used by a vehicle or engine owner in the event the vehicle or engine to be recalled has been sold. Such card should be addressed to the manufacturer, have postage paid, and shall provide a space in which the owner may indicate the name and address of the person to whom the vehicle or engine was sold or transferred.

(g) The statement: "In order to ensure your full protection under the emission warranty provisions, it is recommended that you have your (vehicle or engine) serviced as soon as possible. Failure to do so could be determined as lack of proper maintenance of your (vehicle or engine)." This statement is not required for off-road motorcycles or all-terrain vehicles.

(h) A telephone number provided by the manufacturer, which may be used to report difficulty in obtaining recall repairs.

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

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

§ 2119. Recordkeeping and Reporting Requirements.

(a) Unless otherwise specified by the Executive Officer, the manufacturer shall report on the progress of the recall campaign by submitting subsequent reports for six consecutive quarters commencing with the quarter after the recall campaign begins. Such reports shall be submitted no later than 25 days after the close of each calendar quarter to: Chief, Mobile Source Operations Division, 9528 Telstar, El Monte, CA 91731. For each class or category of vehicle or engine subject to the emission recall campaign, the quarterly report shall contain the following:

(1) Engine family or test group and emission recall campaign number designated by the manufacturer.

(2) Date owner notification was begun, and date completed.

(3) Number of vehicles or engines involved in the voluntary or influenced emission recall campaign.

(4) Number of vehicles or engines known or estimated to be affected by the nonconformity and an explanation of the means by which this number was determined.

(5) Number of vehicles or engines inspected pursuant to the voluntary or influenced emission recall plan.

(6) Number of inspected vehicles or engines found to be affected by the nonconformity.

(7) Number of vehicles or engines receiving repair under the recall plan.

(8) Number of vehicles or engines determined to be unavailable for inspection or repair under the recall plan due to exportation, theft, scrapping, or for other reasons (specify).

(9) Number of vehicles or engines determined to be ineligible for recall action due to removed or altered components.

(10) A listing of the identification numbers of vehicles or engines subject to recall but for whose repair the manufacturer has not been invoiced. This listing shall be supplied in a standardized computer data storage device to be specified by the Executive Officer. The frequency of this submittal may be changed by the Executive Officer depending on the needs of recall enforcement.

(11) A copy of any service bulletins transmitted to dealers or other authorized repair facilities which relate to the nonconformity to be corrected and which have not previously been reported.

(12) A copy of all communications transmitted to vehicle or engine owners which relate to the nonconformity and which have not previously been submitted.

(b) If the manufacturer determines that any of the information submitted to the Executive Officer pursuant to (a) above has changed or was incorrect, revised information and an explanatory note shall be submitted. Responses to subsections (a)(5), (6), (7), (8), and (9) above shall be cumulative totals.

(c) The manufacturer shall maintain in a form suitable for inspection, such as computer information storage devices or card files, and shall make available to the Executive Officer or his or her authorized representative upon request, the names and addresses of vehicle or engine owners:

(1) To whom notification was given;

(2) Whose vehicles were repaired or inspected under the recall plan; and

(3) Who were determined not to qualify for such recall action due to removed or altered components.

(d) The information gathered by the manufacturer to compile the reports required by these procedures shall be retained for not less than one year beyond the useful life of the vehicles or engines and shall be made available to authorized personnel of the Air Resources Board upon request.

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

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

§ 2120. Other Requirements Not Waived.

The filing of any report under the provisions of these procedures shall not affect a manufacturer's responsibility to file reports or applications, obtain approval, or give notice under any other provisions of law.

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

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

§ 2121. Penalties.

Under the influenced recall, failure by a manufacturer to notify the vehicle or engine owners and repair the vehicles or engines in the manner specified in the plan shall constitute a violation of the Executive Officer's order approving the plan and a violation of Health and Safety Code Section 43105. Notwithstanding the above, no penalty shall be imposed for a manufacturer's failure to meet the estimated capture rate except for an influenced recall when the 60-percent capture rate is required pursuant to Section 2114(a)(10) above, in which case a recall pursuant to Section 2123 below may be ordered if the Executive Officer determines that the manufacturer did not show a good faith effort to achieve the capture rate set forth in the recall plan.

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

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

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Article 2.2. Procedures for In-Use Vehicle Ordered Recalls

§ 2122. General Provisions.

The provisions regarding applicability of the ordered recall procedures and the definitions shall be the same as those set forth in Title 13, California Code of Regulations, Sections 2111 and 2112.

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

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

§ 2123. Initiation and Notification of Ordered Emission-Related Recalls.

(a) A manufacturer shall be notified whenever the Executive Officer has determined, based on warranty information reports, field information reports, enforcement testing results, or any other information, that a substantial number of a class or category of vehicles or engines produced by that manufacturer, 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 over their useful lives; or whenever a class or category of vehicles or engines within their useful lives, on average, do not conform to the standards prescribed pursuant to Section 43101 of the Health and Safety Code as applicable to the model year of such vehicles.

(b) It shall be presumed for purposes of this section that an emission-related failure will result in the exceedance of emission standards unless the manufacturer presents evidence in accordance with the procedures set forth in Title 13, California Code of Regulations, Section 2147 which demonstrates to the satisfaction of the Executive Officer that the failure will not result in exceedance of emission standards over the useful life of the vehicle or engine.

(c) The notification shall include a description of each class or category of vehicles or engines encompassed by the determination of nonconformity, shall set forth the factual basis for the determination and shall designate a date at least 45 days from the date of receipt of such notification by which the manufacturer shall submit a plan to remedy the nonconformity.

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

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

§ 2124. Availability of Public Hearing.

(a) The manufacturer may request a public hearing pursuant to the procedures set forth in Sections 60040 to 60053, Title 13, California Code of Regulations to contest the finding of nonconformity and the necessity for or the scope of any ordered corrective action.

(b) If a manufacturer requests a public hearing pursuant to subsection (a) above, and if the Executive Officer's determination of nonconformity is confirmed at the hearing, the manufacturer shall submit the recall plan required by Section 2125 within 30 days after receipt of the Board's decision.

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

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

§ 2125. Ordered Recall Plan.

(a) Unless a public hearing is requested by the manufacturer, a recall plan shall be submitted to the Chief, Mobile Source Division, 9528 Telstar Avenue, El Monte, CA 91731, within the time limit specified in the notification. The Executive Officer may grant the manufacturer an extension upon good cause shown.

(b) The recall plan shall contain the following:

(1) A description of each class or category of vehicle or engine to be recalled, including the engine family or sub-group thereof, the model-year, the make, the model, and such other information as may be required to identify the vehicles or engines to be recalled.

(2) A description of the nonconformity and the specific modifications, alterations, repairs, corrections, adjustments or other changes to be made to bring the vehicles or engines into conformity including a brief summary of the data and technical studies which support the manufacturer's decision regarding the specific corrections to be made.

(3) A description of the method by which the manufacturer will determine the names and addresses of vehicle or engine owners and the method by which they will be notified.

(4) A description of the procedure to be followed by vehicle or engine owners to obtain correction of the nonconformity including the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor required to correct the nonconformity, and the designation of facilities at which the nonconformity can be remedied. The repair shall be completed within a reasonable time designated by the Executive Officer from the date the owner delivers the vehicle or engine for repair. This requirement becomes applicable on the date designated by the manufacturer as the date on or after which the owner can have the nonconformity remedied.

(5) If some or all of the nonconforming vehicles or engines are to be remedied by persons other than dealers or authorized warranty agents of the manufacturer, a description of such class of persons and a statement indicating that the participating members of the class will be properly equipped to perform such remedial action.

(6) The capture rate required for each class or category of vehicle or engine to be recalled. Under recalls based on exceedance of emission standards, the capture rate shall be calculated using the following formula:

$$R = \frac{(Ef - Es) \times 100\%}{\Delta}$$

where: R = capture rate (see section 2112(a), above, for definition).

Δ = average reduction per vehicle resulting from the recall repair (see subsection (b)(12)(B), below, for determination).

Ef = average noncompliance emission level determined from in-use enforcement testing and other sources.

Es = emission standard for a particular pollutant.

An 80 percent capture rate shall be required for recalls based exclusively on noncompliance as defined in section 2112(h)(1), above.

(7) The plan may specify the maximum incentives (such as a tune-up or specified quantity of gasoline), if any, the manufacturer will offer to induce vehicle or engine owners to present their vehicles for repair, as evidence that the manufacturer has made a good faith effort to repair the percentage of vehicles or

engines specified in the plan. The plan shall include a schedule for implementing actions to be taken including identified increments of progress towards implementation and deadlines for completing each such increment.

(8) A copy of the letter of notification to be sent to vehicle or engine owners.

(9) A description of the system by which the manufacturer will assure that an adequate supply of parts will be available to perform the repair under the recall plan including the date by which an adequate supply of parts will be available to initiate the repair campaign, and the method to be used to assure the supply remains both adequate and responsive to owner demand.

(10) A copy of all necessary instructions to be sent to those persons who are to perform the repair under the recall plan.

(11) A description of the impact of the proposed changes on fuel economy, driveability, performance and safety of each class or category of vehicles or engines to be recalled and a brief summary of the data, technical studies, or engineering evaluations which support these descriptions.

(12) A description of the impact of the proposed changes on the average emissions of the vehicles or engines to be recalled based on noncompliance as defined in Section 2112(h)(2), above. The description shall contain the following:

(A) Average noncompliance emission levels.

(B) Average emission reduction or increase per pollutant resulting from the recall repair. These averages shall be verified by the manufacturer by applying the proposed recall repairs to two or more in-use vehicles or engines representing the average noncompliance emission levels. Only those vehicles or engines with baseline emission levels within 25 percent of the average emission levels of noncomplying pollutant(s) established under the in-use enforcement test program may be used by manufacturers to verify proposed recall repairs. The Executive Officer may allow the use of vehicles or engines exceeding these limits if none which meet the limits can be reasonably procured. In the case of heavy-duty engines, the average emission levels may be verified by using laboratory engines, subject to approval by the Executive Officer.

(C) An estimate of the average emission level per pollutant for a class or category of vehicles or engines after repair as corrected by the required capture rate. The estimated average emission level shall comply with the applicable emission standards. If the average emissions levels achieved by applying the average emission reduction per vehicle or engine after repair and the estimated capture rate, do not achieve compliance with the emissions standards, a manufacturer shall propose other measures to achieve average emissions compliance.

(13) Any other information, reports, or data which the Executive Officer may reasonably determine to be necessary to evaluate the recall plan.

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

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

§ 2126. Approval and Implementation of Recall Plan.

(a) If the Executive Officer finds that the recall plan is designed effectively to correct the nonconformity and complies with the provisions of Section 2125, he or she will so notify the manufacturer in writing. Upon receipt of the approval notice from the Executive Officer, the manufacturer shall commence implementation of the approved plan. Notification of vehicle or engine owners and the implementation of recall repairs shall commence within 45 days of the receipt of notice unless the manufacturer can show good cause for the Executive Officer to extend the deadline.

(b) If the Executive Officer does not approve the recall plan or the mitigation measures provided in Section 2130 as submitted, the Executive Officer shall order modification of the plan or mitigation measures with such changes and additions as he or she determines to be necessary. The Executive Officer shall notify the manufacturer in writing of the disapproval and the reasons for the disapproval.

(c) The manufacturer may contest the Executive Officer's disapproval by requesting a public hearing pursuant to the procedures set forth in Sections 60040 to 60053, Title 17, California Code of Regulations. As a result of the hearing, the Board may affirm, overturn or modify the Executive Officer's action. In its decision, affirming or modifying, the Board shall specify the date by which the manufacturer shall commence notifying vehicle or engine owners and implementing the required recall repairs.

(d) If no public hearing is requested in accordance with (c) above, the manufacturer shall incorporate the changes and additions required by the Executive Officer and shall commence notifying vehicle or engine owners and implementing the required recall repairs within 60 days of the manufacturer's receipt of the Executive Officer's disapproval.

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

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

§ 2127. Notification of Owners.

(a) Notification to vehicle or engine owners shall be made by first class mail or by such other means as approved by the Executive Officer provided, that for good cause, the Executive Officer may require the use of certified mail to ensure an effective notification.

(b) The manufacturer shall use all reasonable means necessary to locate vehicle or engine owners provided, that for good cause, the Executive Officer may require the manufacturer to use motor vehicle registration lists available from State or commercial sources to obtain the names and addresses of vehicle or engine owners to ensure effective notification.

(c) The Executive Officer may require subsequent notification by the manufacturer to vehicle or engine owners by first class mail or other reasonable means provided, that for good cause, the Executive Officer may require the use of certified mail to ensure effective notification.

(d) The notification of vehicle or engine owners shall contain the following:

(1) The statement: “the California Air Resources Board has determined that your (vehicle or engine) (is or may be) releasing air pollutants which exceed (California or California and Federal) standards. These standards were established to protect your health and welfare from the dangers of air pollution.”

(2) A statement that the nonconformity of any such vehicles or engines will be remedied at the expense of the manufacturer.

(3) A statement that eligibility may not be denied solely on the basis that the vehicle or engine owner used parts not manufactured by the original equipment vehicle manufacturer, or had repairs performed by outlets other than the vehicle or engine manufacturer's franchised dealers.

(4) A clear description of the components which will be affected by the recall action and a general statement of the measures to be taken to correct the nonconformity.

(5) A statement that such nonconformity, if not repaired, may cause the vehicle or engine to fail an emission inspection or Smog Check test when such tests are required under State law.

(6) A description of the adverse effects, if any, that an uncorrected nonconformity would have on the performance, fuel economy, or driveability of the vehicle or engine or to the function of other engine components.

(7) A description of the procedure which the vehicle or engine owner should follow to obtain correction of the nonconformity including the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to correct the nonconformity, and a designation of the facilities at which the nonconformity can be remedied.

(8) After the effective date of the recall enforcement program referred to in Section 2117, above, a statement that a certificate showing that the vehicle has been repaired under the recall program shall be issued by the service facilities and that such a certificate may be required as a condition of vehicle registration or operation, as applicable.

(9) A card to be used by a vehicle or engine owner in the event the vehicle or engine to be recalled has been sold. Such card should be addressed to the manufacturer, have postage paid, and shall provide a space in which the owner may indicate the name and address of the person to whom the vehicle or engine was sold.

(10) The statement: "In order to ensure your full protection under the emission warranty made applicable to your (vehicle or engine) by State or Federal law, and your right to participate in future recalls, it is recommended that you have your (vehicle or engine) serviced as soon as possible. Failure to do so could be determined to be a lack of proper maintenance of your (vehicle or engine)." This statement is not required for off-road motorcycles or all-terrain vehicles.

(11) A telephone number provided by the manufacturer, which may be used to report difficulty in obtaining recall repairs.

(f) No notice sent pursuant to Section 2125(b)(8), above, nor any other communication sent to vehicle or engine owners or dealers shall contain any statement, express or implied, that the nonconformity does not exist or will not degrade air quality.

(g) The manufacturer shall be informed of any other requirements pertaining to the notification under this section which the Executive Officer has determined are reasonable and necessary to ensure the effectiveness of the recall campaign.

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

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

§ 2128. Repair Label.

(a) The manufacturer shall require those who perform the repair under the recall plan to affix a label to each vehicle or engine repaired or, when required, inspected under the recall plan.

(b) The label shall be placed in a location as approved by the Executive Officer and shall be fabricated of a material suitable for such location and which is not readily removable.

(c) The label shall contain the recall campaign number and a code designating the facility at which the repair, inspection for repair, was performed.

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

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

§ 2129. Proof of Correction Certificate.

The manufacturer shall require those who perform the recall repair to provide the owner of each vehicle or engine repaired with a certificate, through a protocol and in a format prescribed by the Executive Officer, which indicates that the noncomplying vehicle or engine has been corrected under the recall program. This requirement shall become effective and applicable upon the effective date of the recall enforcement program referred to in Section 2117, above.

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

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

§ 2130. Capture Rates and Alternative Measures.

The manufacturer shall comply with the capture rate specified in the recall plan as determined pursuant to Section 2125(b)(6), above, within six consecutive quarters beginning with the quarter in which the notification of vehicle or engine owners was initiated. If, after good faith efforts, the manufacturer cannot correct the percentage of vehicles specified in the plan by the applicable deadlines and cannot take other measures to bring the engine family or test group into compliance with the standards, the manufacturer shall propose mitigation measures to offset the emissions of the unrepaired vehicles within 45 days from the last report filed pursuant to Section 2133(c), below. The Executive Officer shall approve such measures provided that:

- (a) the emission reductions from the recalled and repaired vehicles or engines and the mitigation measures are equivalent to achieving the capture rate; and
- (b) the emission reductions from the mitigation measures are real and verifiable; and
- (c) the mitigation measures are implemented in a timely manner.

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

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

§ 2131. Preliminary Tests.

The Executive Officer may require the manufacturer to conduct tests on components and vehicles or engines incorporating a proposed correction, repair, or modification reasonably designed and necessary to demonstrate the effectiveness of the correction, repair, or modification.

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

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

§ 2132. Communication with Repair Personnel.

The manufacturer shall provide to the Executive Officer a copy of all communications which relate to the recall plan directed to dealers and other persons who are to perform the repair. Such copies shall be mailed to the Executive Officer contemporaneously with their transmission to dealers and other persons who are to perform the repair under the recall plan.

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

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

§ 2133. Recordkeeping and Reporting Requirements.

(a) The manufacturer shall maintain sufficient records to enable the Executive Officer to conduct an analysis of the adequacy of the recall campaign. The records shall include, for each class or category of vehicle or engine, but need not be limited to, the following:

(1) Engine family involved and recall campaign number as designated by the manufacturer.

(2) Date owner notification was begun, and date completed.

(3) Number of vehicles or engines involved in the recall campaign.

(4) Number of vehicles or engines known or estimated to be affected by the nonconformity.

(5) Number of vehicles or engines inspected pursuant to the recall plan and found to be affected by the nonconformity.

(6) Number of inspected vehicles or engines.

(7) Number of vehicles or engines receiving repair under the recall plan.

(8) Number of vehicles or engines determined to be unavailable for inspection or repair under the recall plan due to exportation, theft, scrapping, or for other reasons (specify).

(9) Number of vehicles or engines determined to be ineligible for recall action due to removed or altered components.

(10) A listing of the identification numbers of vehicles or engines subject to recall but for whose repair the manufacturer has not been invoiced. This listing shall be supplied in a standardized computer data storage device to be specified by the Executive Officer. The frequency of this submittal, as specified in subsection (c) below, may be changed by the Executive Officer depending on the needs of recall enforcement.

(11) Any service bulletins transmitted to dealers which relate to the nonconformity and which have not previously been submitted.

(12) All communications transmitted to vehicle or engine owners which relate to the nonconformity and which have not previously been submitted.

(b) If the manufacturer determines that the original responses to subsections (a)(3) and (4) of these procedures are incorrect, revised figures and an explanatory note shall be submitted. Responses to subsections (a)(5), (6), (7), (8), and (9) shall be cumulative totals.

(c) Unless otherwise directed by the Executive Officer, the information specified in subsection (a) of these procedures shall be included in six quarterly reports, beginning with the quarter in which the notification of owners was initiated, or until all nonconforming vehicles or engines involved in the campaign have been remedied, whichever occurs sooner. Such reports shall be submitted no later than 25 days after the close of each calendar quarter.

(d) The manufacturer shall maintain in a form suitable for inspection, such as computer information storage devices or card files, and shall make available to the Executive Officer or his or her authorized representative upon request, lists of the names and addresses of vehicle or engine owners:

(1) To whom notification was given;

(2) Who received remedial repair or inspection under the recall plan; and

(3) Who were denied eligibility for repair due to removed or altered components.

(e) The records and reports required by these procedures shall be retained for not less than one year beyond the useful life of the vehicles or engines involved, or one year beyond the reporting time frame specified in subsection (c) above, whichever is later.

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

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

§ 2134. Penalties.

Failure by a manufacturer to carry out all recall actions ordered by the Executive Officer pursuant to Sections 2123 through 2133 of these procedures shall constitute a violation of Health and Safety Code Section 43105.

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

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

§ 2135. Extension of Time.

The Executive Officer may extend any deadline in the plan if he or she finds in writing that a manufacturer has shown good cause for such extension.

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

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

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Article 2.3. In-Use Vehicle Enforcement Test Procedures

§ 2136. General Provisions.

The provisions regarding applicability of the enforcement test procedures and the definitions shall be the same as those set forth in Title 13, California Code of Regulations, Sections 2111 and 2112 and beginning with the 2010 model year, Sections 2166 and 2166.1. If the Executive Officer determines that an emissions test or test procedure violation exists under Health and Safety Code 43105, he/she may order a recall or corrective action to correct the affected vehicles or engines.

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

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

§ 2137. Vehicle and Engine Selection.

(a) Any vehicle of an engine family, test group, any vehicle of a subgroup of an engine family or test group, or any engine used in a piece of equipment, manufactured for sale in California, shall be subject to these test procedures during its useful life. A minimum of ten (10) in-use vehicles or engines determined by the ARB to be properly maintained and used will be procured and tested by the ARB or its designated laboratory to represent the emission characteristics of the engine family, test group or subgroup. The ARB may test less than ten (10) in-use vehicles or engines if the manufacturer notifies the ARB in writing that the manufacturer will accept the results from less than ten (10) vehicles or engines as being representative of the engine family, test group or subgroup.

(b) No vehicle or engine shall be accepted by the ARB as a representative vehicle or engine for enforcement testing unless the following criteria are met:

(1) California certified and registered.

(2) Odometer indication of less than certified useful-life mileage and vehicle age within useful-life time period.

(3) No indication of abuse (e.g., racing, overloading, misfueling, or other misuse), neglect, improper maintenance or other factors that would have a permanent effect on emission performance.

(4) No major repair to engine or major repair of vehicle resulting from collision.

(5) No indication of any problem that might jeopardize the safety of laboratory personnel.

(6) For off-road compression-ignition engines subject to recall testing, engines shall have an hour meter indication and engine age not exceeding the following periods:

(A) For all engines rated under 19 kilowatts, and for constant-speed engines rated under 37 kilowatts with rated speeds greater than or equal to 3,000 revolutions per minute, four years or 2,250 hours of operation, whichever first occurs.

(B) For all other engines rated above 19 kilowatts and under 37 kilowatts, five years or 3,750 hours of operation, whichever first occurs.

(C) For all engines rated at or above 37 kilowatts, seven years or 6,000 hours of operation, whichever first occurs.

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

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

§ 2138. Restorative Maintenance.

(a) Upon accepting a vehicle for testing, the ARB or its designated laboratory will replace the fuel with Indolene Clear or appropriate certification test fuel.

(b) The ARB or its designated laboratory shall perform the following diagnosis or restorative maintenance prior to enforcement testing:

(1) Identify part numbers of all essential emission control system components.

(2) Check air filter, all drive belts, all fluid levels, radiator cap, all vacuum hoses and electrical wiring related to emission control for integrity; check fuel metering and emission control system components for maladjustments and/or tampering. Record all discrepancies.

(3) Check ignition system with oscilloscope and replace any defective components; i.e., spark plugs, wires, etc.

(4) Check compression.

(5) Check and adjust engine parameters to manufacturer's specifications.

(6) Check the OBD system for proper operation.

(7) If the vehicle is within 500 miles of a scheduled maintenance service, that maintenance shall be performed except in the case of off-road motorcycles and all-terrain vehicles. For off-road motorcycles and all-terrain vehicles, all required maintenance shall be performed.

(c) For any enforcement testing conducted by the manufacturer pursuant to title 13, section 2139(c)(1), California Code of Regulations, the "ARB or its designated laboratory", as stated in subsections (a) and (b), shall refer to the manufacturer or its designated laboratory.

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

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

§ 2139. Testing.

After the vehicles have been accepted and restorative maintenance, if any, has been performed, the ARB or its designated laboratory shall perform the applicable emission tests pursuant to the following:

(a) For passenger cars and light-duty trucks, in-use compliance emission tests shall be performed pursuant to section 1960.1 or 1961, Title 13, California Code of Regulations, as applicable.

(b) For medium-duty vehicles certified according to the chassis standards and test procedures specified in section 1960.1 or 1961, Title 13, California Code of Regulations and the documents incorporated by reference therein, in-use compliance emission tests shall be performed pursuant to section 1960.1 or 1961, Title 13, California Code of Regulations, as applicable.

(c) For medium-duty engines and vehicles certified according to the optional engine test procedures specified in section 1958.6, Title 13, California Code of Regulations and the documents incorporated by reference therein, in-use compliance emission tests shall be performed pursuant to one of the following procedures:

(1) The engines of medium-duty vehicles may be tested pursuant to the engine test procedures specified in section 1958.6, provided that the manufacturer or its designated laboratory conduct procurement and enforcement testing pursuant to Sections 2136 through 2140, Title 13, California Code of Regulation, at the manufacturer's expense.

For manufacturers that have only one engine family or test group, the manufacturer or its designated laboratory that have more than one engine family or test group, the manufacturer or its designated laboratory shall procure no more than fifteen vehicles per engine family or test group. For manufacturers that have more than one engine family or test group, the manufacturer or its designated laboratory shall procure and test at the manufacturer's expense no more than one-third of its engine families or test groups and no more than fifteen vehicles from each engine family or test group. For the purposes of this section, "one-third" of a manufacturer's engine families or test groups shall be determined by dividing the number of distinct engine families or test groups by three, adding 0.5, and truncating the result to the nearest whole number.

The specific engine families or test groups subject to enforcement testing shall be selected by the ARB. The manufacturer or its designated laboratory shall begin the engine procurement process within 10 working days of notification by the ARB and shall complete testing within 100 working days of notification by the ARB. The Executive Officer shall approve the manufacturer's procurement procedures in advance of their use by the manufacturer. The Executive Officer shall approve a manufacturer's procurement procedures if engines are screened according to the criteria specified in section 2137, Title 13, California Code of Regulations and selected randomly from registration records compiled and prepared by R. L. Polk and Company or a comparable source. In addition, no vehicle shall be selected for enforcement testing with mileage less than 60 percent of the useful-life mileage without prior approval from the Executive Officer. The manufacturer shall permit an ARB representative to witness procurement, restorative maintenance, and enforcement testing. The Executive Officer shall have the authority to accept or reject a test engine based upon criteria specified in section 2137. Once an engine has been tested and determined to be in compliance with the current in-use emission standards, no further testing will be performed on subsequent engine families or test groups that carry-over the durability data of the tested engine family or test group.

Notwithstanding the above, if a manufacturer fails to demonstrate compliance with the emission standards after one-third of its engine families or test groups have been tested, additional engine families or test groups shall be tested, by the manufacturer or its designated laboratory, at the manufacturer's expense, until compliance is demonstrated on one-third of the engine families or test groups or all of a manufacturer's engine families or test groups have been tested. In addition, any engine family or test group which has been tested and determined to be in noncompliance shall be retested by the manufacturer each subsequent

year until compliance with the applicable emission standards has been demonstrated. Notwithstanding the above, the ARB may conduct engine enforcement testing pursuant to the engine test procedures specified in section 1958.6, at their expense.

(2) Medium-duty vehicles may be tested according to the chassis test procedures specified in section 1960.1(k) or 1961, as applicable, if a manufacturer develops correlation factors which establish the relationship between engine and chassis testing for each engine family or test group and submits these correlation factors within one year after the beginning of production. The correlation factors shall be applied to the measured in-use engine exhaust emission data to determine the in-use engine exhaust emission levels. All correlation factors and supporting data included in a manufacturer's application must be submitted to and approved by the Executive Officer in advance of their use by a manufacturer. Correlation factors intended to apply to a specific engine family or test group shall be applicable for each vehicle model incorporating that specific engine. Manufacturers shall submit test data demonstrating the applicability of the correlation factors for vehicle models comprising a minimum of 80 percent of their engine sales for that specific engine family or test group. The correlation factors for the remaining fleet may be determined through an engineering evaluation based upon a comparison with similar vehicle models. The Executive Officer shall approve a submitted correlation factor if it accurately corresponds to other established empirical and theoretical correlation factors and to emission test data available to the Executive Officer.

A manufacturer may choose to use the results from the chassis in-use testing as a screening test. If an engine family or test group does not demonstrate compliance with any of the applicable in-use engine standards, as determined from the chassis test data and the applied correlation factors, the manufacturer shall be subject to the requirements and cost of in-use compliance engine testing, as specified in section 1939(c)(1). The manufacturer shall be subject to engine testing for any non-complying engine family or test group for each subsequent year until compliance with the engine emission standards is demonstrated.

Subsequent to approval of the correlation factors, the Executive Officer may make a determination that the original correlation factors are not valid. Such a determination may be based upon in-use emission data, including chassis and engine testing. Upon determination that the correlation factors for a specific engine family or test group are not valid, the manufacturer of the engine family or test group shall be subject to the enforcement testing requirements and costs of in-use compliance engine testing, as specified in section 1939(c)(1).

(3) The manufacturer shall choose one of the procedures specified in subsections (c)(1) through (c)(2). The Executive Officer shall permit the use of alternative test procedures if the Executive Officer determines the alternative test procedure adequately predicts the exhaust emissions from the engine test procedure specified in section 1958.6, Title 13, California Code of Regulations. Such a determination may be based upon correlation with test data from the engine test procedures.

(4) The time limits specified in subsections (c)(1) and (c)(2) may be extended by the Executive Officer if the manufacturer demonstrates that the time limits specified could not be achieved due to reasons beyond the reasonable control of the manufacturer.

(d) For heavy-duty engines and vehicles, in-use compliance emission tests shall be performed pursuant to section 1958.6, Title 13, California Code of Regulations.

(e) For motorcycles, in-use compliance emission tests shall be performed pursuant to section 1958, Title 13, California Code of Regulations.

(f) For off-road motorcycles and all-terrain vehicles, in-use compliance tests shall be performed pursuant to section 2412, Title 13, California Code of Regulations. The in-use compliance testing shall use the same test procedure utilized for the specific vehicle's original certification testing.

(g) For off-road compression-ignition engines, in-use compliance tests shall be performed pursuant to Section 2423, Title 13, California Code of Regulations. The in-use compliance testing shall use the same test procedure utilized for the specific engine's original certification testing.

(h) For spark-ignition inboard and sterndrive marine engines, in-use compliance tests shall be performed pursuant to section 2442, Title 13, California Code of Regulations. The in-use compliance testing shall use the same test procedure utilized for the specific engine's original certification testing.

(i) For any emission in-use compliance test performed pursuant to subsections (a) through (g), the ARB may waive a specific test for subsequent vehicle samples if results from vehicle samples already tested are deemed sufficient to establish complying emission levels. The ARB shall inform the manufacturer at least 30 days prior to enforcement testing of its vehicles or engines and shall permit a manufacturer representative to observe the enforcement testing.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43104 and 43105, Health and Safety Code.

Reference: Sections 39002, 39003, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43103, 43104, 43105, 43106, 43107, 43204-43205.5 and 43211-43213 Health and Safety Code.

§ 2140. Notification and Use of Test Results.

(a) The Executive Officer shall notify the manufacturer in writing if the in-use vehicle enforcement test results indicate that the test fleet contains three or more failures of the same emission-related component. Upon receipt of the notification, the manufacturer shall submit an emissions information report in accordance with Title 13, California Code of Regulations, Sections 2146 and 2147. The engine family, test group or sub-group manufacturer shall be subject to recall when a specific emission-related failure occurred in three or more test vehicles, unless the Executive Officer determines from the emissions information report that a recall is unnecessary.

(b) If the results of the in-use vehicle emission tests conducted pursuant to Section 2139 indicate that the average emissions of the test vehicles for any pollutant exceed the applicable emission standards specified in Title 13, California Code of Regulations, Sections 1960.1, 1961, 1956.8, 1958, 2412, 2423 or 2442, the entire vehicle population so represented shall be deemed to exceed such standards. The Executive Officer shall notify the manufacturer of the test results and upon receipt of the notification, the manufacturer shall have 45 days to submit an influenced recall plan in accordance with Sections 2113 through 2121, Title 13, California Code of Regulations. If no such recall plan is submitted, the Executive Officer may order corrective action including recall of the affected vehicles in accordance with Sections 2122 through 2135, Title 13, California Code of Regulations.

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, 43204-43205.5 and 43211-43213, Health and Safety Code.