RESUBMITTAL

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY: AIR RESOURCES BOARD

AGENCY FILE NUMBER *(If any)*:

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

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OFFICE OF ADMINISTRATIVE LAW

NOTICE | REGULATIONS

A. PUBLICATION OF NOTICE *(Complete for publication in Notice Register)*

1. TOPIC OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Off-Highway Recreational Vehicles and Engines			

3. NOTICE TYPE
☐ Notice re Proposed Regulatory Action ☐ Other

4. AGENCY CONTACT PERSON | TELEPHONE NUMBER

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn	93, 48Z	November 26, 1993

B. SUBMISSION OF REGULATIONS *(Complete when submitting regulations)*

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) *(Including title 26, if toxics-related)*

TITLE(S)	
13	ADOPT: 2410-2414 and the Incorporated Test Procedure
SECTIONS AFFECTED	AMEND: 2111-2140 and the Documents Incorporated by Reference
	REPEAL:

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☒ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE *(Cal. Code Regs. title 1, §§ 44 and 45)*

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES *(Gov. Code § 11346.2)*

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other *(Specify)*

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY N/A

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON: Michael L. Terris, Senior Staff Counsel | TELEPHONE NUMBER: (916) 322-2884

7. *I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.*

SIGNATURE OF AGENCY HEAD OR DESIGNEE: Michael H. Scheible | DATE: January 23, 1995

TYPED NAME AND TITLE OF SIGNATORY: Michael H. Scheible, Deputy Executive Officer

FINAL REGULATIONS

CALIFORNIA REGULATIONS FOR NEW 1995 AND LATER OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES

FINAL REGULATIONS

State of California
AIR RESOURCES BOARD

ADOPTION OF TITLE 13, CALIFORNIA CODE OF REGULATIONS, CHAPTER 9, ARTICLE 3, CALIFORNIA EXHAUST EMISSIONS STANDARDS AND TEST PROCEDURES FOR 1995 AND LATER OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES

NOTE: All new language herein is indicated by <u>underlining.</u>

Adopt Title 13, California Code of Regulations, Chapter 9, Article 3, California Exhaust Emission Standards, Test Procedures, and Enforcement Regulations for 1995 and Later Off-Highway Recreational Vehicles and Engines to read as follows:

Article 3. Off-Highway Recreational Vehicles and Engines

2410. Applicability.

(a)(1) This article shall be applicable to new specialty vehicle engines under 25 horsepower (hp) produced on or after January 1, 1995 and all other 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 shall be deemed severable, and in the event that any part of this chapter or article is held to be invalid, the remainder of this article shall continue in full force and effect.

(c) This article includes provisions for certification, labeling requirements, emission standard enforcement, and recall.

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 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.

DEFINITIONS

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

(1) "All-Terrain Vehicle" means any motorized off-highway vehicle 50 inches (1270 mm) or less in overall width, with an unladen dry weight of 600 pounds (275 kg) or less, designed to travel on four low pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and no passengers. The vehicle is designed to carry not more than 350 pounds (160 kg) payload, excluding the operator, and is powered by an internal combustion engine. Width and unladen weight shall be exclusive of accessories and optional equipment. A go-kart, golf cart or specialty vehicle is not, for purposes of this regulation, to be classified as an all-terrain vehicle. An all-terrain vehicle that is not used exclusively in competition/racing events in a closed course is not a competition/racing vehicle for purposes of these regulations.

(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) "Competition/Racing Vehicle" means those vehicles that are operated exclusively off of the highways on closed courses in organized racing/competition events conducted under the auspices of a recognized sanctioned body or by permit issued by the local governmental authority having jurisdiction.

(5) "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 tests can be conducted at ARB or contracted out facilities or at the manufacturer's facility.

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

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

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

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

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

(11) "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.

(12) "Go-Kart" means any four wheeled, open framed vehicle equipped with an internal combustion engine. These vehicles are generally found at amusement parks and rented to patrons on a "pay-by-play" basis. These vehicles are generally designed for a single rider and run on a confined track. A go-kart that is not used exclusively in competition/racing events in a closed course is not a competition/racing vehicle for purposes of these regulations.

(13) "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 designated 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.

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

(15) "Off-Highway Recreational Vehicle Engines" or "Engines" are identified as: two-stroke or four-stroke, air-cooled, liquid-cooled, gasoline, diesel, alternate fuel powered engines or electric motors that are designed for powering off-road recreational vehicles and engines included in, but not limited to use in, the following: off-road motorcycles, all-terrain vehicles, golf carts, go-karts 25 hp and greater, and specialty vehicles. 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.

(16) "Off-Road 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.

(17) "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. An off-road motorcycle that is not used exclusively in competition/racing events in a closed course is not a competition/racing vehicle for purposes of these regulations.

(18) "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.

(19) "Specialty Vehicles" means any vehicle powered by an internal combustion engine having not less than 3 wheels in contact with the ground, having an unladen weight generally less than 2,000 pounds, which is typically operated between 10 and 35 miles per hour. The recommended bed payload for specialty vehicles is usually up to 2,000 pounds. Specialty vehicles are mainly used off of highways and residential streets. Applications of such vehicles include, but are not limited to, carrying passengers, hauling light loads, grounds keeping and maintenance, resort or hotel areas, airports, etc.

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

(21) "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.

(22) "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. Unless otherwise noted, the VIN will follow formats specified in the Code of Federal Regulations 49, Chapter V, Parts 565, 566, and 571, section 571.115 - Vehicle Identification Number - Content Requirements, which are incorporated herein by reference.

(23) "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 shall be applicable to specialty vehicle engines under 25 horsepower produced on or after January 1, 1995, and all other 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 shall comply with the following exhaust emissions from new off-highway recreational vehicles and engines that are sold, leased, used, or introduced into commerce in California. Exhaust emissions shall not exceed:

Proposed Emission Standards

Vehicle & Model Year	Hydro-carbon	Oxides of Nitrogen	Carbon Monoxide	Particulate Matter[1]
Off-Road Motorcycles and and All-Terrain Vehicles with Engines Greater Than 90 cc[3] 1997 and Later (g/km)[4]	1.2[2]	-	15.0	-
Off-Road Motorcycles and and All-Terrain Vehicles with Engines 90 cc or Less 1999 and Later (g/km)	1.2[2]	-	15.0	-

1. Applicable to diesel and two-stroke spark ignited engines only.
2. Compliance with the 1.2 gram 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.
3. Cubic centimeter.
4. Grams per kilometer.

Proposed Emission Standards (continued)

Vehicle & Model Year	Hydro-carbon	Oxides of Nitrogen	Carbon Monoxide	Particulate Matter
All-Terrain Vehicle Option 1997 and Later	Shall comply with exhaust emission standards equivalent to the off-road motorcycle and all-terrain vehicle standard using the utility test procedures set forth in CCR, Title 13, section 2403, and the incorporated document "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines[5]," which is hereby incorporated by reference herein.			
Golf Carts in Federal Ozone Non-Attainment Areas 1997 and Later	ZERO	ZERO	ZERO	ZERO
Specialty Vehicle Engines <25 horsepower 1995 - 1998	10.0/12.0[6] Combined		300	0.9
1999 and Later (g/Bhp-hr)[7]	3.2 Combined		100	0.25
Go-Karts and Specialty Vehicle Engines >25 horsepower 1997 and Later (g/Bhp-hr)	3.2 Combined		100	0.25

5. Compliance with the equivalent all-terrain vehicle 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.
6. The standard is applicable based on the engine displacement. Engines <225 cubic centimeters (cc) shall comply with 12.0 g/Bhp-hr HC+NOx standard and engines 225cc and greater shall comply with the 10.0 g/Bhp-hr HC+NOx standard.
7. Grams per brake-horsepower-hour.

(c)(1) The test procedures for determining certification and compliance with the standards for exhaust emissions from new off-road motorcycles, all-terrain vehicles, and golf carts are set forth in "California Exhaust Emission Standards and Test Procedures for 1995 and Later Off-Highway Recreational Vehicles and Engines," adopted November 23, 1994, which incorporates by reference Subparts E and F, Title 40, Code of Federal Regulations. There are no emissions test procedures for golf carts[8].

(2) The test procedures for determining certification and compliance with the standards for exhaust emissions from new specialty vehicles and go-karts, and engines used in such vehicles, and 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 and Later Lawn and Garden and Utility Equipment Engines," adopted March 20, 1992, and last amended April 8, 1993.

(d) 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-road motorcycle and all-terrain 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 1995 and Later Off-Highway Recreational Vehicle and Engine" adopted November 23, 1994.

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8. Although golf cart manufacturers must file an application of certification and comply with the administrative requirements outlined in the procedures to certify their vehicles for sale in California, they are not required to perform emissions testing.

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-road motorcycles and all-terrain 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:

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

(i) vehicle identification numbers and an explanation of the identification code if applicable;

(ii) model number and engine size of vehicle;

(iii) the total number of vehicles marketed and produced as non-competition vehicles for sale in California and their applicable designated emissions standards;

(2) The manufacturer's average HC exhaust emissions 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 non-compliance 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, the manufacturer shall submit California sales and registration data as it becomes available, for each model.

(e) As an option to the standards set forth in section (b) above, exhaust emissions from 1997 and later all-terrain vehicle engines shall not exceed the equivalent to the off-road motorcycle and all-terrain vehicle standard using the utility test procedures set forth in "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines", adopted, March 20, 1992, and last amended April 8, 1993, which is hereby incorporated by reference herein.

(f)(1) On or after January 1, 1995, no new engines shall be produced for sale to replace specialty vehicle engines, unless the engines comply with the emission standards in effect at the time of replacement.

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

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

(4) On or after January 1, 1999, no new engines 90 cc or less shall 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.

(g) The Executive Officer may find that any off-road motorcycles, all-terrain vehicles, specialty vehicles, go-karts 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.

(h) No crankcase emissions shall be discharged into the ambient atmosphere from 1997 and later off-road motorcycles, all-terrain vehicles, golf carts, or engines used in such vehicles.

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

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

(a) All off-road motorcycles, all-terrain vehicles, and engines used in such vehicles produced on or after January 1, 1997, for sale, lease, use or introduction into commerce in California, shall comply with the labeling requirements of the "California Motor Vehicle Emission Control Label Specifications," adopted March 1, 1978, as amended July 12, 1991, which is hereby incorporated by reference herein. Any reference to motorcycles in the incorporated documents shall be applicable to off-road motorcycles, all-terrain vehicles, and engines used in such vehicles.

(b) Specialty vehicles equipped with engines less than 25 horsepower and engines used in such vehicles produced on or after January 1, 1995, and specialty vehicles and go-karts equipped with engines 25 horsepower and greater and engines used in such vehicles produced on or after January 1, 1997, shall comply with the labeling requirements of Title 13, CCR, Chapter 9, Article 1, Section 2404 "Emission Control Labels - 1995 and Later Utility and Lawn and Garden Equipment Engines", incorporated by reference herein. Any reference to utility and lawn and garden equipment in the incorporated documents shall be applicable to specialty vehicles, go-karts, and engines used in such vehicles.

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

(a) This section applies to off-road motorcycles, all-terrain vehicles, and engines used in such vehicles 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.

(b) This section applies to specialty vehicles less than 25 horsepower produced on or after January 1, 1995, and specialty vehicles and go-karts 25 horsepower and over produced on or after January 1, 1997, for sale, lease, use or introduction into commerce in California. Specialty vehicles, go-karts 25 horsepower and over, and engines used in such vehicles are subject to defects warranty, new engine compliance testing, and quality audit testing, as stipulated in Title 13, California Code of Regulations, Chapter 9, Sections 2405, 2406, and 2407, 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, and 43210, Health and Safety Code

FINAL REGULATIONS

State of California
AIR RESOURCES BOARD

AMENDMENTS TO TITLE 13, CALIFORNIA CODE OF REGULATIONS, CHAPTER 2, ARTICLES 2.1 - 2.3. PROCEDURES FOR IN-USE VEHICLE VOLUNTARY AND INFLUENCED RECALLS; PROCEDURES FOR IN-USE VEHICLE ORDERED RECALLS; AND IN-USE VEHICLE ENFORCEMENT TEST PROCEDURES

NOTE: These amendments encompass revisions to Sections 2111, 2112, 2117, 2118, 2127, 2138, 2139, and 2140 of Title 13, California Code of Regulations. Additions and deletions to the text proposed in this attachment are indicated by underline and ~~strikeout~~, respectively. There are no substantive changes being proposed to sections 2113-2116, 2119-2126, and 2128-2137, other than changes to the authority and reference citations.

The modifications are being made to make Chapter 2, Articles 2.1 - 2.3 applicable to off-road motorcycles, all-terrain vehicles, and engines used in such vehicles, and do not materially alter the requirements, rights, responsibilities, conditions or prescriptions applicable to other covered vehicles set forth in the modified articles.

Amend Chapter 2, Articles 2.1-2.3, Title 13, California Code of Regulations (CCR) to read as follows:

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

2111. Applicability.

(a) These procedures shall apply to:

(1) California-certified 1982 and subsequent model-year passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and motorcycles, ~~except zero-emission vehicles,~~ and California certified 1997 and subsequent model-year off-road motorcycles and all-terrain vehicles, including those federally certified vehicles which are sold in California pursuant to Health and Safety Code Section 43102 ~~but excluding these vehicles certified under Health and Safety Code Section 44201~~, and

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

(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)-(k) No change.

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

(1)-(11) No change.

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

(m) No change.

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, and Motorcycles and 1997 and Subsequent Model-Year Off-Road Motorcycles and All-Terrain Vehicles.

Vehicle and Engine Parameters, Components, and Specifications: No further changes.

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 and 43204-43205.5, Health and Safety Code.

2113 No change.

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.

2114 No change.

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.

2115 No change.

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.

2116 No change.

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.

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, annual registration renewal, or other entitlement to use.

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.

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

2119 No change.

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.

2120 No change.

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.

2121 No change.

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.

Article 2.2 Procedures for In-Use Vehicle Ordered Recalls

2122 No change.

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.

2123 No change.

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.

2124 No change.

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.

2125 No change.

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.

2126 No change.

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.

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)." <u>This statement is not required for off-road motorcycles or all-terrain vehicles.</u>

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

(e) The manufacturer shall not condition eligibility for repair on the proper maintenance or use of the vehicle except for strong or compelling reasons and with 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 recall action cannot be performed without additional cost.

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

2128 No change.

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.

2129 No change.

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.

2130 No change.

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.

2131 No change.

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.

2132 No change.

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.

2133 No change.

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.

2134 No change.

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 and ~~43107~~ Health and Safety Code.

2135 No change.

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.

Article 2.3 In-Use Vehicle Enforcement Test Procedures

2136 No change.

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.

2137 No change.

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.

2138 Maintenance and Preconditioning.

(a) No change.

(b) (1) - (5) No change.

(b) (6) 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.

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.

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 certification emission tests pursuant to the following:

(a)-(e) No change.

(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 any emission in-use compliance test performed pursuant to subsections (a) through ~~(e)~~ (f), 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, ~~and 43107,~~ 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 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, 1956.8, ~~or~~ 1958 or 2412, 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 and 43204-43205.5, Health and Safety Code.

FINAL REGULATIONS

State of California
AIR RESOURCES BOARD

CALIFORNIA EXHAUST EMISSIONS STANDARDS AND TEST PROCEDURES FOR 1995 AND LATER OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES

Adopted: November 23, 1994

NOTE: This document incorporates by reference, with noted modifications, sections of Subparts E and F, Part 86, Title 40, Code of Federal Regulations. California provisions which replace specific federal provisions are denoted by the words "DELETE" for the federal language and "REPLACE WITH" or "ADD" for the new California language. The symbols "****" and "..." mean that the federal text that immediately follows the symbols is unchanged and incorporated by reference into the California Standards and Test Procedures. Sections of the federal regulations which are not listed are not part of the California Standards and Test Procedures.

CALIFORNIA EXHAUST EMISSIONS STANDARDS AND TEST PROCEDURES
FOR 1995 AND LATER OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES

The following provisions of Subpart E and F, Part 86, Title 40, Code of Federal Regulations, as adopted or amended by the U. S. Environmental Protection Agency on the date listed are adopted and incorporated herein by this reference as the California Exhaust Emission Standards and Test Procedures for 1995 and Later Off-Highway recreational vehicles and engines, except as altered or replaced by the provisions set forth below.

Subpart E, General Provisions for Emission Regulations for 1978 and Later New Motorcycles

SOURCE: 42 FR 1126, Jan. 5, 1977, unless otherwise noted.

86.401-78 General Applicability. 42 FR 1126, Jan. 5, 1977.

DELETE

86.401-90 General Applicability. 54 FR 14539, Apr. 11, 1989.

(a) DELETE,
REPLACE WITH:
(a) This subpart applies to all 1997 and later model year off-road motorcycles, all-terrain vehicles, golf carts, and engines used in such vehicles produced on or after January 1, 1997.

(b) DELETE

(c) DELETE

86.402-78 Definitions. 49 FR 48138, Dec. 10, 1984

* * * *

"Administrator" DELETE,
REPLACE WITH:
"Administrator" means the Executive Officer of the Air Resources Board, or their designee.

* * * *

ADD:
"All-Terrain Vehicle" means any motorized off-highway vehicle 50 inches (1270 mm) or less in overall width, with an unladen dry weight of 600 pounds (275 kg) or less, designed to travel on four low pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and no passengers. The vehicle is designed to carry not more than 350 pounds (160 kg) payload, excluding the operator, and is powered by an internal combustion engine. Width and unladen weight shall be exclusive of accessories and optional equipment. A go-kart, golf cart or specialty vehicle is not, for purposes of this regulation, to be classified as an all-terrain vehicle. An all-terrain vehicle that is not used exclusively

in competition/racing events in a closed course is not a competition/racing vehicle for purposes of these regulations.

"Certificate of Conformity" means an Executive Order.

"Certification" means certification as defined in Section 39018 of the Health and Safety Code.

* * * *

ADD:
"Competition/Racing Vehicle" means those vehicles that are operated exclusively off of the highways on closed courses in organized racing/competition events conducted under the auspices of a recognized sanctioned body or by permit issued by the local governmental authority having jurisdiction.

* * * *

"EPA Enforcement Officer" DELETE,
REPLACE WITH:
"EPA Enforcement Officer" means an "ARB Enforcement Officer" which 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.

* * * *

"Executive Order" means an order issued by the Executive Officer of the Air Resources Board certifying engines for sale in California.

"Exhaust Emissions" DELETE,
REPLACE WITH:
"Exhaust Emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust port of an off-highway vehicle.

* * * *

ADD:
"Go-Kart" means any four wheeled, open framed vehicle equipped with an internal combustion engine. These vehicles are generally found at amusement parks and rented to patrons on a "pay-by-play" basis. These vehicles are generally designed for a single rider and run on a confined track. A go-kart that is not used exclusively in competition/racing events in a closed course is not a competition/racing vehicle for purposes of these regulations.

"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 designated 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.

* * * *

"Motorcycle" DELETE,
REPLACE WITH:
"Motorcycle" means Off-Road Motorcycle, All-Terrain Vehicle, and Engines used in such vehicles.

* * * *

ADD:
"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, but not limited to use in, the following: off-road motorcycles, all-terrain vehicles, golf carts, go-karts 25 hp and greater, and specialty vehicles. 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.

"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.

"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. An off-road motorcycle that is not used exclusively in competition/racing events in a closed course is not a competition/racing vehicle for purposes of these regulations.

* * * *

ADD:
"Specialty Vehicles" means any vehicle powered by an internal combustion engine having not less than 3 wheels in contact with the ground, having an unladen weight generally less than 2,000 pounds, which is typically designed to be operated between 10 and 35 miles per hour. The recommended bed payload for specialty vehicles is usually up to 2,000 pounds. Specialty vehicles are mainly used off of highways and

residential streets. Applications of such vehicles include, but are not limited to, carrying passengers, hauling light loads, grounds keeping and maintenance, resort or hotel areas, airports, etc.

* * * *

"Total Test Distance" DELETE,
REPLACE WITH:
"Total Test Distance" is defined as the appropriate distance the vehicle should be driven to stabilize the emission characteristics of the engine. The manufacturer shall determine the appropriate distance.

ADD:
"Ultimate Purchaser" means, with respect to any new off-highway recreational vehicles and engines, engines and equipment, the first person who in good faith purchases or leases a new off-highway recreational vehicle for purposes other than resale.

* * * *

"Useful life" DELETE,
REPLACE WITH:
"Useful life" is defined as follows:

ENGINE DISPLACEMENT (in cubic centimeters)	USEFUL LIFE (in years and Kilometers)
0 to less than 170	5 years or 10,000 km
170 to less than 280	5 years or 10,000 km
280 or greater	5 years or 10,000 km

* * * *

ADD:
"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. Unless otherwise noted, the VIN will follow formats specified in the Code of Federal Regulations 49, Chapter V, Parts 565, 566, and 571, section 571.115 - Vehicle Identification Number - Content Requirements.

86.403-78 Abbreviations.

ARB- California Air Resources Board.
* * * *
Bhp- Brake-horsepower.
Bhp-hr- Brake horsepower-hour.
* * * *
Hp- Horsepower.
* * * *
PM- Particulate Matter
* * * *

86.404-78 Section Numbering

* * * *

86.405-78 Measurement system.

* * * *

86.406-78 Introduction, structure of subpart, further information.

DELETE

86.407-78 Certificate of conformity required.

DELETE,
REPLACE WITH:
Every new off-road motorcycle, all-terrain vehicle, golf cart, and engines used in such vehicles produced for sale, lease, or use, or introduced into commerce in California which is subject to any of the standards prescribed in this subpart is required to be covered by an executive order issued pursuant to this subpart.

86.408-78 General Standards; Increase in Emissions; Unsafe Conditions.

(a) DELETE, "Any system installed on or incorporated in a new motorcycle to enable such vehicle to conform to standards imposed by this subpart:"

REPLACE WITH:
"Any system installed on or incorporated in a new off-road motorcycle, all-terrain vehicle, golf cart or engines used in such vehicles to enable such vehicles to conform to standards imposed by this subpart:"

(b) DELETE,
REPLACE WITH:
(b) Every manufacturer of new off-road motorcycles, all-terrain vehicles, and engines used in such vehicles, which are subject to any of the standards imposed by this subpart shall, test or cause to be tested off-road motorcycles, all-terrain vehicles, and engines used in such vehicles, in accordance with good engineering practice to ascertain that such test vehicles will meet the requirements of this section for the useful life of the vehicle.

86.409-78 Defeat Devices, Prohibition.

(a) "motorcycle" DELETE,
REPLACE WITH:
"off-road motorcycle, all-terrain vehicle, golf cart, or engine used in such vehicles,"

* * * *

86.410-90 Emission standards for 1990 and later model year motorcycles. 54 FR 14539, Apr. 11, 1989

(a) DELETE,
REPLACE WITH:
(a)(1) Exhaust emissions from 1997 and later off-road motorcycles and all-terrain vehicles with engines greater than 90 cc shall not exceed:

(i) Hydrocarbons. 1.2 grams per vehicle kilometer. Compliance is based on a manufacturer's corporate average basis, as provided in (b) below.
(ii) Carbon Monoxide. 15.0 grams per vehicle kilometer.

(2) Exhaust emissions from 1999 and later off-road motorcycles and all-terrain vehicles with engines 90 cc or less shall not exceed:

(i) Hydrocarbons. 1.2 grams per vehicle kilometer. Compliance is based on a manufacturer's corporate average basis, as provided in (b) below.
(ii) Carbon Monoxide. 15.0 grams per vehicle kilometer.

(3) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over driving schedules as set forth in subpart F and measured and calculated in accordance with those procedures.

(b) DELETE,
REPLACE WITH:
(b) Compliance with a standards 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-road motorcycle and all-terrain 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 Vehicle and Engine" adopted January 13, 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-road motorcycles and all-terrain 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:

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

(i) vehicle identification numbers and an explanation of the identification code if applicable;

(ii) model number and engine size of vehicle;

(iii) the total number of vehicles marketed and produced as non-competition vehicles for sale in California and their applicable designated emissions standards;

(2) The manufacturer's average HC exhaust emissions 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 non-compliance 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.

ADD:

(c) As an option to the standards set forth in section (a)(1) above, exhaust emissions from 1997 and later all-terrain vehicle engines shall not exceed the equivalent to the off-road motorcycle and all-terrain vehicle standard using the utility test procedures set forth in "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines", adopted, March 20, 1992, and last amended April 8, 1993, which is hereby incorporated by reference herein. Compliance with the optional HC standard is based on a manufacturer's corporate average basis, as provided in (b) above.

(d)(1) Emissions from 1997 and later model year golf carts operating in federal ozone non-attainment areas of California shall not exceed zero grams hydrocarbon, carbon monoxide, oxides of nitrogen, and particulate matter.

(2) These vehicles shall be certified by the Executive Officer pursuant to all applicable regulations set forth in CCR, Title 13, Chapter 10. Emission test procedures shall not be applicable to these vehicles.

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

(e) No crankcase emissions shall be discharged into the ambient atmosphere from 1997 and later off-road motorcycles, all-terrain vehicles, golf carts, or engines used in such vehicles.

(f) The Executive Officer may find that any off-road motorcycles, all-terrain vehicles, specialty vehicles, go-karts 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.

86.411 - 78 Maintenance instructions, vehicle purchaser.

(a) "motorcycle" DELETE,
REPLACE WITH:
"off-road motorcycle, all-terrain vehicle, golf cart, and engines used in such vehicles"

* * * *

86.412 - 78 Maintenance instructions, submission to Administrator.

* * * *

(a)(1) DELETE,
REPLACE WITH:
(a)(1) The manufacturer shall provide to the Executive Officer, at least 30 days before being supplied to the ultimate purchaser (unless the Executive Officer consents to a lesser period of time), a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser. The instructions must include the periodic and anticipated maintenance contained in the applications for certification or contained in the manufacturers' records. Such instructions must be reasonable and necessary to assure the proper functioning of the vehicle's emission control systems.

* * * *

b) "motorcycle" DELETE,
REPLACE WITH:
"off-road motorcycle, all-terrain vehicle, golf cart, and engines used in such vehicles"

* * * *

86.413 - 78 Labeling. 42 FR 56737, Oct. 28, 1977

(a) DELETE,
REPLACE WITH:
(a) The California labeling requirements for 1997 and later model year off-road motorcycles, all-terrain vehicles, and engines used in such vehicles shall be consistent with Title 13, California Code of Regulations, Chapter 10, California Exhaust Emissions Standards and Test Procedures for 1995 and Later Off-Highway Recreational Vehicles and Engines, Section 2413 and the incorporated "California Motor Vehicle Emission Control Label Specifications", adopted March 1, 1978, and amended July 12, 1991, which are incorporated herein by reference.

(b) DELETE

86.414 - 78 Submission of vehicle identification number.

(a) DELETE,
REPLACE WITH:
(a) Upon the request by the Executive Officer, the manufacturer of any off-road motorcycle or all-terrain vehicle shall, within 30 days, identify by vehicle identification number, the vehicle(s) covered by the executive order.

(b) DELETE,
REPLACE WITH:
(b)(1) The manufacturer of any off-road motorcycle or all-terrain vehicle certified under an Executive Order shall furnish to the Executive Officer, at the beginning of each model year, its vehicle identification number (VIN) coding system description which identifies such vehicle(s) as covered by the Executive Order.

(b)(2) The VIN shall be consistent with the Code of Federal Regulations 49, Chapter V, Parts 565, 566, and 571, section 571.115 - Vehicle Identification Number - Content Requirements, except as noted below.

(b)(3) Manufacturers shall identify all California certified off-road motorcycles and all-terrain vehicles by using any letter or digit other than the letter "C" or the digit "3" in the eighth character of the VIN.

(b)(4) Manufacturers shall exclusively reserve all letters and digits other than the letter "C" or the digit "3" for use in the eighth character of the VIN of California certified off-road motorcycles and all-terrain vehicles.

(b)(5) In lieu of (b)(3) and (b)(4) above, manufacturers may, at their option, agree to identify all non-certified competition off-road motorcycles and all-terrain vehicles offered for sale in California by using the letter "C" or the digit "3" in the eighth character of the VIN.

86.415 - 78 Production vehicles. 49 FR 48138, Dec. 10, 1984.

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86.416 - 80 Application for certification. 49 FR 48138, Dec. 10, 1984.

(a) DELETE, "New motorcycles produced by a manufacturer whose projected sales in the United States is 10,000 or more units (for the model year in which certification if sought) are covered by the following:"

REPLACE WITH:
"New off-road motorcycles, all-terrain vehicles, and engines used in such vehicles are covered by the following:"

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(iii) DELETE,
REPLACE WITH:
(iii) Projected California sales data sufficient to enable the Executive Officer to select a test fleet representative of the vehicles for which certification is requested.

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(b) DELETE,
REPLACE WITH:
(b) For new 1997 and subsequent model golf carts ["the vehicle(s)"], the certification application shall include the following:

(1) Identification and description of the vehicle(s) covered by the application.

(2) Identification of the curb weight and gross vehicle weight rating of the vehicle.

(3) Identification and description of the propulsion system for the vehicle.

(4) Projected number of vehicles produced and delivered for sale or use in California, and projected California sales.

(5) All information necessary for proper and safe operation and maintenance of the vehicle, including recharging information, and other relevant information as determined by the Executive Officer.

(6) A copy of the owner's manual must be submitted during certification for approval by the Executive Officer. The manual must include the information as required by subsections (1), (2), (3), and (5) above.

(c) DELETE,
REPLACE WITH:
(c) (1) Manufacturers of off-road motorcycles, all-terrain vehicles, and engines used in such vehicles shall submit to the Executive Officer the number of vehicles marketed and produced as non-competition off-road motorcycles and all-terrain vehicles, and engines used in such vehicles.

(2) Such data shall be submitted on a quarterly basis for all such vehicles and engines identified in the preceding paragraph that have been produced for sale in California on or after January 1, 1997. In addition to the data required under paragraph (c)(1), manufacturers shall also provide the model number and VIN of each vehicle or engine sold for use in California and the number sold for use in California for each model. These data shall be provided to the Executive Officer within 30 days after the last day in each calendar quarter.

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86.417 - 78 Approval of application for certification.

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86.418 - 78 Test fleet selection.

(a) DELETE,
REPLACE WITH:
Test fleet selection and requirements on test vehicles are found in 86.419 to 86.423.

86.419 - 78 Engine displacement, motorcycle classes.

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(b)(1) DELETE,
REPLACE WITH:
(b)(1) Class I - 0 to 169 cc displacement (0 to 10.4 cu. in.).

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86.420 - 78 Engine families. 44 FR 48205, Aug. 17, 1979.

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86.421 - 78 Test fleet.

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(b) DELETE

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86.422 - 78 Administrator's fleet.

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86.423 - 78 Test vehicles. 49 FR 48138, Dec. 10, 1984.

(a)(1) DELETE,
REPLACE WITH:
(a)(1) The manufacturer may perform a zero-kilometer exhaust emission test.

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(a)(3) DELETE

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86.425 - 78 Test procedures.

(a) DELETE,
REPLACE WITH:
(a) Off-road motorcycle and all-terrain vehicle emission test procedures are found in Subpart F. All-terrain vehicles shall be tested on the Class 1 cycle, regardless of the engine displacement. With prior approval by the Executive Officer, manufacturers of all-terrain vehicles, may use the emission test procedures incorporated in

California Code of Regulations, Title 13, Sections 2403 to certify their vehicles. The Executive Officer shall grant approval to those manufacturers who provide information and test results showing the appropriate emission standards on the utility and lawn and garden test cycle that are equivalent to the all-terrain vehicle emission standards set forth in 86.410-90(a)(1). The Executive Officer shall consider data submitted by the manufacturer from engines similar to the engine to be certified. This data shall include, but shall not be limited to, the engine size, performance, operating characteristics, and technology used. The data should be statistically valid in order to set the complying emissions standard applicable for the engine family to be certified on the utility and lawn and garden test cycle.

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86.426 - 78 Service accumulation. 42 FR 56737, Oct. 28, 1977.

DELETE,
REPLACE WITH:
Manufacturers shall determine the appropriate service accumulation for their vehicles.

86.427 - 78 Emission tests. 49 FR 48139, Dec. 10, 1984.

(a)(1) DELETE,
REPLACE WITH:
(a)(1) Each test vehicle shall be driven with all emission control systems installed and operating for a period of time as deemed appropriate by the manufacturer to stabilize the emission characteristics of the engine.

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(b) DELETE,
REPLACE WITH:
(b) All vehicles shall undergo at least two emission tests at intervals specified by the manufacturer. Additional tests may be performed at the manufacturers option.

(c) DELETE

(d) DELETE

(e) DELETE

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86.428 - 80 Maintenance, scheduled; test vehicles.

DELETE,
REPLACE WITH:
Periodic maintenance on the engine, emission control system, and fuel system of test vehicles shall be scheduled for the same intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser.

86.429 - 78 Maintenance, unscheduled; test vehicles.

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86.430-78 Vehicle failure. 49 FR 48139, Dec. 10, 1984.

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86.431 - 78 Data submission. 49 FR 48139, Dec. 10, 1984.

(a) DELETE,
REPLACE WITH:
(a) Data from all tests (including voided tests) performed by a manufacturer shall be included in the applications.

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86.432 - 78 Deterioration factor. 49 FR 48139, Dec. 10, 1984.

(a) DELETE,
REPLACE WITH:
(a) The manufacturer shall determine the appropriate deterioration factors.

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(c) DELETE,
REPLACE WITH:
(c) Manufacturers shall determine the appropriate deterioration factor for the designated useful life.

(d) DELETE

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(f) DELETE

86.434 - 78 Testing by the Administrator. 49 FR 48139, Dec. 10, 1984.

(a) DELETE,
REPLACE WITH:
(a) At the conclusion of certification testing by manufacturers, the ARB may require confirmatory testing. The ARB will designate where such testing shall be performed.

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86.435 - 78 Extrapolated emission values. 49 FR 48139, Dec. 10, 1984.

DELETE

86.436 - 78 Additional service accumulation. 49 FR 48139, Dec. 10, 1984.

DELETE

86.437 - 78 Certification. 47 FR 49807, Nov. 2, 1982.

(a) DELETE, "New motorcycles produced by a manufacturer whose projected sales in the United States is 10,000 or more units (for the model year in which certification is sought) are covered by the following:"

REPLACE WITH:
"Manufacturers of new off-road motorcycles and all-terrain vehicles produced on or after January 1, 1997, shall submit to the Executive Officer a statement that the test vehicles, for which data has been submitted, have been tested, and conform to the requirements of the regulations to their designated useful life."

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(b) DELETE

86.438 - 78 Amendments to the application.

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86.439 - 78 Alternative procedure for notification of additions and changes. 49 FR 48139, Dec. 10, 1984.

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86.440 - 78 Maintenance of records. 49 FR 48140, Dec. 10, 1984.

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86.441 - 78 Right of entry.

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86.442 - 78 Denial, revocation, or suspension of certification. 42 FR 56738, Oct. 28, 1977.

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86.443 - 78 Request for hearing.

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86.444 - 78 Hearings on certification.

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Subpart F -- Emission Regulations for 1978 and Later New Motorcycles; Test Procedures

SOURCE: 42 FR 1137, Jan. 5, 1977, unless otherwise noted.

86.501 - 78 Applicability.

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86.502 - 78 Definitions.

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86.503 - 78 Abbreviations.
DELETE,
REPLACE WITH:
The abbreviations in 86.403-78 apply to this subpart, with the following additions:

ARB- California Air Resources Board.
Bhp- Brake-horsepower.
Bhp-hr- Brake horsepower-hour.
Hp- Horsepower.
PM- Particulate Matter.

86.504 - 78 Section numbering.

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86.505 - 78 Introduction; structure of subpart.

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86.508 - 78 Dynamometer. 42 FR 56738, Oct. 28, 1977.

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86.509 - 90 Exhaust gas sampling system. 54 FR 14539, Apr. 11, 1989

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86.511 - 90 Exhaust gas analytical system. 54 FR 14539, Apr. 11, 1989.

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86.513 - 90 Fuel and engine lubricant specifications. 54 FR 14544, Apr. 11, 1989.

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86.514 - 78 Analytical gases.

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86.515 - 78 EPA Urban Dynamometer Driving Schedule.

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86.516 - 90 Calibrations, frequency and overview. 54 FR 14546, Apr. 11, 1989.

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86.518 - 78 Dynamometer calibration.

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86.519 - 90 Constant volume sampler calibration. 54 FR 14546, Apr. 11, 1989.

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86.521 - 90 Hydrocarbon analyzer calibration. 54 FR 14546, Apr. 11, 1989.

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86.522 - 78 Carbon monoxide analyzer calibration.

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86.523 - 78 Oxides of nitrogen analyzer calibration. 52 FR 47870, Dec. 16, 1987.

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86.524 - 78 Carbon dioxide analyzer calibration.

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86.526 - 90 Calibration of other equipment. 54 FR 14551, Apr. 11, 1989.

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86.527 - 90 Test procedures, overview. 54 FR 14551, Apr. 11, 1989.

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86.528 - 78 Transmissions.

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86.529 - 78 Road load force and inertia weight determination

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86.530 - 78 Test sequence, general requirements.

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86.531 - 78 Vehicle preparation.

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86.532 - 78 Vehicle preconditioning.

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86.535 - 90 Dynamometer procedure. 54 FR 14551, Apr. 11, 1989.

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86.536 - 78 Engine starting and restarting.

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86.537 - 90 Dynamometer test runs. 54 FR 14551, Apr. 11, 1989.

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86.540 - 90 Exhaust sample analysis. 54 FR 14551, Apr. 11, 1989.

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86.542 - 90 Records required. 54 FR 14551, Apr. 11, 1989.

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86.544 - 90 Calculations; exhaust emissions. 54 FR 14553, Apr. 11, 1989.

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