

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text**

**Proposed Amendments to the Regulation to Reduce Greenhouse Gas Emissions  
from Vehicles Operating with Under Inflated Tires**

Public Hearing Date: March 26, 2009  
Public Availability Date: October 23, 2009  
Deadline for Public Comment: November 9, 2009

At its March 26, 2009, public hearing, the Air Resources Board (ARB or Board) adopted Resolution 09-25 approving the adoption on new section 95550, title 17, California Code of Regulations (CCR), which requires all Automotive Service Providers perform a tire inflation service (check and inflate) on all passenger vehicles that are brought into a facility for service or repair.

At the hearing, the staff presented, and the Board approved modifications to the regulations originally proposed in the Staff Report released on February 5, 2009, in response to comments received since the Staff Report was published. The Resolution directed the Executive Officer to incorporate the modifications into the proposed regulatory text, with such other conforming modifications as may be appropriate (including modifications specified by the Board at the March 26 Board Hearing), and to make the modified regulatory language available for a supplemental comment period for 15 days. These modifications are summarized below.

Summary of Proposed Modifications to Subsection (d) and (e) of section 95550

1. Staff modified the requirements and compliance section to ensure compliance with the regulation.
  - The regulatory requirements in subsection (d)(1) were modified by adding nitrogen as an inflation gas to be used as appropriate and the use of the Tire Inflation Reference when determining the recommended pressure for vehicle tires. These changes are in response to public comments received.
  - The regulatory requirements in subsection (d)(1)(C) were modified to require all Automotive Service Providers (ASP) to use and maintain a tire pressure gauge with a total permissible error no greater than  $\pm$  two (2) pounds per square inch (psi). These changes are in response to public comments received.

- The regulatory requirements in subsection (d)(1)(D) were modified by adding the requirement that all ASPs must have access to an industry recognized Tire Inflation Reference that is current within three years. These changes are in response to public comments received.
- The regulatory requirements in subsection (d)(1)(E) were modified by requiring that all ASPs keep a copy of the vehicle service invoice for a minimum of three years and make available to ARB upon request. These changes are in response to public comments received.
- The regulatory requirements in subsection (d)(1)(F) were moved to subsection (d)(1)(E).
- The regulatory requirements in subsection (d)(2) were added to clarify that the regulation does not apply to ASPs performing a free check and inflate service only.
- The regulatory requirements in subsection (d)(3) were added to clarify that the check and inflate service does not apply to the following;
  - i. tires that are on a vehicle with a GVWR over 10,000 lbs.; or
  - ii. tires determined by the ASP to be unsafe in accordance with standard industry practices; or
  - iii. customers that provide documentation that the tires have received a check and inflate service within the preceding 30 days; or
- The regulatory requirements in subsection (d)(3) were added to clarify that customers with vehicle tires inflated with nitrogen gas, may refuse the inflation portion of the service if a nitrogen inflation system is not available at the time of service.
- The penalties and injunctions subsection (e)(1) through (e)(2) were modified to ensure clarity.

#### Summary of Proposed Modifications-Definition Changes

1. Staff modified the definition of “Tire Pressure Gauge”, former subsection (c)(1), new subsection (c)(11), to clarify that the regulation applies to any tire pressure gauge that is capable of measuring the air pressure of passenger vehicle tires.
2. Staff modified the definition of an “Auto Parts Distributer or Retailer”, former subsection (c)(5), new subsection (c)(4), to include Retailers.

3. Staff modified the definition of “Tire Inflation Reference”, former subsection (c)(9), new subsection (c)(10), to clarify that the Reference may be any industry recognized resource that contains tire pressure inflation specifications.
4. Staff added the definition of “Total Permissible Error”, new subsection (c)(12), which explains the allowable accuracy error for tire pressure gauges.
5. Staff modified the definition of “Unsafe Tire”, former subsection (c)(12), new subsection (c)(14), which explains that a tire considered to be unsafe in accordance with standard industry practices would be excluded from the regulation.
6. Staff added the definition of “Recommended Tire Pressure Rating“, new subsection(c)(9), to clarify which tire pressure specifications the vehicle tires are to be filled to.
7. Staff modified the definition of “Vehicle Service Invoice”, former subsection (c)(13), new subsection (c)(15), which identifies the document issued by the ASPs to the customer in the normal course of business that identifies all service repairs performed by the ASP, as well as the associated costs, and is maintained by the ASPs.
8. Staff added the definition of “Vehicle Tires”, new subsection (c)(16), to identify the four operating tires on the vehicle.

Attached to this notice is the proposed regulatory text with modifications. All additions to the regulation are shown by single underline and deletions by ~~single strikethrough~~.

The regulatory documents for this rulemaking, including the Board Resolution 09-25 approving section 95550, title 17 California Code of Regulations, as modified, are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2009/tirepres09/tirepres09.htm>

### Comments and Subsequent Action

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section 95550, title 17, CCR, after making it available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if warranted.

Written comments will only be accepted on the modifications approved by the Board and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or language, please contact the Clerk of the Board at (916) 322-5594 or by Facsimile at (916) 322-3928 as soon as possible. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

*Attachment*

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at [www.arb.ca.gov](http://www.arb.ca.gov).*