Proposed

State of California
AIR RESOURCES BOARD

Resolution 77-40

July 28, 1977

WHEREAS, Section 27156 of the Vehicle Code prohibits the installation, sale, offer for sale, or advertisement of any device, apparatus, or mechanism intended for use with, or as a part of, any emissions-related part or system which alters or modifies the original design or performance of such a system;

WHEREAS, in 1970 the California Legislature amended Vehicle Code Section 27156 to allow the use of an alteration, modification, or modifying device, apparatus, or mechanism if found by the Air Resources Board either: (1) to not reduce the effectiveness of any required motor vehicle pollution control device; or (2) to result in emissions from any such modified or altered vehicle which are at levels which comply with existing state or federal standards for the applicable model year;

WHEREAS, Section 39601 of the Health and Safety Code authorizes the Board to adopt rules and regulations necessary for the proper execution of the powers and duties granted to, and imposed upon, the Board by law;

WHEREAS, the Board finds that specific regulations are needed to properly interpret and implement the duties required of the Board by Vehicle Code Section 27156, and to determine the compliance or non-compliance of replacement parts, modified parts, or add-on parts with the provisions of that section; and

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.5);

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby amends its regulations in Chapter 3, Title 13, California Administrative Code as set forth in Exhibits VI and VII of Staff Report 77-18-3, scheduled for consideration July 28, 1977.

BE IT FURTHER RESOLVED, that the Board hereby adopts the "Criteria for Evaluation of Add-on Parts and Modified Parts," dated July 28, 1977, and the "Criteria for Aftermarket Ignition System Modifications," dated July 28, 1977.

BE IT FURTHER RESOLVED, that Board resolutions 71-2 and 73-24 are hereby rescinded.

State of California
AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED CHANGES TO REGULATIONS REGARDING AFTERMARKET PARTS

NOTICE IS HEREBY GIVEN that the Air Resources Board, pursuant to the authority vested by Section 39601 of the Health and Safety Code, and to implement, interpret and make specific Section 43011 of the Health and Safety Code and Section 27156 of the Vehicle Code, will conduct a public hearing, at the time and place specified below, to consider changes to its regulations in Title 13, California Administrative Code.

DATE: July 28, 1977

TIME: 10:00 a.m.

PLACE: State Office Building
350 McAllister Street, Room 1194
San Francisco, California

The Board proposes to adopt regulations clarifying which modifications are subject to the provisions of Vehicle Code Section 27156, and what presumptions, if any, will be made regarding their compliance with that section. Generally, the Board is proposing that replacement parts, as distinguished from modifications or add-on devices, be presumed to be in compliance with Vehicle Code Section 27156 unless the Board determines otherwise. However, replacement parts manufacturers would be required to keep records of the data, performance specifications, and/or any other information demonstrating that such parts are equivalent to the original equipment manufacturer's parts. This information would have to be made available to the Board upon request.

Manufacturers of devices which modify the emissions control system or related parts will continue to be prohibited from installing, selling, offering for sale, or advertising such devices unless they have been exempted by the Board from the provisions of Vehicle Code Section 27156. The requirements for exemption will be clarified, and certain additional documentation may be required from the manufacturer. The proposed changes would not affect any exemptions granted prior to their adoption.

The Board also proposes to adopt guidelines for evaluating ignition system modifications under Vehicle Code Section 27156. These guidelines are technical specifications which were developed after considerable discussion with ignition system manufacturers. The purpose of these guidelines is to allow ignition system manufacturers to fulfill the requirements for exemption under Vehicle Code Section 27156 without undergoing expensive emissions testing. The Board expects that, in time, similar specifications will be developed and adopted for other emissions-related systems.

Finally, the Board is proposing regulations to allow the Executive Officer to evaluate aftermarket parts for compliance with Vehicle Code Section 27156, and to take enforcement action against manufacturers of non-complying parts. The criteria used for determining compliance under this enforcement program would be the same criteria used for granting exemptions. Enforcement actions by the Executive Officer could include revocation of previously granted exemptions, stop-sale orders, or seeking fines and/or injunctions pursuant to Vehicle Code Section 27156 or other applicable statutes.

NOTICE IS FURTHER GIVEN that all interested persons may present comments, statements or arguments, orally or in writing, relating to this matter at the time of the public hearing. Following the hearing, the Board, upon its own motion, or at the instance of any interested person, may adopt the proposed amendments substantially as set forth in the hearing officer's report without further notice.

The Air Resources Board has determined that this action creates no additional cost to local government pursuant to Section 2231 of the Revenue and Taxation Code.

CALIFORNIA AIR RESOURCES BOARD

William H. Lewis, Jr.
Executive Officer

June 22, 1977

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