State of California
AIR RESOURCES BOARD

Resolution 78-55

December 14, 1978

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board to adopt standards, rules, and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Section 43106 of the Health and Safety Code requires that each new production motor vehicle or engine required to meet the California emission standards established pursuant to Section 43101 of the Health and Safety Code shall be, in all material respects, substantially the same in construction as the test motor vehicle or engine certified by the Board;

WHEREAS, test motor vehicles and engines certified for sale in California have been constructed with sufficient component durability to meet the applicable emission standards for their useful lives;

WHEREAS, Section 43204 of the Health and Safety Code requires the manufacturer of each motor vehicle and motor vehicle engine to warrant to the ultimate purchaser and each subsequent purchaser that the motor vehicle or engine is:

(1) Designed, built, and equipped so as to conform at the time of sale, with the applicable emission standards, and

(2) Free from defects in materials and workmanship which cause such motor vehicle or motor vehicle engine to fail to conform with the applicable regulations for its useful life;

WHEREAS, the Board has received evidence that the emissions warranty required by Section 43204 of the Health and Safety Code has not been interpreted consistently in use by vehicle and engine manufacturers or vehicle and engine owners and therefore is not achieving the emissions benefit it was designed to provide for;

WHEREAS, the Board has determined that regulations are necessary to clarify and define the rights and responsibilities of vehicle and engine manufacturers and consumers under the emissions warranty required by Section 43204 of the Health and Safety Code;

WHEREAS, the Board has responded to the concerns of the California Legislature, as expressed in ACR 108 (dated March 6, 1978), that a replacement parts warranty may, at this time, have a detrimental economic effect on small business and the consumer;

WHEREAS, a public hearing and other 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 Appendix I of Staff Report 78-24-2, dated December 14, 1978.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to establish an advisory group including representatives from the service, vehicle manufacturing, franchise motorcycle dealer, and vehicle franchise dealer businesses to assist in the collection of data regarding any increase in the repair business of franchise dealers caused by this regulation or any loss in business to independent mechanics and garages.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to report back to the Board no later than August 1979 regarding the impacts that have been found.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to report immediately if significant impact on the independent aftermarket industry is found prior to that time.

BE IT FURTHER RESOLVED, that the Board hereby determines that the regulations adopted above are individually, and in the aggregate, at least as protective of public health and welfare as applicable federal regulations.

I certify that the above is a true and correct copy of Resolution 78-55 as passed by the Air Resources Board.

Joan Gilpin, Board Secretary