



Advisory

To: Manufacturers, Distributors, Dealers and
Installers of all Aftermarket Parts, New
Vehicle Dealers, and Other Interested Parties

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SALES AND INSTALLATION OF AFTERMARKET PARTS ON NEW AND USED GAS OR DIESEL POWERED VEHICLES AND ENGINES IN CALIFORNIA

This Advisory discusses California laws and regulations regarding the sale and installation of aftermarket parts on new and used on and off-road vehicles/engines in California, including diesel powered cars and trucks.

SUMMARY OF CALIFORNIA LAWS AND REGULATIONS

- Any part, device or modification that alters or modifies the design or performance of an original motor vehicle pollution control device or system must obtain an Executive Order from the ARB exempting it from California Vehicle Code section 27156.
- Only aftermarket parts with valid ARB Executive Orders may be used on California vehicles/engines.
- Aftermarket catalytic converters offered for sale or sold in California after January 1st 2009 must meet exemption requirements specified in the regulations and evaluation procedures adopted by ARB on October 25, 2007 (<http://www.arb.ca.gov/regact/2007/amcat07/approvalamcat.pdf>).
- A new California vehicle must be sold in the original manufacturer certified configuration with no modifications made.
- It is illegal to modify a new vehicle by installing ARB exempted or non-exempted aftermarket parts before the title to the vehicle has been transferred to an ultimate purchaser.
- California law prescribes penalties for illegal modifications to the emission systems of new on-road and off-road vehicles/engines.
- Devices that defeat original emissions control systems are not legal on any registered on-road or off-road vehicle/engine.

Automotive emissions account for over fifty percent of all smog forming pollutants in California. To improve air quality, the California Air Resources Board (ARB) requires vehicle manufacturers to develop engine and emission equipment systems that reduce the pollutants that cause California's severe air quality problem. These emission control systems are required to be durable and reliable, and are covered by an emissions control warranty. New vehicles/engines sold in California are required to demonstrate compliance with these requirements through rigorous testing as part of the certification process. To ensure that these systems operate as designed, California Vehicle Code Section 27156 prohibits modifications that may increase motor vehicle emissions.

An exemption from Vehicle Code Section 27156 (VC 27156), California's anti-tampering law, is required before any add-on or modified part can be sold in California. Vehicle Code Section 27156 (c) states, "No person shall install, sell, offer for sale, or advertise any device, apparatus, or mechanism intended for use with, or as a part of, a required motor vehicle pollution control device or system that alters or modifies the original design or performance of the motor vehicle pollution control device or system." An exempted aftermarket part may be installed on a vehicle/engine that has been delivered to an ultimate purchaser under the terms and conditions of the applicable Executive Order.

ARB Aftermarket Part Executive Orders do not apply to any aftermarket parts advertised, offered for sale, sold with, or installed on a new motor vehicle prior to the vehicle's transfer to an ultimate purchaser. Modification of a new vehicle through installation of aftermarket parts produces a vehicle in a different condition than it was originally certified by the original manufacturer. A new vehicle that was modified in this way would therefore be considered by the ARB as a new uncertified vehicle and would be in violation of Health and Safety Code, Sections 43150-43154. A new vehicle is defined in the Health and Safety Code, Section 39042 as, "'New motor vehicle' means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser."

Violations of H&SC 43151-43153 are subject to penalties of up to \$5000 per violation under H&SC 43154. Any person, business or entity using aftermarket parts to modify a new vehicle in California or selling a new modified vehicle to anyone in California is in violation of California law.

ARB exempted aftermarket catalytic converters may be installed on gasoline passenger cars and light- and medium-duty trucks (GVWR \leq 14,000 lbs.) only. Diesel passenger cars and trucks, and heavy-duty gasoline vehicles must use original equipment manufacturer's (OEM) catalytic converters. Information regarding aftermarket catalytic converters that were granted exemptions under the new regulations and evaluation procedures adopted October 25th 2007 is located in the Aftermarket Parts Program location of the ARB website at <http://www.arb.ca.gov/msprog/aftermktcat/aftermktcat.htm>. There is also a database for the public to look up aftermarket catalytic converters that have been approved for use in California after January 1st 2009 at <http://www.arb.ca.gov/msprog/aftermktcat/aftermktcatdbase.htm>.

For clarification about ARB's Aftermarket Parts laws and regulations, please contact Rose Castro, Manager, Aftermarket Parts Section or via e-mail at rcastro@arb.ca.gov. For questions or comments regarding enforcement, please contact Tony Zeng, Air Resources Engineer, Mobile Source Enforcement Section, Enforcement Division, at (626) 350-6505 or at tzeng@arb.ca.gov. You may also access information about the Aftermarket Parts Program via the internet at <http://www.arb.ca.gov/msprog/aftermkt/aftermkt.htm>.