

State of California
AIR RESOURCES BOARD

CALIFORNIA CERTIFICATION PROCEDURES FOR 1975 AND
LATER MODEL-YEAR USED MODIFIER-CERTIFIED MOTOR VEHICLES

Adopted: January 8, 1988

CALIFORNIA CERTIFICATION PROCEDURES FOR 1975 AND LATER
MODEL YEAR USED MODIFIER-CERTIFIED MOTOR VEHICLES

I. APPLICABILITY

These provisions apply to used modifier-certified motor vehicles as defined in Health and Safety Code Section 44200 and except as provided in Health and Safety Code Section 44210. These provisions are not applicable to vehicles which are less than two years old, nor to 1974 or older model year light-duty vehicles. The certification procedures for vehicles which are less than two years old are contained in the "California Certification and Compliance Test Procedures for New Modifier Certified Motor Vehicles" as incorporated by reference in Section 1964, Title 13, California Administrative Code. The 1974 or older model year vehicles shall follow the provisions under "Importation of Motor Vehicles and Motor Vehicle Engines", Subpart P, Part 85, Title 40, Code of Federal Regulations as they existed on November 15, 1972.

II. DEFINITIONS

- A. "Used modifier-certified motor vehicle" means any passenger car, light-duty truck, and medium-duty vehicle which was manufactured outside of the United States for which the original manufacturer did not obtain California or federal certification, which is subsequently modified by persons other than the original vehicle manufacturer to meet California motor vehicle emission standards, and which is at least two years old.

B. "Model Year" - The model year designation for used modifier-certified motor vehicles shall be determined on the same basis as vehicles in the same engine family which were offered for sale in the United States by the original vehicle manufacturer or its authorized distributor. For purposes of this paragraph, a modifier certified motor vehicle is in the same engine family as a vehicle certified for sale in the United States by the original vehicle manufacturer if the configuration of the vehicle and engine, with the exception of the emission control system, and the engine displacement are the same. (The model year assigned must be consistent with the year model designated in the vehicle identification number of the U.S. certified vehicle.) The model year for any used modifier-certified motor vehicle in an engine family which the original vehicle manufacturer does not offer for sale in the United States shall be determined by the following, in descending order of preference:

1. Model year as encoded in the VIN by the original vehicle manufacturer; or
2. The date the vehicle was initially delivered by the original vehicle manufacturer to the non-U.S. dealer; or
3. The model year shown on the foreign title document; or
4. The production dates as provided by the original vehicle manufacturer to the Modifier and/or to the Department of Motor Vehicles.

5. When the model year is to be determined from either 2. or 4. above, if the original vehicle manufacturer has established a specified annual production period for its U.S. certified vehicles of the same make, the model year shall coincide with the production year for the U.S. certified vehicles.
- C. "Modifier" means any person or entity who applies for California certification of a used modifier-certified motor vehicle.
- D. "Licensed Laboratory" means any test laboratory approved by the Air Resources Board ("ARB") pursuant to Health and Safety Code Section 44205 and applicable regulations as qualified for conducting emission tests for light-duty motor vehicles in accordance with the Federal Test Procedures (Subpart B, Part 86, Title 40, Code of Federal Regulations, as it existed on July 1, 1985).
- E. "Certificate of Conformance" means a document issued by the ARB through a licensed laboratory after a used modifier-certified motor vehicle is tested in accordance with the federal test procedures, Title 40, Code of Federal Regulations, Part 86, Subpart B, as they existed on July 1, 1985 and found to comply with the California emission standards and all other applicable requirements. Pursuant to Health and Safety Code Section 44202 and except as provided in Health and Safety Code Section 44210, a used modifier-certified vehicle may not be registered in California unless a Certificate of Conformance has been issued for the vehicle.

III. CERTIFICATION PROTOCOL

- A. A modifier shall be registered by the Bureau of Automotive Repair as a California Automotive Repair Dealer pursuant to Business and Professions Code Sections 9984 et seq.
- B. To obtain a Certificate of Conformance for a used modifier-certified motor vehicle, the modifier shall provide the following to a licensed laboratory:
 1. The vehicle as modified pursuant to the requirements contained herein;
 2. A written application in an ARB-approved format which includes the following:
 - a. A description of the vehicle including the manufacturer, make, model, model year, engine family, and Vehicle Identification Number or chassis number.
 - b. The age of the vehicle as determined pursuant to Health and Safety Code Section 44200 and evidenced by the foreign ownership document and custom's entry summary on the date of vehicle entry in California.
 - c. The owner's manual prepared for the vehicle pursuant to the requirements contained herein; and
 - d. A written statement that the vehicle has been modified in accordance with the requirements contained herein.

- C. The licensed laboratory shall test the vehicle for compliance with emission standards, in accordance with the federal test procedures, Title 40, Code of Federal Regulations, Part 86, Subpart B, as they existed on July 1, 1985. Upon confirming that the vehicle complies with the applicable emission standards and that the modifier has complied with all applicable requirements contained herein, the licensed laboratory shall issue a certificate of conformance for the vehicle. In addition, the laboratory shall obtain a Smog Check Certificate of Compliance for the vehicle from a Smog Check referee station.
- D. Each certificate of conformance issued shall contain the following:
1. A description of the vehicle, including manufacturer, model-year, model and vehicle identification number.
 2. A list of critical emission control components (as defined in Section 86.88-2, Title 40, Code of Federal Regulations, as it existed on March 15, 1985) with part numbers, for that vehicle.
 3. The applicable model year, emission standards and laboratory test results for exhaust and evaporative emissions.
 4. The date of manufacture, Custom's entry number, date and port of entry, and the declared value.
 5. The modifier's name, address, and automotive repair dealer registration number and the date the emission system modification was completed.
 6. A written statement signed by the laboratory manager which certifies that the vehicle was inspected, provides a detailed

description of the inspection, and states that the emission control system installed on the vehicle has no obvious engineering or installation defects at the time of inspection.

7. A statement, executed by a responsible officer of the modifier, under penalty of perjury, that the vehicle has been modified to comply with the requirements of Chapter 6, Part 5, Division 26 of the Health and Safety Code, and that the modifier has received the U.S. Department of Transportation bond release for safety and the U.S. Environmental Protection Agency release for the vehicle.
 8. A statement, executed by a responsible officer of the licensed laboratory, under penalty of perjury, that the vehicle has been inspected and emission tested by the laboratory, that the emission control system components were installed and functional at the time the test was performed, that the owner's manual with the vehicle contains a true and accurate description of the emission control system's functioning and maintenance, and that the vehicle complies with the applicable California requirements and emission standards.
- E. The Certificate of Conformance and Smog Check Certificate of Compliance shall be used by the vehicle owner to register the vehicle. The certificate shall also be presented to the licensed mechanic performing the inspection whenever the vehicle is subsequently required to receive a Smog Check inspection.

- F. A licensed laboratory shall purchase in advance from the ARB numbered certificates of conformance at a cost of \$200 each. In order to recover this cost, a licensed laboratory is authorized to charge a fee of \$200.00 for each Certificate of Conformance issued for a used modifier-certified motor vehicle.
- G. The ARB may request the licensed laboratory to submit any used modifier-certified motor vehicle for confirmatory emission testing. The licensed laboratory shall notify the modifier that the ARB may perform such confirmatory tests as specified in Section IV.C.2.e. of the "Licensing Requirements for Vehicle Emission Test Laboratories". Vehicles selected for confirmatory testing along with their Certificates of Conformance shall be taken to ARB by a licensed laboratory for testing. A licensed laboratory with certified vehicles failing the confirmatory tests shall be subject to penalties specified under Section IV. F. of the "Licensing Requirements for Vehicle Emission Test Laboratories." The ARB shall retain the Certificate of Conformance of vehicles failing the confirmatory tests until the discrepancies in the test results are resolved.
- H. If a licensed laboratory determines that a vehicle does not meet the applicable emission standards or that the modifier has not complied with all applicable requirements, the laboratory shall not issue a certificate of conformance and shall return the vehicle and the application to the modifier for any necessary repairs or changes.

IV. CERTIFICATION REQUIREMENTS

- A. 1. A used modifier-certified motor vehicle complies with the applicable California emission standards if the emission levels resulting from exhaust and evaporative emission testing at a licensed laboratory performed according to the federal test procedures, Title 40, Code of Federal Regulations, Part 86, Subpart B, as they existed on July 1, 1985, are equal to or less than the applicable emission standards with no deterioration factors applied. The applicable emission standards for used modifier-certified motor vehicles shall be the California new vehicle emission standards for the model year of the vehicle as specified in Title 13, California Administrative Code, Chapter 3, Article 2.
2. A used modifier-certified motor vehicle with emission test levels exceeding any emission standards by less than 15 percent for each pollutant (HC, CO, NOx or particulate) may be re-tested once. If subsequent modifications and emission testing are required, the modifier shall submit to the licensed laboratory records of additional repairs or modifications on the modified vehicle and the reasons for doing such repairs.

- B. The gasoline-powered new vehicle "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks" as incorporated by reference in Title 13, California Administrative Code, Section 2290, shall apply to 1977 or later model year used modifier-certified motor vehicles. An unleaded fuel inlet restrictor and an unleaded fuel label on the area surrounding the restrictor shall be installed on any catalyst-equipped vehicle as set forth in Section 80.24, Title 40, Code of Federal Regulations, as it existed on June 28, 1983. The requirements shall be consistent with the model year of the vehicle.
- C. The new vehicle "California Motor Vehicle Tune-Up Label Specifications" as incorporated by reference in Title 13, California Administrative Code, Section 1965, shall apply to used modifier-certified motor vehicles for the model year of the vehicle with the following additions:
1. An "Emission Control Information" label shall be affixed to each used modifier-certified motor vehicle which clearly states that the vehicle has been modified to comply with California emission control requirements. The label shall show the modifier's name, address, telephone number and California automotive repair dealer registration number, as well as the emission control component codes used for the visual portion of the California Smog Check Program, the model year, and the date the modification was completed. A vacuum hose routing diagram shall also be installed on each vehicle.

The labels shall be placed underhood in a permanent, visible, and accessible location, but not on the engine.

2. The Vehicle Identification Number shall be permanently imprinted on the catalytic converter.
- D. Each used modifier-certified motor vehicle shall be provided with an owner's manual which shall be considered as an integral part of the emission control system. This manual shall contain the following service and repair information:
1. A description of the retrofit system and changes made to the original engine configuration.
 2. Schematic diagrams of the electrical, mechanical, fluid and vacuum systems of the retrofit system.
 3. A description of the function and operation of the system in terms that a motor vehicle mechanic with a general understanding of emission control systems can readily follow.
 4. A list of major parts included in the retrofit system, including the manufacturer of the original parts, the source of replacement parts including alternative parts, if any, and the warranty, if any, which is provided.
 5. The periodic maintenance procedures associated with the retrofit system, including adjustments and a description of how they differ from the original procedures.
- E. Any 1980 or later used modifier-certified motor vehicle equipped with a mechanism for adjusting the idle air/fuel mixture shall conform with the provisions specified under Section 5.e., "California Exhaust Emission Standards and Test Procedures for 1981

and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" as incorporated in Section 1960.1, Title 13, California Administrative Code.

- F. No used modifier-certified motor vehicle shall cause emissions into ambient air of any noxious or toxic matter, except as specifically permitted by regulations.