

Note: The entire text of sections 2210 to 2217 set forth below is new language proposed to be added to the California Code of Regulations.

## **California Code of Regulation.**

### Title 13. Motor Vehicles

#### Division 3. Air Resources Board

#### Chapter 1. Motor Vehicle Pollution Control Devices

#### Article X. Exhaust Emission Standards and Certification Procedures - Model Year 2012 and Subsequent Certified Engine Packages for Use in Specially Constructed Vehicles.

### **§ 2210. Applicability.**

- (a) This section applies to 2012 and subsequent model-year certified engine packages for use in specially constructed vehicles (SPCNS) and the installers of SPCNS.
- (b) Each part of this article is severable, and in the event that any part of this chapter or article is held to be invalid, the remainder of this article continues in full force and effect.
- (c) This article, and the documents incorporated by reference herein, includes provisions for certification, labeling requirements, emissions standard enforcement, and warranty.
- (d) Production and sale of certified engine packages which result in noncompliance with the California standard for the model year shall cause an engine manufacturer to be subject to civil penalties, according to the applicable provisions of the Health and Safety Code. All excess emissions resulting from non-compliance with the California standard shall be made up within three model years.

## § 2211. Definitions.

- (a) The definitions in Section 1900(b), chapter 1, title 13 of the California Code of Regulations (CCR) apply to this Article with the following additions:
- (1) “ARB Enforcement Officer” means any employee of the Air Resources Board (ARB) so designated in writing by the Executive Officer of ARB or by the Executive Officer’s designee.
  - (2) “Certified Engine Package” means a new engine package, intended for use in a specially constructed vehicle (SPCNS) with a gross vehicle weight at or below 8,500 pounds, which includes a fully assembled and functioning engine, a controller, emission control components, evaporative emissions system control components (e.g., canister, purge control valves, etc.), purge control logic, flow diagnostic, installation manual, and warranty information, and certified according to the “California Certification Procedures for Engine Packages for Use in Specially Constructed Vehicles for 2012 and Subsequent Model Years”, adopted [insert date], and incorporated by reference herein.
  - (3) “Emission Control System or ECS” includes any component, group of components, or engine modification which controls or causes the reduction of substances emitted from an engine or a SPCNS.
  - (4) “Exhaust emissions” means substances emitted into the atmosphere from any opening downstream from the exhaust port of an engine.
  - (5) “Identical certified engine configuration” means all engine parts on a certified engine package engine that will affect emissions, including, but not limited to pistons, cylinder heads, etc. must be of the same design, construction, and configuration as the originally certified vehicle.
  - (6) “Installer” means any person who installs a certified engine package in a SPCNS for compensation or consideration of value. Ultimate purchasers are not considered to be installers.
  - (7) “Manufacturer” means the engine manufacturer that applies to have the engine package certified.

- (8) “Specially Constructed Vehicle or SPCNS” means a Specially Constructed Vehicle as defined by California Vehicle Code 580.
- (9) “Ultimate purchaser” means the first person who in good faith purchases or leases a certified engine package for purposes other than resale.
- (10) “Useful life” means 120,000 miles or 10 years for exhaust and crackcase emissions, and 150,000 miles or 15 years for evaporative emissions.
- (11) “Warranted part” means any part installed on a certified engine package by the engine manufacturer, or installed in a warranty repair, which affects any regulated emissions from a certified engine package that is subject to any of the standards prescribed in this article and the documents incorporated by reference herein.
- (12) “Warranty station” means a facility authorized by the engine manufacturer, or a repair facility agreed upon by both the engine manufacturer and the ultimate purchaser, to service the warranted engine.
- (13) “Worst Case Vehicle” means a vehicle configuration with a vehicle test weight, vehicle road load, vehicle frontal area, emission control system configuration and calibration, transmission, engine displacement and calibration, and engine speed to vehicle speed (N/V) ratio which (1) with respect to emission deterioration over the vehicle’s useful life, produces the greatest stress on the engine and its emission related components or (2) with respect to certification testing, has the greatest probability of exceeding any of the applicable emission standards.

**§ 2212. Emission Standards and Test Procedures – New Specially Constructed Vehicle Engines.**

(a) This section applies to 2012 model year and subsequent certified engine packages.

(b) Exhaust Emissions. Exhaust emissions from certified engine packages that are manufactured for sale, sold, or offered for sale in California, or that are introduced, delivered or imported into California into commerce and that are subject to any of the standards prescribed in this article and the documents incorporated by reference herein must not exceed:

(1) “Low Emission Vehicle (LEV II)” Exhaust Standards. A manufacturer must demonstrate the certified engine package, when installed on a vehicle in a worst case configuration, does not exceed the exhaust emissions standards set for new light duty vehicles in Section 1961(a)(1), title 13, California Code of Regulations (CCR), while on the FTP driving schedule:

Model Years	Standard	NMOG (g/mi)	CO (g/mi)	NOx (g/mi)	HCHO (mg/mi)	PM (g/mi)
2012- 2014	LEV II LEV (120,000 mi Durability)	0.090	4.2	0.07	18	0.01

Model Years	Standard	NMOG + NOx (g/mi)	CO (g/mi)	HCHO (mg/mi)	PM (g/mi)
2015 and Subsequent	LEV III ULEV (150,000 mi Durability)	0.125	2.1	11	0.003

(1) “50° Exhaust Emission Standards.” Manufacturers must also demonstrate the certified engine package , when installed on a worst case vehicle, does not exceed exhaust emissions standards set for new light duty vehicles in Section 1961(a)(4), title 13, CCR, while on the FTP driving schedule:

NMOG (g/mi)	CO (g/mi)	NOx (g/mi)	HCHO (mg/mi)
0.150	3.4	0.07	30

(2) “Highway NOx Standard.” Manufacturers must also demonstrate compliance with Section 1961(a)(6), title 13, CCR.

(3) “Supplemental Federal Test Procedure Off-Cycle Emission Standards.”  
Manufacturers must also demonstrate compliance with 1961(a)(7), title 13  
CCR.

- (c) Evaporative Emissions. Evaporative emissions from certified engine packages that are manufactured for sale, sold, or offered for sale in California, or that are introduced, delivered or imported into California into commerce and that are subject to any of the standards prescribed in this article and the documents incorporated by reference herein must not exceed the evaporative emissions standards applicable to new light duty vehicles as specified in Section 1976, title 13, CCR. The test procedures for determining compliance with standards set forth in the “California Certification Procedures for Engine Packages for Use in Specially Constructed Vehicles for 2012 and Subsequent Model Years”, adopted [insert date], and incorporated by reference herein.
- (d) Crankcase Emissions. The certified engine package must be equipped with a closed crankcase system and must not discharge crankcase emissions to the atmosphere.
- (e) All emissions testing must be performed on a worst case vehicle, as defined in the “California Certification Procedures for Engine Packages for Use in Specially Constructed Vehicles for 2012 and subsequent Model Years”, adopted [insert date], and incorporated by reference herein.

As an alternative to performing testing on a worst case vehicle, a manufacturer may submit for Executive Officer approval, carry over emission test data from a previously certified vehicle, meeting applicable California new light duty exhaust emission standards in Section 1961, title 13, CCR, and California new light duty evaporative emission standards in Section 1976, title 13, CCR using the identical certified engine configuration.

- (f) On-Board Diagnostic System. Except as allowed in (f)(1) through (13) below, the certified engine package must comply with Section 1968.2, title 13, CCR for on-board diagnostic (OBD) requirements applicable to the model year of the engine. For the specific sections identified below, in lieu of complying with all applicable OBD requirements per Section 1968.2, the following alternate criteria can be used:
  - (1) 1968.2(e)(4)—Evaporative system monitoring. The requirements of this section are not required.

- (2) 1968.2(e)(3.2.2)(A)—Misfire malfunction criteria. The system may utilize a percentage of misfire as the malfunction criteria that equates to emissions not exceeding 3.0 times any of the applicable FTP standards in lieu of 1.5 times. If this percentage of misfire is determined to be lower than 2.5 percent, the manufacturer may set the malfunction criteria at 2.5 percent.
- (3) 1968.2(e)(15.1.3)—Comprehensive component monitoring. The system shall be required to monitor transmission related input or output components/systems comprehensive components only if the component or system is used as part of the diagnostic strategy for any other monitored system or component.
- (4) 1968.2(e)(6.2.1)(C)—Cylinder air-fuel imbalance monitoring. The system may utilize a malfunction criteria of 3.0 times any of the applicable FTP standards in lieu of 1.5 times.
- (5) 1968.2(e)(11.2.2)(B)—Cold start emission reduction strategy monitoring. The system may utilize a malfunction criteria of 3.0 times any of the applicable FTP standards in lieu of 1.5 times.
- (6) 1968.2(g)(2.1)—Diagnostic Connector Location. *[Details to be added]*
- (7) 1968.2(g)(4.8)—VIN in standardized data. The manufacturer of the certified engine package shall include provisions for the vehicle/engine owner to have the VIN assigned to the SPCNS (e.g., by the California Highway Patrol) programmed into the engine control module and reported to a generic scan tool in accordance with SAE J1979.
- (8) 1968.2(h)—Durability demonstration vehicle testing. *[Details to be added]*
- (9) 1968.2(j)(1.2) and (j)(2.2)—Production vehicle evaluation testing vehicle selection. In lieu of an actual production vehicle, manufacturers may utilize a slave vehicle or worst case vehicle for the test vehicle as long as the vehicle has the engine package installed in accordance with the instructions the manufacturer provides to its ultimate purchasers.
- (10) 1968.2(j)(3)—Production vehicle evaluation testing for in-use monitoring performance ratio. *[Details to be added]*
- (11) 1968.2(d)(2.1.1)—MIL location and required image. *[Details to be added]*

- (12) 1968.2(d)(3.2.1)—Minimum in-use monitoring performance ratios. *[Details to be added]*
  - (13) 1968.5—Enforcement regulation. *[Details to be added]*
- (g) **Manufacturer Reporting Requirements.** For each certified engine package manufactured for sale in California, the manufacturer must provide the following information to the Executive Officer by June 30 of the year following model year (for example, for model year 2013, reporting would be required by June 30, 2014):
- (1) engine identification number and an explanation of the identification code; and,
  - (2) the total number of certified engine packages marketed and produced for sale in California.
- (h) **Installer Requirements.**
- (1) **Affidavit.** Sign and date affidavit confirming under penalty of perjury that the certified engine package has been installed into a SPCNS per the engine manufacturer's written instructions. Submit the signed and dated affidavit to the engine manufacturer and the ultimate purchaser.
  - (2) **Record Keeping.** Installers must maintain written and photographic records of each vehicle built with a certified engine package. Installers must provide for immediate inspection of records documenting the proper assembly of each SPCNS upon the request of ARB.

## **§ 2213. Emission Control Labels – Certified Engine Packages for Use in Specially Constructed Vehicle Engines.**

- (a) Purpose. The ARB recognizes that certain emissions-related parts must be properly identified and maintained in order for certified engine packages to comply with the applicable emissions standards. The purpose of this section is to require engine manufacturers to provide a label to the ultimate purchaser in order to provide vehicle owners and service mechanics with information necessary for the proper maintenance of these certified engine packages.
- (b) Applicability
  - (1) All certified engine packages must comply with these labeling requirements.
  - (2) The responsibility for compliance with this section rests with the engine manufacturer who has been granted certification in order to offer these engine packages for sale in California.
- (c) Label Requirements.
  - (1) Engine Identification Number. The engine manufacturer must permanently identify its certified engine package by direct stamping or embossment. The identification must be readily visible and readable (i.e., utilize block text that is a minimum of 2 millimeters in height), and resistant to heat, cold, or corrosive materials. A sample of the identification must be submitted in the application for certification.
  - (2) Emissions Control Label.
    - (A) The engine manufacturer must provide a label with each certified engine package to the ultimate purchaser to be affixed to a fully assembled vehicle. Manufacturers must provide instructions to the ultimate purchaser to affix the label in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any part that is likely to be replaced during the vehicle's useful life.
    - (B) The label must adhere to the guidelines in the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty

Vehicles”, part 1, subpart C, section 3, which incorporates by reference and amends 40 CFR 86.1807-01 “Vehicle Labeling.”

- (C) Additional Label Requirements: The label must also contain the following sentence lettered in the English language in block letters and numerals which must be of a color that contrasts with the background of the label: “This engine is only for use in a Specially Constructed Vehicle, as defined in California VC Section 580.”
- (D) Manufacturers are not required to comply with “California Environmental Performance Label Specifications for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles”.

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**§Section 2214. Defects Warranty Requirements for Certified Engine Packages for Use in Specially Constructed Vehicles.**

(a) Applicability.

This section applies to certified engine packages for use in SPCNS. The warranty period shall begin on the date of vehicle registration or two years after the certified engine package is purchased by the ultimate purchaser, whichever first occurs.

(b) General Defects Warranty Coverage.

The manufacturer of each certified engine package shall warrant to the ultimate purchaser and each subsequent purchaser that the certified engine package:

- (1) Is designed, built, and equipped so as to conform with all applicable regulations adopted by the ARB pursuant to its authority in chapters 1 and 2, part 5, division 26 of the Health and Safety Code; and
- (2) Is free from defects in materials and workmanship which cause the failure of a warranted part, including any defect in materials or workmanship which would cause the vehicles OBD malfunction indicator light to illuminate, for a period of three years or 50,000 miles, whichever first occurs; and
- (3) Is free from defects in materials and workmanship which cause the failure of a warranted part described in subsection (c)(2) for seven years or 70,000 miles, whichever first occurs.

(c) Warranted Parts.

- (1) If any such part fails during the period of warranty coverage, it shall be repaired or replaced by the engine manufacturer according to subsection (g) below. Any such part repaired or replaced under the warranty shall be warranted for the remaining warranty period.
- (2) Each engine manufacturer shall identify in its application for certification the "high-priced" warranted parts which are subject to coverage as a warranted part and have an individual replacement cost at the time of certification exceeding the cost limit defined in section 2037(c), title 13, CCR.

(d) Installation Warranty.

Each installer of a certified engine package shall warrant to the ultimate purchaser that the certified engine package was installed per the manufacturer's instructions

- (1) The installer shall install the certified engine package in a certified configuration and shall agree to indemnify the ultimate purchaser for the cost of repair of any vehicle as a result of an improper installation of the certified engine package or ECS.
- (2) The installer shall agree to indemnify the ultimate purchaser for any tampering fines that may be imposed as a result of an improper installation of the certified engine package or ECS.
- (3) The warranties and agreements to indemnify shall be effective for 1 year or 12,000 miles, from the date of installation, whichever first occurs. This warranty shall cover customer service and the full repair or replacement costs including the cost of diagnosis, labor, and parts, including any part on the certified engine package or ECS that is damaged due to the improper installation of the certified engine package or ECS.

(e) Warranty Card.

The engine manufacturer shall provide a warranty card with each certified engine package intended for California sale or use, as described in the "California Certification Procedures for Engine Packages for Use in Specially Constructed Vehicles for 2012 and Subsequent Model Years", adopted [insert date], and incorporated by reference herein.

(f) Emissions Control System Warranty Statement.

- (1) The engine manufacturer shall furnish a copy of the warranty statement with each 2012 and subsequent model year certified engine package, as specified in the "California Certification Procedures for Engine Packages for Use in Specially Constructed Vehicles for 2012 and Subsequent Model Years", adopted [insert date], and incorporated by reference herein.
- (2) The engine manufacturer shall submit the warranty statement with the manufacturer's application for new certified engine package to the Executive Officer. Approval by the Executive Officer of the documents shall be a condition of certification. The Executive Officer shall approve or disapprove the documents within 90 days of receipt from the manufacturer. Any disapproval shall be accompanied by a statement of the reasons therefore. In the event of disapproval, the manufacturer may petition the Board to review the decision of the Executive Officer.

(g) Warranty Repairs.

- (1) Repair or replacement of any warranted part shall be performed at no charge to the ultimate purchaser at a warranty station, following procedures set forth in section 2037, title 13, CCR.
- (2) The ultimate purchaser shall not be charged for diagnostic labor which leads to the determination of a defective warranted part or other warrantable condition provided that such diagnostic work is performed at a warranty station.
- (3) The engine manufacturer shall be liable for damages to other vehicle components proximately caused by a failure under warranty of any warranted part.

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**§ Section 2215. Performance Warranty Requirements for Certified Engine Packages for Use in Specially Constructed Vehicles.**

(a) Applicability.

This section shall apply to 2012 and subsequent model year certified engine packages for use in SPCNS. The warranty period shall begin on the date of vehicle registration or two years after the engine is purchased by the ultimate purchaser, whichever first occurs.

(b) General Performance Warranty Requirements.

The manufacturer of each certified engine package shall warrant to the ultimate purchaser and each subsequent purchaser that the SPCNS with the certified engine package or engine package itself:

- (1) Is designed, built, and equipped so as to conform with all applicable regulations adopted by the ARB pursuant to its authority in chapters 1 and 2, part 5, division 26 of the Health and Safety Code; and
- (2) Will, for a period of three years or 50,000 miles, whichever first occurs, pass an inspection established under section 44012 of the Health and Safety Code (“inspection”)

(c) Proper Use and Maintenance.

- (1) An emission performance warranty claim may be denied if the engine manufacturer demonstrates that certified engine package’s failure of the inspection, or the need for repair or replacement of a warranted part, was directly caused by abuse, neglect, or improper maintenance as reflected by a failure to maintain or use the certified engine package in accordance with the written instructions.
- (2) The ultimate purchaser may perform maintenance or have maintenance performed more frequently than required in the written instructions.

(d) Warranty Repairs.

Except as provided in subsection (d)(1), warranty repairs shall be made at a warranty station.

- (1) The ultimate purchaser of a warranted certified engine package which fails an inspection during the warranty period may choose to have the certified engine package and/or ECS repaired at a warranty station.

- (A) If the warranty station identifies that the inspection failure was caused by the failure or malfunction of a “high-priced” part as defined in subsection (c)(2), then the engine manufacturer shall be liable for expenses involved in detecting and correcting the part failure or malfunction, unless the warranty station demonstrates that the part failure or malfunction was caused by abuse, neglect, or improper maintenance.
  - (B) If the warranty station identifies that the inspection failure was caused by abuse, neglect, or improper maintenance, the ultimate purchaser shall be liable for all diagnostic and repair expenses. Such expenses shall not exceed the maximum repair costs permissible under the inspection program.
  - (C) If the warranty station determines that the inspection failure was caused by one or more defects covered under warranty pursuant to these regulations and in combination with one or more conditions excluded from warranty coverage pursuant to subsection (d)(1), then the ultimate purchaser shall not be charged for the diagnostic and repair costs related to detecting and repairing the warrantable defects.
- (2) The ultimate purchaser shall not be charged for diagnostic labor which leads to the determination of a defective warranted part or other warrantable condition provided that such diagnostic work is performed at a warranty station.
  - (3) The engine manufacturer shall be liable for damages to other vehicle components proximately caused by a failure under warranty of any warranted part.

**§ Section 2216. Warranty Reporting Requirements for Certified Engine Packages for Use in Specially Constructed Vehicles.**

(a) Applicability

This section shall apply to 2012 and subsequent model year engine packages certified.

(b) Warranty Reporting Requirements.

- (1) An engine manufacturer shall retain and review unscreened warranty claims for each engine family on a production year basis for a period of three years following the production year and shall submit a warranty information report quarterly to ARB during the three year period. The warranty information report shall contain the following information:
  - (A) The engine manufacturer's name;
  - (B) A description of each class or category of certified engine package, including the model year and engine family;
  - (C) The cumulative number and percentage of certified engine packages covered by the Executive Order for which a warranty replacement or other warranty work was identified; and
  - (D) The number of each type of certified engine package produced for sale in California.
- (2) Any exhaust and/or evaporative emission control components that are used in the manufacturers' regular production California-certified vehicles and also used in the certified engine package would be subject to corrective action when the warranty claim trigger levels (four percent or 50 parts) in section 2143, title 13, CCR, are exceeded.
- (3) For confirmed warranty rates greater than four percent, including a certified engine package or ECS in California-certified vehicles produced by the same manufacturer and equipped with the same engine components or ECS components, the Executive Officer may initiate an ordered recall as provided in subsection (l).

**§ Section 2217. Recall Procedures for Motor Vehicle Engines Certified for Use in Specially Constructed Vehicles.**

(a) Applicability.

This section shall apply to 2012 and subsequent model year certified engine packages.

(b) Recall Procedures.

An engine manufacturer shall be notified whenever the Executive Officer has determined, based on warranty information reports, field information reports, enforcement testing results, or any other information, that more than four percent of the certified engine packages covered under each Executive Order, or more than four percent of certified engine packages produced by the engine manufacturer and having the same components as the certified engine package, although properly maintained and used, contain a failure in an emission-related component which, if uncorrected, may result in the vehicles' or engines' failure to meet applicable standards. In such a situation, the certified engine package and/or specific components used in the certified engine package or ECS will be subject to corrective action, including recall, to correct such failures, as specified in the "Procedures for Reporting Failure of Emission-Related Components," Article 2.4, title 13, CCR.