

# NON-SUBSTANTIVE

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW (See instructions on reverse)  
NOTICE PUBLICATION REGULATIONS SUBMISSION

For use by Secretary of State only

STD. 400 (REV. 01-09)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2013-0102-01N</b>	EMERGENCY NUMBER
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ENDORSED FILED  
IN THE OFFICE OF

2013 FEB -7 PM 1:26

For use by Office of Administrative Law (OAL) only

2013 JAN -2 PM 4:42

OFFICE OF  
ADMINISTRATIVE LAW

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY <b>APB</b>	AGENCY FILE NUMBER (if any)
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### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE: <b>ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Section 100 Periodic Smoke Inspection Program	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND 2193
REPEAL 13

3. TYPE OF FILING
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) N/A
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5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective 30th day after filing with Secretary of State <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) N/A

7. CONTACT PERSON Amy Whiting, Regulations Coordinator	TELEPHONE NUMBER (916) 322-6533	FAX NUMBER (Optional) (916) 322-3928	E-MAIL ADDRESS (Optional) awhiting@arb.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>James N. Goldstene</i>	DATE 1-2-2013
TYPED NAME AND TITLE OF SIGNATORY James N. Goldstene, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 07 2013

Office of Administrative Law

# SECTION 100 Regulation Order

## PERIODIC SMOKE INSPECTION PROGRAM

**Note:** The preexisting regulation text is set forth below in normal type. The amendments are shown in underline to indicate additions and ~~strikeout~~ to show deletions. The symbol "\*\*\*\*\*" means that intervening text not being amended is not shown.

Amend Subchapter 3.6, Section 2193(c), title 13, California Code of Regulations, to read as follows:

### **Chapter 3.6. Periodic Smoke Inspections of Heavy-Duty Diesel-Powered Vehicles**

#### **§ 2193. Smoke Opacity Inspection Intervals, Standards, and Test Procedures.**

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- (c) Annual testing. Once a vehicle subject to the requirements of this chapter has been tested in accordance with subsection (a) or (b), or has been acquired by a fleet owner after the effective date of these regulations, the vehicle must periodically be tested for smoke opacity (and repaired if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2192, ~~within 12 months of the previous test conducted under this section-~~ 2493 On or before December 31 of each year, a fleet, as defined in section 2191(a)(1), shall comply with the regulations and standards for that calendar year.

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NOTE: Authority Cited: Sections 39600, 39601, 43013, 43701(a), Health and Safety Code.  
Reference: Sections 39002, 39003, 39033, 43000, 43013, 43018, 43701(a) and 44011.6, Health and Safety Code.