

## ATTACHMENT 1

### Third Modified Regulatory Language for 15-day Comment Period

#### REGULATION TO REDUCE GREENHOUSE GAS EMISSIONS FROM VEHICLES OPERATING WITH UNDER INFLATED TIRES

*[Note: This document shows the modifications to the originally proposed regulation for Under Inflated Vehicle Tires, which was released to the public on February 5, 2009. All of text shown below is new language to be added to the California Code of Regulations. The modifications to the originally proposed language are shown in underline to indicate proposed additions and ~~strikethrough~~ to indicate proposed deletions. All additions to the modifications proposed since the first 15-day comment period are shown by double underline. All deletions to the modifications proposed since the first 15-day comment period are shown by ~~double strikethrough~~. All additions to the modifications proposed since the second 15-day comment period are shown by shaded underline. All deletions to the modifications proposed since the second 15-day comment period are shown by ~~shaded strikethrough~~.]*

### Third Modified Regulation Order

#### Subarticle 8. Regulation for Under Inflated Vehicle Tires

Adopt subarticle 8 and new section 95550 of article 41, subchapter 10, chapter 1, division 3, title 17, California Code of Regulations, to read as follows:

Section 95550. Regulation for Under Inflated Vehicle Tires ~~Purpose and Definitions~~

- (a) **Purpose.** The purpose of this regulation is to reduce greenhouse gas emissions from vehicles operating with under inflated tires by inflating them to the recommended tire pressure rating.
- (b) **Applicability.**
- (1) This regulation applies to all automotive service providers performing or offering to perform automotive maintenance or repair services in California.
  - (2) This regulation does not apply to:
    - (A) auto body and paint facilities;
    - (B) auto glass installers;

- (C) auto parts distributors or retailers; or
- (D) auto wreckers or dismantlers.
- ~~(E) vehicles with a GVWR over 10,000 lbs.;~~
- ~~(F) tires determined to be unsafe by an automotive service provider;~~

**(c) Definitions.**

- ~~(1)~~ “ANSI B40.1 Grade B Tire Pressure Gauge” means a dial-type tire gauge that meets or exceeds the American National Standards Institute mechanical accuracy rating.
- ~~(12)~~ “ARB” means the California Air Resources Board.
- ~~(23)~~ “Auto Body and Paint Facility” means a business that repairs, reconstructs, or paints motor vehicles and does not perform or offer to perform automotive maintenance or repair services.
- ~~(34)~~ “Auto Glass Installer” is a business that repairs or replaces damaged automotive windshields and windows and does not perform or offer to perform automotive maintenance or repair services.
- ~~(45)~~ “Auto Parts Distributer or Retailer” is a business that sells replacement parts or performance accessories for cars, trucks, vans and sport utility vehicles and does not perform or offer to perform automotive maintenance or repair services.
- ~~(56)~~ “Auto Wrecker or Dismantler” means an automobile automotive dismantler, as defined in ~~title 13, California Code of Regulations~~ section 220 of the Vehicle Code and does not perform or offer to perform automotive maintenance or repair services.
- ~~(67)~~ “Automotive Maintenance or Repair Services” includes, but is not limited to, the performance of any automotive diagnostics of or repairs made to a motor vehicle.
- ~~(78)~~ “Automotive Service Provider (ASP)” is any business, or government or private vehicle fleet maintenance provider ~~or person who~~ that performs or offers to perform automotive maintenance or repair services (including, but not limited to, automotive dealerships, maintenance or repair garages, government or publicly

maintained or operated fleets, oil change facilities, tire centers, and smog check or test only facilities).

- (89) “Gross Vehicle Weight Rating (GVWR)” ~~is~~ shall have the same meaning as defined in Vehicle Code Section 350.
- (9) “Recommended Tire Pressure Rating” is the specification recommended by the vehicle manufacturer. The vehicle manufacturer’s recommended tire pressure rating specifications can be found on the vehicle’s door placard, glove box door, or owner’s manual. If the vehicle manufacturer’s recommended tire pressure rating is not available or the vehicle is equipped with a tire not meeting the vehicle manufacturer’s tire specifications for that vehicle, then Recommended Tire Pressure Rating shall mean the Tire Inflation Reference.
- (109) “Tire Inflation Reference Guidebook or Yearbook” is any industry recognized a resource, (i.e., book or electronic,) that contains tire pressure inflation specifications for original equipment tires and wheels and non-original equipment sized tires and wheels. Tire inflation Guidebooks and Yearbooks can be purchased online, from local tire dealers, or from most tire manufacturers.
- (11) “Tire Pressure Gauge” means a device that is capable of measuring the air pressure of passenger vehicle tires.
- (12) “Total Permissible Error” means the allowable accuracy error indicated by the total difference in the true value and the indicated value during measurement.
- (1344) “Under Inflated Tire” means a tire that is one pound per square inch (psi) or more below the ~~manufacturer’s~~ recommended tire pressure rating.
- (1412) “Unsafe Tires” means any tire ~~deemed~~ considered unsafe by the ~~Automotive Service Provider~~ in accordance with standard industry practices, due to tire tread wear, age, tread irregularity, or damage. Examples include any tire with exposed ply or cord, sidewall crack, bulge, knot, or ply separation.
- (15) “Vehicle Fleet” is one or more vehicles that is owned, leased, or managed as a unit within or by a business or government agency.
- (161513) “Vehicle Service Invoice” is a document issued by the ASP to the customer in the normal course of business that identifies all service repairs performed by the ASP, as well as the associated costs, and

is maintained by the ASP as provided in ~~subsection (d) §95550(d).~~  
~~meets the invoice requirements of Business and Professions Code~~  
~~section 9884.8 of the California Code of Regulations section 3356.~~

~~(1716)~~ “Vehicle Tires” means the ~~four~~ operating tires on the vehicle.

**(d) Requirements and Compliance Deadlines.** Automotive service providers must meet the following requirements:

- (1) By ~~July 1, 2010~~ September 1, 2010, all automotive service providers are required to:
  - (A) check and inflate each vehicle’s tires to the manufacturer’s recommended tire pressure rating, with air or nitrogen, as appropriate, at the time of performing any automotive maintenance or repair service; and
  - (B) indicate on the vehicle service invoice that a tire inflation service was completed and the tire pressure measurements after the services were performed. ~~If a tire inflation service was not performed (i.e., tire(s) were considered doomed unsafe) the automotive service provider must indicate on the vehicle service invoice why the service was not completed;~~ and
  - (C) perform the tire pressure service using a tire pressure gauge with a total permissible error no greater than ± two (2) pounds per square inch (psi) an ANSI B40.1 Grade B tire gauge for checking tire pressure; and
  - (D) ~~maintain, on the premises,~~ have access to a Tire Inflation Reference guidebook or yearbook that is current within three years of publication; and
  - (E) keep a copy of the vehicle service invoice for a minimum of three years, and make the vehicle service invoice available to ARB, or its authorized representative upon request. onsite in accordance with the Business and Professions Code Section 9884.11 of the California Code of Regulations section 3356; and
  - (F) ~~provide documentation of the vehicle service invoice to authorized enforcement personnel upon demand.~~

- (2) Notwithstanding subsection (d)(1) above, an automotive service provider need not meet the requirements set out therein if the automotive service provider is performing only a free check and inflate service at the customer's request.
- (3) Notwithstanding subsection (d)(1)(A) above, an automotive service provider need not perform the check and inflate service if:
- (A) the tires are on a vehicle with a GVWR over 10,000 lbs.; or
  - (B) the tires are determined by the automotive service provider to be unsafe, as defined in subsection ~~§ 95550~~ (c)(1413); or
  - (C) the customer declines the check and inflate service pursuant to subsection (d)(5), ~~provides documentation that the tires have received a check and inflate service within the preceding 30 days; or~~
- (4) Any Customers with vehicle tires inflated with nitrogen gas are also subject to the requirements in subsection (d)(1)(A-EF), but may refuse the inflation portion of the service if a nitrogen inflation system is not available at the time of the service.
- (5) a A customer may decline the check and inflate service if the customer affirms one of the following:
- (A) He or she has performed (or had performed) a tire pressure check and inflate service within the last 30 days, or
  - (B) He or she will perform (or will have performed) a tire pressure check and inflate service within the next 7 days.
- (6) If a tire inflation service was not performed as provided in subsections ~~(d)(2-4)~~ (d)(3)-(5), the automotive service provider must indicate on the vehicle service invoice why the service was not completed.

- (e) **Penalties and Injunctions.** ~~Any automotive service provider or owner or operator who fails to comply with the requirements of this regulation may be subject to penalties pursuant to Section 38580 of the Health and Safety Code.~~
- (1) **Penalties.** Penalties may be assessed for any violation of this article pursuant to Health and Safety Code section 38580. Each day during any portion of which a violation occurs is a separate offense.
  - (2) **Injunctions.** Any violation of this article may be enjoined pursuant to Health and Safety Code section 41513.
- (f) **Enforcement.** ~~Enforcement of this section may be carried out by ARB personnel, and any authorized representatives of ARB.~~
- (f) **Relationship To Other Law.** Nothing in this section allows automotive service providers to operate in violation of other applicable laws, including but not limited to:
- (1) California Vehicle Code.
  - (2) Health and Safety Code.
  - (3) Business and Professions Code.
  - (4) any other applicable law, ordinance, rule or requirement as stringent as, or more stringent than the requirements in section (d) of this regulation.
- (g) **Severability.** If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion will be deemed as a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of the regulation.

Note: Authority cited: Sections 38510, 38560, 39600, and 39601, Health and Safety Code. Reference: Sections 38510, 38560, 39600, Health and Safety Code.