

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text**

**Proposed Amendments to the Heavy-Duty Vehicle Inspection Program and the  
Periodic Smoke Inspection Program**

Public Hearing Date: July 26, 2018<sup>1</sup>  
Public Availability Date: September 11, 2018  
Deadline for Public Comment: September 26, 2018

At its July 26, 2018, public hearing, the California Air Resources Board (CARB or Board) approved for adoption the proposed amendments to Title 13, California Code of Regulations, sections 2180.1, 2181, 2182, 2183, 2185, 2186, 2187, 2190, 2191, 2192, 2193, 2194, and 2195 which describe the Heavy-Duty Vehicle Inspection Program (HDVIP) and the Periodic Smoke Inspection Program (PSIP) regulations.

The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications.

The resolution and all other regulatory documents for this rulemaking are available online at the following CARB website:

<https://www.arb.ca.gov/regact/2018/hdvippsip18/hdvippsip18.htm>

The text of the modified regulatory language is shown in Attachment A. The originally proposed regulatory language is shown in ~~striketrough~~ to indicate deletions and underline to indicate additions. New deletions and additions to the proposed language that are made public with this notice are shown in ~~double-striketrough~~ and double underline format, respectively.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will

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<sup>1</sup> This item was originally heard by the Board in May 2018. At the July hearing, the Board revoked its May order and approved a revised resolution.

only address comments received during this 15-day comment period that are responsive to this notice, documents added to the record, or the changes detailed in Attachment A.

### **Summary of Proposed Modifications**

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions made to improve clarity.

1. In section 2180.1(a)(5), a demonstration of compliance was added to the tasks required by the owner upon receiving a citation. Owners are already required to demonstrate correction upon receiving a citation. The addition to the “citation” definition helps clarify these owner responsibilities.
2. In section 2180.1(a)(19), a definition for an “implement of husbandry” was added. It was necessary to add this definition in order to propose additional time for repairs for such vehicles as discussed below.
3. In section 2180.1(a)(37), a definition for a “specialty farm vehicle” was added. It was necessary to add this definition in order to propose additional time for the repairs for such vehicles as discussed below.
4. In section 2182(e), an exemption from the HDVIP for tactical military vehicles was added. These vehicles are designed to operate overseas in regions where California’s ultra-low sulfur diesel fuel may not be available. Because some emissions controls such as diesel particulate filters can be fouled by high-sulfur diesel fuel, the emissions control technology on tactical vehicles may be different than the emissions control technology used on heavy-duty vehicles operating on California roadways and they may not be able to meet the same emission standards. Similar exemptions were provided for tactical military vehicles in recent regulatory actions such as the Truck and Bus Rule and the In-Use Off-Road Diesel Vehicle regulation.
5. In Section 2185(a)(1)(D), staff is proposing to allow vehicles defined as “implements of husbandry” and “specialty farm vehicles” additional time to complete repairs if cited for an opacity violation under the HDVIP regulation. Stakeholders raised concerns that the potential for downtime of farm vehicles during planting or harvest season could present a significant impact for agricultural operations. To address this issue, staff is proposing to provide additional flexibility for these vehicles by extending the time owners have to demonstrate compliance.
6. In section 2190(b)(8), an exemption from the PSIP for tactical military vehicles was added. As discussed above, these tactical vehicles have unique requirements that may make it difficult to meet the proposed emission standards.

7. In section 2193(c), a provision was added to require the seller of a vehicle to maintain a record of the sale and the accompanying opacity test for 2 years. The proposed modification would help ensure that vehicles are opacity tested before sale as required and allows for effective enforcement of the requirement.
8. In section 2193(c)(1)(A), an exemption to the testing requirement upon vehicle sale was added for vehicles sold to brokers and dealerships. The proposed exemption avoids unnecessary duplication in testing as brokers and dealerships are required to test the vehicle upon selling it to a potential buyer. Brokers and dealerships only operate vehicles to demonstrate functionality to potential buyers and do not operate them for other commercial purposes.
9. In section 2193(c)(1)(B), an exemption to the testing requirement upon vehicle sale was added for vehicles sold out of state. Out of state vehicles are not subject to the PSIP regulation, thus staff provided an exemption for these sales.
10. In section 2193(c)(1)(C), an exemption to the testing requirement upon vehicle sale was added for vehicles sold for the purpose of being dismantled as they will no longer be operating in California.
11. In section 2193(c)(1)(D), an exemption to the testing requirement upon vehicle sale was added for vehicles sold from a lessor to a lessee already in possession of the vehicle. The proposed exemption would allow companies to purchase a vehicle that they are currently operating through a lease without having to return the vehicle to the seller for testing. This avoids a scenario where the buyer and seller must schedule the exchange of a vehicle for the sole purpose of having it tested and returned back to the purchaser.
12. In section 2193(c)(1)(E), an exemption to the testing requirement upon vehicle sale was added for vehicles sold to family members. In the light duty smog check program, vehicles transferred through family members are exempt from the testing upon sale requirement. The proposed exemption would better align the heavy-duty testing requirement upon sale in the PSIP regulation with the light duty smog check requirements.

In addition to the modifications described above, additional modifications correcting grammar, punctuation and spelling have been made throughout the proposed changes. These changes are nonsubstantive.

### **Agency Contacts**

Inquiries concerning the substance of the proposed regulation may be directed to Jason Hill-Falkenthal, Air Pollution Specialist, Strategic Planning and Development Section, at (916) 322-4683 or Krista Fregoso, Air Pollution Specialist, Strategic Planning and Development Section, at (916) 445-5035.

## **Public Comments**

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than 5:00 p.m. on the due date to the following:

Postal mail: Clerk of the Board, California Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to CARB in one of the two forms described above and received by CARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

CALIFORNIA AIR RESOURCES BOARD

  
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Richard W. Corey  
Executive Officer

Date: *September 14, 2015*  
Attachment

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see CARB's website at [www.CARB.ca.gov](http://www.CARB.ca.gov).*