

Warranty Reporting Amendment Proposal Summary of Regulatory and Test Procedure Changes

The warranty reporting amendment proposal was posted on October 20, 2006, and were considered by the Board on December 7, 2006. The Board directed staff to meet with industry to work on clarifying changes to the regulations and test procedures and return within a six month period to re-address the proposal. Staff has made significant changes over the last several weeks since the hearing and has documented each individual change below. The regulatory and test procedure changes highlighted in gray designate changes that were made in the January 23, 2007, Supplemental Staff Report/Workshop Notice. The staff met with industry and their associations in mid-January and early February and incorporated additional changes after the January 23, 2007 posting. These changes were posted on ARB's web site on February 8, 2007 and are shown yellow. Staff held a workshop on February 14, 2007, and incorporated additional changes after the workshop. These changes were posted on ARB's web site on March 9, 2007, and are indicated in green. The following is a summary of each individual change categorized by the time frame the change was made.

Changes Posted January 23, 2007

- T13, CCR, Section 1958 (5) – Removed need to provide demonstration of emission component durability and added language that durability would be based on a statement of good engineering judgement.
- T13, CCR, Section 2111 (a)(1)– Modified regulatory language so this section's applicability ends with the 2009 model year.
- T13, CCR, Section 2111 (d)(1)– Removed entire provision of applicability and moved to Section 2111(a)(1).
- T13, CCR, Section 2136 – Corrected language to continue in-use compliance testing provision with 2010 and subsequent model year vehicles.
- T13, CCR, Section 2166(a)(1) – Deleted off-road motorcycle inclusion.
- T13, CCR, Section 2166(e) – Deleted the words "emission standards".
- T13, CCR, Section 2166.1(e) – Redefined a defective emission component.
- T13, CCR, Section 2166.1(f) – Redefined an emission-control component.
- T13, CCR, Section 2166.1(i) – Redefined exhaust after-treatment definition.
- T13, CCR, Section 2166.1(j) – Changed the extended warranty corrective action period to cover vehicles or engines for their useful life period. The extended warranty for HEV vehicles was added to cover for 10 years or 150,000 miles (whichever first occurs).
- T13, CCR, Section 2166.1(l) – Deleted the words "emission standards".
- T13, CCR, Section 2166.1(r) – Deleted definition for "Violation of Emission Standards" and added definition for "valid failure".
- T13, CCR, Section 2166.1(u) – Changed definition description of "Voluntary emission Recall" to "Voluntary Recall".

- T13, CCR, Section 2167(a)(4) – Deleted the word “and”.
- T13, CCR, Section 2168(b) – Separated this section in two separate sections [i.e., Section 2168(b) and 2168(c)]. These sections cover submitting information in the SEWIR that addresses early emission component failures and voluntary recalls.
- T13, CCR, Section 2168(j)(6) – Added language allowing manufacturers to submit information to demonstrate that an emission component failure will have no conceivable emissions impact.
- T13, CCR, Section 2169(a) – Added the word “or engines” to this provision.
- T13, CCR, Section 2170(c) – Added provision that does not require the manufacturer to perform corrective action for a systemic emission component failure (with the exception of exhaust after-treatment devices) as long as the vehicles or engines are warranted for the full the useful life period.
- T13, CCR, Section 2171(c) – Added provision in this section that does not require the manufacturer to perform corrective action for a systemic emission component failure (with the exception of exhaust after-treatment devices) as long as the vehicles or engines are warranted for the full the useful life period.
- T13, CCR, Section 2172 – Added provision that allows a manufacturer additional time to submit a recall plan with good cause shown.
- T13, CCR, Section 2171.1 – Changed definition description of “Ordered Recall Plan” to “Ordered Voluntary Corrective Action Plan”.
- T13, CCR, Section 2171.1(a) – Clarity change added.
- T13, CCR, Section 2171.1(b) – Clarity change added.
- T13, CCR, Section 2171.1(b)(1) – Clarity change added.
- T13, CCR, Section 2171.1(b)(7)– Clarity change added.
- T13, CCR, Section 2171.1(b)(8)– Clarity change added.
- T13, CCR, Section 2171.2 – Changed definition description of “Approval and Implementation of Recall Plan” to “Approval and Implementation of Corrective Action Plan ”.
- T13, CCR, Section 2171.2 – Clarity change added.
- T13, CCR, Section 2171.3(d)(1) – Added “and test procedures” for clarity.
- T13, CCR, Section 2173 – Added the word “campaigns” for clarity.
- T13, CCR, Section 2174(a) – Eliminated the phrase “but not to contest the finding of nonconformity or the necessity of any other type of” and added “or other corrective action.”
- T13, CCR, Section 2174(b) – Added “or corrective action” for clarity.

California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model – Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles

- Part I.F.4. §86.1823-01 – Removed need to provide demonstration of emission component durability and added language that durability would be based on a statement of good engineering judgement.

California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles

- Part I.26. §86.004-26 – Removed need to provide demonstration of emission component durability and added language that durability would be based on a statement of good engineering judgement.

California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy Duty Otto Cycle Engines

- Part I.26. §86.004-26 – Removed need to provide demonstration of emission component durability and added language that durability would be based on a statement of good engineering judgement.

California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles

- Subpart S.I.G. §86.1825-01 – Removed need to provide demonstration of emission component durability and added language that durability would be based on a statement of good engineering judgement.

California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles

- Part I.PartII.2.0 – Removed need to provide demonstration of emission component durability and added language that durability would be based on a statement of good engineering judgement.

Changes Posted February 8, 2007

- T13, CCR, Section 1958 (5) – Deleted phrase “and information available at that time”.
- T13, CCR, Section 1958 (5) – Added clarity statement “and are in compliance with all applicable requirements”.
- T13, CCR, Section 1958 (5) – Added statement indicating that future certifications would not be delayed.
- T13, CCR, Section 2166.1 (e) – Added clarity to the definition of a “Defective emission-control component”.
- T13, CCR, Section 2167(a)(4) – Eliminated need to report PZEV traction power batteries as part of the EWIR.
- T13, CCR, Section 2167(b) – Added language allowing primary field changes providing they are authorized by the ARB database administrator.

- T13, CCR, Section 2167(b)(3) – Added language that only allows component name changes if authorized by the ARB database administrator.
- T13, CCR, Section 2167(b)(6) – Added request to not change the sales volume unless approved by the ARB database administrator.
- T13, CCR, Section 2167(b)(9) – Language was added stating that the action status report code will be dictated by the ARB database administrator.
- T13, CCR, Section 2168(a) – Re-defined the time frame to submit an SEWIR.
- T13, CCR, Section 2168(b) – Added new “Infant Mortality” language.
- T13, CCR, Section 2170(a) – Added clarity to show that this section is directed at OBD certified vehicles and engines and referenced the applicable OBD regulatory sites.
- T13, CCR, Section 2170(c) – Modified language for clarity.
- T13, CCR, Section 2171(a) – Added regulatory site reference 2035.
- T13, CCR, Section 2172 – Changed the due date description from “within 45 days” to “at least 45 days”.
- T13, CCR, Section 2172.1(b)(2) – Deleted language that a non-conforming component will be replaced by an improved, conforming component.
- T13, CCR, Section 2172.3(d)(10) – Deleted off-road motorcycle reference.

California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model – Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles

- Title Page – Added amendment date: June 22, 2006
- Part I.F.4. §86.1823-01 – Deleted phrase “and information available at that time”. – Added clarity statement “and are in compliance with all applicable requirements”. – Added statement indicating that future certifications would not be delayed.

California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles

- Part I.26. §86.004-26 – Deleted phrase “and information available at that time”. – Added clarity statement “and are in compliance with all applicable requirements”. – Added statement indicating that future certifications would not be delayed.

California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy Duty Otto Cycle Engines

- Part I.26. §86.004-26 – Deleted phrase “and information available at that time”. – Added clarity statement “and are in compliance with all applicable requirements”. – Added statement indicating that future certifications would not be delayed.

California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles

- Subpart S.I.G. §86.1825-01 – Deleted phrase “and information available at that time”. – Added clarity statement “and are in compliance with all applicable requirements”. – Added statement indicating that future certifications would not be delayed.

California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles

- Part I.PartII.2.0 – Deleted phrase “and information available at that time”. – Added clarity statement “and are in compliance with all applicable requirements”. – Added statement indicating that future certifications would not be delayed.

Changes Posted March 8, 2007

- T13, CCR, Section 1958(5) – Modified language to shorten paragraph for clarity but still require a statement of compliance and acknowledgement of a test procedure violation for a valid 4 percent emission component failure. Language was also included that future certifications with the same failed component may not be delayed.
- T13, CCR, Section 1961(d) – Updated format for listing date of rulemaking.
- T13, CCR, Section 1976(c) – Corrected misspelling.
- T13, CCR, Section 1976(c) – Updated format for listing date of rulemaking.
- T13, CCR, Section 1978(b) – Updated format for listing date of rulemaking.
- T13, CCR, Section 2122 – Delete additional word.
- T13, CCR, Section 2136 – Capitalize Executive Officer and add the words “or test procedure” in same the sentence.
- T13, CCR, Section 2141(a) – Delete additional word.
- T13, CCR, Section 2166.1(d) – Added language that Executive Officer need not consider an emission impact when considering corrective action.
- T13, CCR, Section 2166.1(e) – Deleted definition of “Defective emission-control component”.
- T13, CCR, Section 2166(e) – Delete additional words for clarity.
- T13, CCR, Section 2166.1(g) – Added clarity to the term warranty period within the “Emission Warranty Claim” definition.
- T13, CCR, Section 2166.1(g) – Added warranty provision site and deleted the words “regardless of whether compensation is actually provided”.
- T13, CCR, Section 2166.1 (j) – Further clarified the extended warranty on an HEV battery.

- T13, CCR, Section 2166.1(j) – Removed the 150,000 mile requirement for hybrid electric battery extended warranty coverage.
- T13, CCR, Section 2166.1(k) – Added a termination point for reporting the Emission Warranty Information Report.
- T13, CCR, Section 2166.1(n) – Capitalize Executive Officer.
- T13, CCR, Section 2166.1 (p) – Deleted phrase in definition.
- T13, CCR, Section 2166.1(p) – Added clarity and consistency to) “Systemic Failure” definition.
- T13, CCR, Section 2166.1(r)(8) – Added PZEV class into useful life definition.
- T13, CCR, Section 2166.1(u) – Added clarity to definition.
- T13, CCR, Section 2167(a)(1) – Added clarity and consistency to terms.
- T13, CCR, Section 2167(a)(2) – Added clarity and consistency to terms. Also included language for addressing multiple components with the same part number that are replaced within the same service event.
- T13, CCR, Section 2167(a)(3) – Added clarity and consistency to terms.
- T13, CCR, Section 2167(a)(4) – Added clarity words.
- T13, CCR, Section 2167(b)(5) – Added clarity to the type of warranty coverage considered.
- T13, CCR, Section 2167(b)(6) – Defined how the percent failure rate is calculated.
- T13, CCR, Section 2167(b)(6) – Deleted the request to no change the sales volume unless approved by the ARB database administrator.
- T13, CCR, Section 2167(c) – Included when an EWIR reporting period ends.
- T13, CCR, Section 2168(a) – Clarity word changes.
- T13, CCR, Section 2168(a) – Re-defined the time frame to submit an SEWIR.
- T13, CCR, Section 2168(a) – Removed in what media the SEWIR is to be submitted to ARB from this section.
- T13, CCR, Section 2168(a) – Clarity word changes and added language when the manufacturer can stop reporting a SEWIR or delay its submission.
- T13, CCR, Section 2168(b) – Included the words “or engines” for clarity.
- T13, CCR, Section 2168(b) – Deleted “Infant Mortality” terminology and rephrased this section.
- T13, CCR, Section 2168(c) – Moved section (c) to (e) and provide new screening language to address owner abuse, mal-maintenance, misdiagnosed repairs and customer satisfaction issues.
- T13, CCR, Section 2168(d) – Added screening language to address secondary failures.
- T13, CCR, Section 2168(e) – Moved voluntary recall language from section (c) to (e) and added clarity on how it is handled in the SEWIR.
- T13, CCR, Section 2168(f) – Added screening language for no conceivable emissions impacts.
- T13, CCR, Section 2168(g) – Added language for handling OBD reflash issues.
- T13, CCR, Section 2168(j) – Deleted language that expands the EWIR to include the SEWIR.

- T13, CCR, Section 2168(j)(2) – Added clarity.
- T13, CCR, Section 2168(j)(4) – Added OBD site for heavy-duty vehicles.
- T13, CCR, Section 2168(j)(6) – Added clarity.
- T13, CCR, Section 2168(j)(7) – Added clarity.
- T13, CCR, Section 2168(j)(7)(ii) – Added clarity.
- T13, CCR, Section 2168(j)(7)(v) – Deleted entire section.
- T13, CCR, Section 2169(a) – Added clarity for recalls of exhaust after-treatment.
- T13, CCR, Section 2169(b) – Deleted language from this section that indicates that a recall and/or an extended warranty would be performed for a given failure.
- T13, CCR, Section 2170(a) – Added heavy-duty OBD regulatory site and clarity.
- T13, CCR, Section 2170(b) – Deleted language from this section that indicates that a recall and/or an extended warranty would be performed for a given failure.
- T13, CCR, Section 2170(c) – Added emissions warranty regulatory site and modified language for clarity.
- T13, CCR, Section 2171(a) – Added heavy-duty OBD reference and modified language for clarity.
- T13, CCR, Section 2171(c) – Modified regulatory site reference to “Title 13, California Code of Regulations, Article 6” and modified language for clarity.
- T13, CCR, Section 2172.1(a) – Added clarity of when a corrective action plan is due to ARB.
- T13, CCR, Section 2172.1(b)(1) – Added the term “corrective action”.
- T13, CCR, Section 2172.1(b)(2) – Added language that a non-conforming component will be replaced by an improved, conforming component for recalls.
- T13, CCR, Section 2172.3(d)(1) – Added language to owner notification letter.
- T13, CCR, Section 2172.3(d)(8) – Added clarity to include engines.
- T13, CCR, Section 2172.3(e) – Added clarity to include engines.
- T13, CCR, Section 2172.3(f) – Corrected site reference to “2172.1(b)(8)”.
- T13, CCR, Section 2174(a) – Added language that dictates exactly what information can be presented in a public hearing.
- T13, CCR, Section 2174(b) – Corrected time frame of when a corrective action plan is due to ARB.

California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model – Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles

- Part I.F.4. §86.1823-01 – Modified language to shorten paragraph for clarity but still require a statement of compliance and acknowledgement of a test procedure violation for a valid 4 percent emission component failure.

Language was also included that future certifications with the same failed component may not be delayed.

California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles

- Part I.26. §86.004-26 – Format correction. – Modified language to shorten paragraph for clarity but still require a statement of compliance and acknowledgement of a test procedure violation for a valid 4 percent emission component failure. Language was also included that future certifications with the same failed component may not be delayed.

California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy Duty Otto Cycle Engines

- Part I.26. §86.004-26 – Modified language to shorten paragraph for clarity but still require a statement of compliance and acknowledgement of a test procedure violation for a valid 4 percent emission component failure. Language was also included that future certifications with the same failed component may not be delayed.

California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles

Subpart S.I.G. §86.1825-01 – Modified language to shorten paragraph for clarity but still require a statement of compliance and acknowledgement of a test procedure violation for a valid 4 percent emission component failure. Language was also included that future certifications with the same failed component may not be delayed.

California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles

Part I.PartII.2.0 – Modified language to shorten paragraph for clarity but still require a statement of compliance and acknowledgement of a test procedure violation for a valid 4 percent emission component failure. Language was also included that future certifications with the same failed component may not be delayed.