

### Article 3. Off-Highway Recreational Vehicles and Engines

#### **§2410. Applicability.**

(a)(1) This article shall be applicable to new ~~specialty vehicle engines under 25 horsepower (hp) produced on or after January 1, 1995 and all other~~ new off-highway recreational vehicles and engines manufactured for use in such vehicles produced on or after January 1, 1997, for sale, lease, use, and introduction into commerce in California. (See Note below.)

(2) New off-highway recreational vehicles and engines used in such vehicles, subject to any of the standards set forth in Article 3, shall be certified for use and sale by the Air Resources Board and covered by an Executive Order, pursuant to Section 2412 of this Article.

(b) Each part of this article shall be deemed severable, and in the event that any part of this chapter or article is held to be invalid, the remainder of this article shall continue in full force and effect.

(c) This article includes provisions for certification, labeling requirements, emission standard enforcement, and recall.

NOTE: Under section 209(e)(2) of the Federal Clean Air Act (42 U.S.C. § 7543(e)(2), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43104, 43105, 43107 and 43205.5, Health and Safety Code. Reference: Sections 43013, 43018, 43101, 43104, 43105, 43107 and 43205.5, Health and Safety Code.

## §2411. Definitions.

### DEFINITIONS

(a) The definitions in Section 1900(b), Chapter 3, Title 13 of the California Code of Regulations, shall apply with the following additions:

(1) “All-Terrain Vehicle” means any motorized off-highway vehicle 50 inches (1270mm) or less in overall width, with an unladen dry weight of 600 pounds (275 kg) or less, designed to travel on four low pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and no passengers. The vehicle is designed to carry not more than 350 pounds (160 kg) payload, excluding the operator, and is powered by an internal combustion engine. Width and unladen weight shall be exclusive of accessories and optional equipment. A go-kart, golf cart or specialty vehicle is not, for purposes of this regulation, to be classified as an all-terrain vehicle. An all-terrain vehicle that is not used exclusively in competition/racing events in a closed course is not a competition/racing vehicle for purposes of these regulations.

(2) “ARB Enforcement Officer” means any employee of the Air Resources Board so designated in writing by the Executive Officer of the Air Resources Board or by the Executive Officer's designee.

(3) “Assembly-Line Tests” are those tests or inspections which are performed on or at the end of the assembly-line.

(4) “Competition/Racing Vehicle” means those vehicles that are operated exclusively off of the highways on closed courses in organized racing/competition events conducted under the auspices of a recognized sanctioned body or by permit issued by the local governmental authority having jurisdiction.

(5) “Confirmatory testing” means an ARB directed follow-up emissions test and inspection of the test engine or test vehicle that had been used by the manufacturer to obtain test data for submittal with the certification application. The emissions tests can be conducted at ARB or contracted out facilities or at the manufacturer's facility.

(6) “Crankcase Emissions” means airborne substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication system.

(7) “Emission Control System” includes any component, group of components, or engine modification which controls or causes the reduction of substances emitted from an engine.

(8) “End of Assembly-Line” is defined as that place where the final inspection test or quality-audit test is performed by the manufacturer.

(9) “Exhaust Emissions” means substances emitted into the atmosphere from any opening downstream from the exhaust port of an engine.

(10) “Final Calendar Quarter Production” is defined as the calendar quarter in which the production of an engine family ends.

(11) “Fuel System” means the combination of any of the following components: fuel tank, fuel pump, fuel lines, oil injection metering system, carburetor or fuel injection components, evaporative controls and all fuel system vents.

(12) “Go-Kart” means any four wheeled, open framed vehicle equipped with an internal combustion engine. These vehicles are generally found at amusement parks and rented to patrons on a “pay-by-play” basis. These vehicles are generally designed for a single rider and run on a confined track. A go-kart that is not used exclusively in competition/racing events in a closed course is not a competition/racing vehicle for purposes of these regulations.

(13) “Golf Cart” means a vehicle used to convey equipment and no more than two persons, including the driver, to play the game of golf in an area designated as a golf course. Golf carts are designed to have an unladen weight of less than 1,300 pounds and carry not more than 100 pounds, excluding passengers, accessories and optional equipment. A golf cart is not used for grounds keeping or maintenance purposes.

(14) “Manufacturer” means the engine or vehicle manufacturer that applies to have the vehicle or engine certified.

(15) “Off-Highway Recreational Vehicle Engines” or “Engines” are identified as: two-stroke or four-stroke, air-cooled, liquid-cooled, gasoline, diesel, alternate fuel powered engines or electric motors that are designed for powering off-road recreational vehicles and engines included in, but not limited to use in, the following: off-road motorcycles, all-terrain vehicles, golf carts, go-karts 25 hp and greater, and specialty vehicles. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically not included within this category.

(16) “Off-road Vehicle” means any non-stationary device, powered by an internal combustion engine or electric motor, used primarily off the highways, to propel, move, or draw persons or property including any device propelled, moved, or drawn exclusively by human power, and used in, but not limited to the following applications: Marine Vessels, Construction/Farm Equipment, Locomotives, Utility engines and Lawn and Garden Equipment, Off-Road Motorcycles, and Off-Highway Vehicles.

(17) “Off-Road Motorcycle” means any two or three wheeled vehicle equipped with an internal combustion engine and weighing less than 1,499 pounds. An off-road motorcycle is primarily designed for use off highways. These vehicles are mainly used for recreational riding on dirt trails but are not limited to this purpose. An off-road motorcycle that is not used exclusively

in competition/racing events in a closed course is not a competition/racing vehicle for purposes of these regulations.

(18) “Scheduled Maintenance” means any adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems required by the manufacturer which is performed on a periodic basis to prevent part failure or equipment or engine malfunction, or anticipated as necessary to correct an overt indication of malfunction or failure for which periodic maintenance is not appropriate.

(19) “Specialty Vehicles” means any vehicle powered by an internal combustion engine having not less than 3 wheels in contact with the ground, having an unladen weight generally less than 2,000 pounds, which is typically operated between 10 and 35 miles per hour. The recommended bed payload for specialty vehicles is usually up to 2,000 pounds. Specialty vehicles are mainly used off of highways and residential streets. Applications of such vehicles include, but are not limited to, carrying passengers, hauling light loads, grounds keeping and maintenance, resort or hotel areas, airports, etc.

(20) “Ultimate Purchaser” means the first person who in good faith purchases or leases a new engine or equipment for purposes other than resale.

(21) “Unscheduled Maintenance” means any inspection, adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems which is performed to correct or diagnose a part failure which was not anticipated.

(22) “Vehicle Identification Number (VIN)” means an alpha numeric code which has been permanently assigned by the manufacturer to a vehicle. The VIN is unique to each vehicle and may contain information deemed necessary by governing agencies. Unless otherwise noted, the VIN will follow formats specified in the Code of Federal Regulations 49, Chapter V, Parts 565, 566, and 571, section 571.115 - Vehicle Identification Number - Content Requirements, which are incorporated herein by reference.

(23) “Zero Emission Vehicle” means any vehicle which produces zero exhaust emissions of any criteria pollutant under any and all possible operational modes.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101 and 43107, Health and Safety Code. Reference: Sections 43013, 43018, 43101 and 43107, Health and Safety Code.

**§2412. Emission Standards and Test Procedures - New Off-Highway Recreational Vehicles and Engines.**

(a) This section shall be applicable to ~~specialty vehicle engines under 25 horsepower produced on or after January 1, 1995, and all other~~ off-highway recreational vehicles and engines used in such vehicles produced on or after January 1, 1997.

(b) For purposes of certification in California, manufacturers shall comply with the following exhaust emissions from new off-highway recreational vehicles and engines that are sold, leased, used, or introduced into commerce in California. Exhaust emissions shall not exceed:

Emission Standards

Vehicle & Model Year	Hydro-carbon	Oxides of Nitrogen	Carbon Monoxide	Particulate Matter <sup>1</sup>
Off-Road Motorcycles and All-Terrain Vehicles with Engines Greater Than 90 cc <sup>3</sup> 1977 and Later (g/km) <sup>4</sup>	1.2 <sup>2</sup>	-	15.0	-
Off-Road Motorcycles and All-Terrain Vehicles with Engines 90 cc or Less 1999 and Later (g/km)	1.2 <sup>2</sup>	-	15.0	-
All-Terrain Vehicle Option 1997 and Later	Shall comply with exhaust emission standards equivalent to the off-road motorcycle and all-terrain vehicle standard using the utility test procedures set forth in CCR, Title 13, section 2403, and the incorporated document "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines," which is hereby incorporated by reference herein. <sup>5</sup>			
Golf Carts in Federal Ozone Non-Attainment Areas 1997 and Later	ZERO	ZERO	ZERO	ZERO

Emission Standards

Vehicle & Model Year	Hydro-carbon	Oxides of Nitrogen	Carbon Monoxide	Particulate Matter <sup>1</sup>
Specialty Vehicle Engines <25 horsepower 1995	10.0/12.0 <sup>6</sup> Combined		300	0.9
September 25, 1996 September 26, 1996-1998	10.0/12.0 <sup>6</sup> Combined		350	0.9
1999 and Later (g/bhp-hr) <sup>7</sup>	3.2 Combined		100	0.25
Go-Karts and Specialty Vehicle Engines >25 horsepower 1997 and Later (g/bhp-hr)	3.2 Combined		100	0.25

(c)(1) The test procedures for determining certification and compliance with the standards for exhaust emissions from new off-road motorcycles, all-terrain vehicles, and golf carts are set forth in “California Exhaust Emission Standards and Test Procedures for 1995 and Later Off-Highway Recreational Vehicles and Engines,” adopted November 23, 1994, which incorporates by reference Subparts E and F, Title 40, Code of Federal Regulations. There are no emissions test procedures for golf carts. <sup>6</sup>

(2) The test procedures for determining certification and compliance with the standards for exhaust emissions from new specialty vehicles and go-karts, and engines used in such vehicles, and all-terrain vehicle engines (those engines utilizing the optional standards noted in (b) above) are set forth in “California Exhaust Emission Standards and Tests Procedures for 1995 and Later Lawn and Garden and Utility Equipment Engines,” adopted March 20, 1992, and last amended April 8, 1993.

(d) Compliance with a standard to be applied as a “corporate average” shall be determined as follows:

$$\frac{\sum_{j=1}^n (\text{PROD})_{jx} (\text{STD})_{jx}}{\sum_{j=1}^n (\text{PROD})_{jx}} = \text{STD}_{ca}$$

- n = Off-road motorcycle and all-terrain vehicle engine families.
- PROD<sub>jx</sub> = Number of units in engine family j produced for sale in California in model year x.
- STD<sub>jx</sub> = The manufacturer designated HC exhaust emission standard for engine family j in model year x, which shall be determined by the manufacturer subject to the following conditions:
- (1) no individual engine family exhaust emission standard shall exceed 2.5 g/km, and
  - (2) no engine family designation or engine family exhaust emission standard shall be amended in a model year after the engine family is certified for the model year, and
  - (3) prior to sale or offering for sale in California, each engine family shall be certified in accordance with “California Exhaust Emissions Standards and Test Procedures for 1995 and Later Off-Highway Recreational Vehicles and Engines” adopted November 23, 1994, and shall be required to meet the manufacturer's designated HC exhaust emission standard as a condition of the certification Executive Order. Prior to certification the manufacturer shall also submit estimated production volumes for each engine family to be offered for sale in California.
- STD<sub>ca</sub> = A manufacturer's corporate average HC exhaust emissions from those California off-road motorcycles and all-terrain vehicles subject to the California corporate average HC exhaust emissions standard, as established by an Executive Order certifying the California production for the model year. This order must be obtained prior to the issuance of certification Executive Orders for individual engine families for the model year and shall include but not be limited to the following requirements:
- (1) During the manufacturer's production year, for each vehicle produced for sale in California, the manufacturer shall provide the following information to the Executive Officer within 30 days after the last day in each calendar quarter:
    - (A) vehicle identification numbers and an explanation of the identification code if applicable;
    - (B) model number and engine size of vehicle;
    - (C) the total number of vehicles marketed and produced as non-competition vehicles for sale in California and their applicable designated emissions standards.
  - (2) The manufacturer's average HC exhaust emissions shall meet the corporate average standard at the end of the manufacturer's production for the model year.
  - (3) Production and sale of vehicles which result in non-compliance with the California standard for the model year shall cause a manufacturer to be subject to civil penalties, according to applicable provisions of the Health

and Safety Code. All excess emissions resulting from non-compliance with the California standard shall be made up in the following model year.

(4) For a period of up to one year following the end of the model year, the manufacturer shall submit California sales and registration data as it becomes available, for each model.

(e) As an option to the standards set forth in section (b) above, exhaust emissions from 1997 and later all-terrain vehicle engines shall not exceed the equivalent to the off-road motorcycle and all-terrain vehicle standard using the utility test procedures set forth in "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines", adopted March 20, 1992, and last amended April 8, 1993, which is hereby incorporated by reference herein.

(f)(1) On or after January 1, 1995, no new engines shall be produced for sale to replace specialty vehicle engines, unless the engines comply with the emission standards in effect at the time of replacement.

(2) On or after January 1, 1997, no new engines greater than 90 cc shall be produced for sale to replace off-road motorcycles, all-terrain vehicles, go-karts and engines used in such vehicles, unless those engines comply with the emission control standards in effect at the time of replacement.

(3) On or after January 1, 1997, manufacturers shall not produce for sale in federal ozone non-attainment areas of California new, non-zero emission engines for golf carts.

(4) On or after January 1, 1999, no new engines 90 cc or less shall be produced for sale to replace off-road motorcycle and all-terrain vehicle engines, unless those engines comply with the emission control standards in effect at the time of replacement.

(g) The Executive Officer may find that any off-road motorcycles, all-terrain vehicles, specialty vehicles, go-karts or engines used in such vehicles certified to comply with California emission standards and test procedures for on-road or other off-road applications are in compliance with these regulations.

(h) No crankcase emissions shall be discharged into the ambient atmosphere from 1997 and later off-road motorcycles, all-terrain vehicles, golf carts, or engines used in such vehicles.

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1. Applicable to diesel and two-stroke spark ignited engines only.

2. Compliance with the 1.2 gram per kilometer HC standard to be applied as a "corporate average" shall be determined as provided in subsection (d). Each engine family shall have only

one applicable standard.

3. Cubic centimeter.

4. Grams per kilometer.

5. Compliance with the equivalent all-terrain vehicle HC standard to be applied as a “corporate average” shall be determined as provided in subsection (d). Each engine family shall have only one applicable standard.

~~6. The standard is applicable based on the engine displacement. Engines <225 cubic centimeters (cc) shall comply with 12.0 g/bhp-hr HC+NO<sub>x</sub> standard and engines 225cc and greater shall comply with the 10.0 g/bhp-hr HC+NO<sub>x</sub> standard.~~

~~7. Grams per brake-horsepower-hour.~~

~~8.~~ 6. Although golf cart manufacturers must file an application of certification and comply with the administrative requirements outlined in the procedures to certify their vehicles for sale in California, they are not required to perform emissions testing.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018 and 43107, Health and Safety Code. Reference: Sections 43013, 43018 and 43107, Health and Safety Code.

**§2413. Emission Control Labels - New Off-Highway Recreational Vehicles.**

(a) All off-road motorcycles, all-terrain vehicles, and engines used in such vehicles produced on or after January 1, 1997, for sale, lease, use or introduction into commerce in California, shall comply with the labeling requirements of the “California Motor Vehicle Emission Control Label Specifications,” adopted March 1, 1978, as amended July 12, 1991, which is hereby incorporated by reference herein. Any reference to motorcycles in the incorporated documents shall be applicable to off-road motorcycles, all-terrain vehicles, and engines used in such vehicles.

(b) ~~Specialty vehicles equipped with engines less than 25 horsepower and engines used in such vehicles produced on or after January 1, 1995,~~ and Specialty vehicles and go-karts equipped with engines 25 horsepower and greater and engines used in such vehicles produced on or after January 1, 1997, shall comply with the labeling requirements of Title 13, CCR, Chapter 9, Article 1, Section 2404 “Emission Control Labels - 1995 and Later Utility and Lawn and Garden Equipment Engines”, incorporated by reference herein. Any reference to utility and lawn and garden equipment in the incorporated documents shall be applicable to specialty vehicles, go-karts, and engines used in such vehicles.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018 and 43107, Health and Safety Code. Reference: Sections 43013, 43018 and 43107, Health and Safety Code.

**§2414. New Off-Highway Recreational Vehicle Engine Emission Standards, Enforcement and Recall Provisions, Warranty, Quality Audit, and New Engine Testing.**

(a) This section applies to off-road motorcycles, all-terrain vehicles, and engines used in such vehicles produced on or after January 1, 1997, for sale, lease, use or introduction into commerce in California. Off-road motorcycles, all-terrain vehicles, and engines used in such vehicles are subject to Title 13, California Code of Regulations, Chapter 2, Articles 2.1 through 2.3, and the incorporated Appendix A, "California In-Use Vehicle Emission-Related Recall Procedures, Enforcement Test Procedures, and Failure Reporting Procedures for 1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, and Motorcycles", which are incorporated by reference herein.

(b) This section applies to ~~specialty vehicles less than 25 horsepower produced on or after January 1, 1995, and~~ specialty vehicles and go-karts 25 horsepower and over produced on or after January 1, 1997, for sale, lease, use or introduction into commerce in California. Specialty vehicles, go-karts 25 horsepower and over, and engines used in such vehicles are subject to defects warranty, new engine compliance testing, and quality audit testing, as stipulated in Title 13, California Code of Regulations, Chapter 9, Sections 2405, 2406, and 2407, which are incorporated by reference herein.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code.