

State of California
AIR RESOURCES BOARD

Resolution 83-25

August 25, 1983

Agenda Item No. 83-12-4

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules, and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, with limited exceptions, Sections 43150 et seq. of the Health and Safety Code require all new motor vehicles sold or acquired for use in this state by California residents or businesses to have been certified by the Board as meeting California emission standards;

WHEREAS, with limited exceptions, Sections 27156 and 38001 et seq. of the Vehicle Code require all motor vehicles to be equipped with the air pollution control devices, in proper operating condition, which are required to meet applicable emission standards and regulations;

WHEREAS, Section 4000.1(a) of the Vehicle Code requires all motor vehicles which are subject to Board regulations to meet emissions inspection requirements and present a certificate of compliance upon initial registration and upon transfer of ownership and registration;

WHEREAS, Section 4000.1(e) of the Vehicle Code authorizes the Board to exempt designated classes of motor vehicles from the requirements of Section 4000.1(a) of the Vehicle Code;

WHEREAS, in the past, all light-duty, medium-duty and heavy-duty diesel vehicles, and motorcycles have been exempted from the emissions inspection and certificate of compliance requirements of Vehicle Code Section 4000.1(a);

WHEREAS, the California Environmental Quality Act (CEQA) and Board regulations require that no project having potentially significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available which would substantially reduce or avoid such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

Exempting all diesel vehicles and all motorcycles from the requirement to obtain emissions inspections and certificates of compliance has resulted in new diesel vehicles, and new motorcycles entering California which are not certified to comply with California standards;

An increase in the importation of vehicles which are not certified to meet California standards may occur in the near future because California's emissions standards for new 1984 and subsequent model year diesel vehicles and motorcycles are more stringent than comparable federal standards;

Requiring new diesel vehicles and new motorcycles to be inspected and to obtain certificates of compliance, or in-lieu "Statements of Buyer and Seller" as authorized by Vehicle Code Section 24007, upon initial registration is technologically and economically feasible;

Requiring new diesel vehicles and new motorcycles to be inspected and to obtain certificates of compliance is expected to result in an air quality benefit by reducing emissions from the use of vehicles which do not conform to California standards and by enhancing sales and use of vehicles certified for use in California;

The Department of Motor Vehicles (the "DMV") and the Bureau of Automotive Repair (the "BAR"), are the two government entities primarily responsible for implementing an inspection and certificate of compliance program for initial registration of new diesel vehicles and new motorcycles and the DMV and the BAR will need adequate lead time, through August 31, 1984, to develop and commence such a program;

At the present time, requiring emission inspections for used light-duty, medium-duty and heavy-duty diesel vehicles, and used motorcycles is not feasible, but an inspection program for used diesel vehicles and used motorcycles may become feasible in the near future;

The proposed amendments to Title 13, California Administrative Code, Sections 2160 and 2161 and proposed new Section 2162, would exempt all light-duty, medium-duty and heavy-duty diesel vehicles, and all motorcycles from the requirement to obtain emission inspections and certificates of compliance through August 31, 1984 only;

The proposed new regulations, Sections 2163, 2164 and 2165, would require certificates of compliance, or in-lieu "Statements of Buyer and Seller" as authorized by Vehicle Code Section 24007, for the initial registration of new, light-duty, medium-duty and heavy-duty diesel vehicles, and new motorcycles commencing September 1, 1984,

and would continue to exempt used diesel vehicles and used motorcycles from emission inspections and certificate of compliance requirements upon transfer of ownership and registration;

The proposed regulatory changes to extend for one year for new diesel vehicles and new motorcycles the existing exemption from inspections and certificates of compliance may result in a potential adverse air quality impact in that new vehicles with emissions in excess of California standards may be illegally sold or acquired for use in this state before the BAR and DMV inspection and compliance program includes these vehicles;

The potential adverse air quality impacts of the proposed regulatory changes will be limited to the extent that illegal vehicles are subject to agency enforcement efforts and statutory penalties; and

There are no feasible alternatives or mitigation measures available to reduce any potential adverse air quality impacts for extending the exemption for one year and in all other respects the adoption of the proposed regulations and amendments will not result in potential adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the amendments to Title 13, California Administrative Code, Section 2160 and 2161, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board hereby adopts Title 13, California Administrative Code, Sections 2162 through 2165 inclusive, as set forth in Attachment B hereto.

BE IT FURTHER RESOLVED that the Board determines that the new regulations and the amendments adopted herein are in the aggregate at least as protective of public health and welfare as applicable federal standards and are consistent with Section 202(a) of the federal Clean Air Act.

I certify that the above is a true and correct copy of Resolution 83-25, as adopted by the Air Resources Board.



Harold Holmes, Board Secretary

ATTACHMENT A

Amend Title 13, California Administrative Code, Sections 2160 and 2161, to read as follows:

2160. Certificates of Compliance Exemptions -- New and Used Diesel Vehicles over 6,000 Pounds Gross Weight Rating, Heavy-Duty Diesel Vehicles.

~~Pursuant to the authority vested in the State Air Resources Board by Subdivision (b) of Section 4000.1 of the Vehicle Code,~~ Certificates of Compliance are not required upon registration, and nor upon transfer of ownership and registration of diesel-powered vehicles of 6,001 pounds manufacturer's maximum gross vehicle weight rating and over. This section is effective ~~for the calendar years 1973 through 1982~~ through August 31, 1984 only.

NOTE: Authority cited: Section 4000.1(e), Vehicle Code; Sections 39600 and 39601, Health and Safety Code. Reference: Section 4000.1(e), Vehicle Code; ~~Specific references: --Section 4000.1(e), Vehicle Code, Sections 43150-43156, Health and Safety Code.~~

2161. Certificates of Compliance Exemptions -- , Light-Duty New and Used Diesel Vehicles, 6,000 Pounds or Less Gross Weight Rating.

~~Pursuant to the authority vested in the State Air Resources Board by Subdivision (b) of Section 4000.1 of the Vehicle Code,~~ Certificates of Compliance are not required upon registration, and nor upon transfer of ownership and registration of diesel-powered vehicles of 6,000 pounds or less manufacturer's maximum gross vehicle weight rating. This section is effective ~~through calendar year 1982~~ through August 31, 1984 only.

NOTE: Authority cited: Section 4000.1(e), Vehicle Code; Sections 39600 and 39601, Health and Safety Code. Reference: Section 4000.1(e), Vehicle Code; ~~Specific reference: --Section 4000.1(e), Vehicle Code, Sections 43150-43156, Health and Safety Code.~~

Adopt Title 13, California Administrative Code, Sections 2162, 2163, 2164, and 2165, to read as follows:

2162. Certificates of Compliance Exemptions -- New and Used Motorcycles.

Certificates of Compliance are not required upon initial registration, nor upon transfer of ownership and registration of motorcycles. This section is effective through August 31, 1984 only.

NOTE: Authority cited: Section 4000.1(e), Vehicle Code; Sections 39600 and 39601, Health and Safety Code. Reference: Section 4000.1(e), Vehicle Code; Sections 43150-43156, Health and Safety Code.

2163. Certificates of Compliance Exemptions for Used Motorcycles.

Certificates of Compliance are not required upon transfer of ownership and registration of motorcycles, nor upon initial registration of motorcycles with odometer readings of over 7,500 miles. This section shall become effective on September 1, 1984, and shall supersede the provisions of Section 2162 on that date.

NOTE: Authority Cited: Section 4000.1(e), Vehicle Code; Sections 39600 and 39601, Health and Safety Code. Reference: Section 4000.1(e), Vehicle Code; Sections 43150-43156, Health and Safety Code.

2164. Certificates of Compliance Exemptions for Used Diesel-Powered Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.

Certificates of compliance are not required upon transfer of ownership and registration of diesel-powered passenger cars, light-duty trucks, and medium-duty vehicles, nor upon initial registration of

diesel-powered passenger cars, light-duty trucks, and medium-duty vehicles with odometer readings of over 7,500 miles. This section shall become effective on September 1, 1984, and shall supersede the provisions of Sections 2160 and 2161 on that date.

NOTE: Authority Cited: Section 4000.1(e), Vehicle Code; Sections 39600 and 39601, Health and Safety Code. Reference: Section 4000.1(e), Vehicle Code; Sections 43150-43156, Health and Safety Code.

2165. Certificates of Compliance Exemptions for Used Heavy-Duty Diesel Vehicles.

Certificates of compliance are not required upon transfer of ownership and registration of heavy-duty diesel vehicles, nor upon initial registration of heavy-duty diesel vehicles with an odometer reading of over 7,500 miles. This section shall become effective on September 1, 1984, and shall supersede the provisions of Sections 2160 and 2161 on that date.

NOTE: Authority Cited: Section 4000.1(e), Vehicle Code; Sections 39600 and 39601, Health and Safety Code. Reference: Section 4000.1(e), Vehicle Code; Sections 43150-43156, Health and Safety Code.

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Amendments to Title 13, California Administrative Code, Sections 2160 and 2161, and Adoption of Title 13, California Administrative Code, Sections 2162-2165, Regarding Certificate of Compliance Requirements for Diesel-Powered Light-Duty, Medium-Duty, and Heavy-Duty Vehicles, and Motorcycles

Agenda Item No.: 83-12-4

Public Hearing Date: August 25, 1983

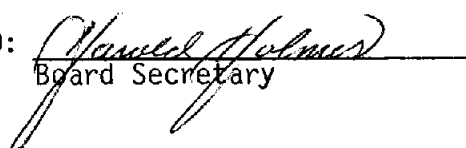
Response Date: August 25, 1983

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The extension for one year of the exemption from inspections and certificate of compliance requirements may result in a potential adverse air quality impact in that new vehicles not meeting California standards may continue to be illegally sold or acquired for use in this state.

Response: The potential adverse air quality impacts of the proposed regulatory changes will be limited to the extent that illegal vehicles are subject to agency enforcement efforts and statutory penalties. In addition, there are no feasible alternatives to extending the exemption for one year and in all other respects the proposed regulatory changes will not result in potential adverse environmental impacts.

CERTIFIED:


Board Secretary

Date:

01/03/84