

**Attachment 1
15-Day Modifications to the Original Proposal**

**MODIFICATIONS TO THE PROPOSED ADOPTION OF EVAPORATIVE
EMISSION CONTROL REQUIREMENTS FOR OFF-HIGHWAY
RECREATIONAL VEHICLES**

Shown on the following pages are the proposed modifications to the original proposed regulatory text set forth in Attachment A of the Staff Report: "Adoption Of Evaporative Emission Control Requirements For Off-Highway Recreational Vehicles" (OHRV), released June 5, 2013. The changes to the originally proposed regulatory language are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions.

Various portions of the regulation that are not modified by staff's suggested modifications are omitted from the text shown and indicated by:

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Adopt Article 3, Chapter 9, Division 3, Title 13, California Code of Regulations, to read as follows:

Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

Article 3. Off-Highway Recreational Vehicles and Engines

§ 2416. Applicability.

(b) The following OHRVs are exempted from the requirements of this regulation:

- (1) OHRVs certified solely to operate on diesel fuel,
- (2) Snowmobiles, ~~and~~
- (3) Zero emission vehicles; except when optionally certified to generate advanced fuel system credits, pursuant to Section 2419.5., and
- (4) OHRV's certified as meeting Cal. Code Regs., tit. 13, §2412(f).

§ 2418. Evaporative Emission Standards and Test Procedures.

(d) Phase-in Schedule.

(1) For model years 2018 through 2021, OHRV manufacturers may phase-in evaporative emission standards specified in subdivision (a) so that 75 percent of all OHRVs sold in model years 2018 through 2021 are compliant with the requirements in Section 2419.5., or:

(2) The weighted average of compliant OHRVs must be greater than 75 percent and can include early compliant model year 2017 OHRVs in the model year 2018 calculation, so that: (MY2017%control + MY2018%control) X 0.4 + MY2019%control X 0.3 + MY2020%control X 0.2 + MY2021%control X 0.1 >75 percent and % compliance cannot decrease.

~~(2)~~(3) All 2018 through 2021 model year OHRVs that are not subject to these standards pursuant to the phase-in schedule shall comply with the evaporative permeation requirements for 2008 and later model year OHRVs, as described in Cal. Code Regs., tit.13, § 2412(b)(2).

~~(3)~~(4) The percentage of OHRV fleet averaged across model years 2018

through 2021 must be used to determine compliance with this requirement.

(4)(5) For the purpose of calculating the fleet average, a manufacturer shall use the percentage of OHRVs sold or offered for sale in California for model years 2018 through 2021. A manufacturer may calculate this average percentage using the projected sales for these model years in lieu of actual sales.

(5)(6) For the purpose of this section, any OHRV manufacturer that participates in the phase-in period must comply with the administrative requirements in Section 2419.5(d).

§ 2419.1 Evaporative Emission Control Labels – New Off-Highway Recreational Vehicles.

(d) Integrated Emissions Label.

(1) A manufacturer ~~must obtain approval from the Executive Officer, as set forth in subdivision (c)(8), to~~ may use an integrated emissions label for OHRVs certified to this article, subject to approval of the label format, content, and location by the Executive Officer; as set forth in subdivision (c)(8) and subject to exhaust emissions labeling requirements by Cal. Code Regs., tit.13, § 2413(b).

§ 2419.2 Defects Warranty Requirements for Evaporative Emission Systems of 2018 and Later Model year Off-Highway Recreational Vehicles.

(c) Warranty Period.

(3) The cost limit shall be calculated using the following equation:

$$\text{Cost limit}_n = \$200 \times (\text{CPI}_{n-2} / 148.3 \text{ CPI}_{2016})$$

Where,

- Cost limit_n = the cost limit for the applicable model year of the OHRV rounded to the nearest ten dollars
- n = model year of the new OHRVs
- n-2 = calendar year two years prior to the model year of the new

OHRVs

- CPI = annual average nationwide urban consumer price index for a calendar year published by the United States Bureau of Labor Statistics

~~The \$200 is based on calendar year 2018 dollars.~~

(d) Subject to the conditions and exclusions of subdivision (i), the warranty on emissions-related parts shall function as follows:

(4) Repair or replacement of any warranted part under the warranty provisions of this article shall be performed at no charge to the OHRV owner, at a warranty station, ~~except in the case of an emergency~~ a temporary repair when a warranted part or a warranty station is not reasonably available to the OHRV owner. ~~In an emergency~~ In the event a temporary repair is permitted according to subdivision (d)(8), repairs may be performed at any available service establishment, or by the owner, using any replacement part. The manufacturer shall reimburse the owner for his or her expenses including diagnostic charges for such ~~emergency~~ temporary repair or replacement, not to exceed the manufacturer's suggested retail price for all warranted parts replaced and labor charges based on the manufacturer's recommended time allowance for the warranty repair and the geographically appropriate hourly labor rate.

(8) Throughout the OHRV's warranty period defined in subdivision (c), the OHRV manufacturer shall maintain a supply of warranted parts sufficient to meet the expected demand for such parts. The lack of availability of such parts or the incompleteness of repairs within a reasonable time period, not to exceed 30 days from the time the OHRV is initially presented to the warranty station for repair, shall ~~constitute an emergency~~ qualify the need for a temporary repair for purposes of subdivision (d)(4).
