

Attachment A: Proposed Regulation Order

**Off-Highway Recreational Vehicles: Evaporative Emission
Control**

Title 13, California Code of Regulations

May 2013

**California Air Resources Board
Monitoring and Laboratory Division**

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PROPOSED REGULATION ORDER

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

Article 3. Off-Highway Recreational Vehicles and Engines

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

Note: The entire text below is new language proposed to be added to the California Code of Regulations.

§ 2416. Applicability.

(a)(1) This article applies to all new model year 2018 or later off-highway recreational vehicles (OHRV), for sale, lease, use, or offered for sale, lease or use, or otherwise introduced into commerce in California (hereinafter collectively referred to as “sold or offered for sale”).

(2) New OHRVs, subject to any of the standards set forth in Article 3, shall be certified by the Air Resources Board and covered by an Executive Order of Certification, pursuant to section 2419.5 of this Article before being sold or offered for sale in California.

(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.

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

(d) This article includes provisions for certification, labeling requirements, emissions standard enforcement, recall, and use restrictions.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43204, 43205, 43205.5, 43210, 44004, 44010, 44011, 44012, 44014, 44015 and 44017, Health and Safety Code.

§ 2417. Definitions.

(a) The definitions in Cal. Code Regs., tit.13, § 1900(b), apply as well as the following additions:

- (1) "Abuse" as defined in Cal. Code Regs., tit.13, § 2441(a).
- (2) "All-Terrain Vehicle (ATV)" as defined in Cal. Code Regs., tit.13, § 2411(a).
- (3) "Compliance Testing" as defined in Cal. Code Regs., tit.13, § 2421(a).
- (4) "Conventional Tool" is any of the following: a blade or Phillips screwdriver, open-end or box wrench, adjustable wrench, standard hexagonal socket, hands, pliers, or Torx bit.
- (5) "Diurnal Emissions" means evaporative emissions resulting from the daily cycling of ambient temperatures and include resting losses, and permeation emissions, as measured according to test procedures incorporated in this Article.
- (6) "Emission Control System" as defined in Cal. Code Regs., tit.13, § 2411(a).
- (7) "End of the Assembly-Line" as defined in Cal. Code Regs., tit.13, § 2411(a).
- (8) "Evaporative Emissions" as defined in Cal. Code Regs., tit.13, § 2752(a).
- (9) "Evaporative Family" as defined in Cal. Code Regs., tit.13, § 2752(a).
- (10) "Evaporative Family Emissions Limit (EFEL)" is defined as the numerical value selected by the manufacturer to serve in the advanced fuel system credit program. The EFEL serves as the evaporative family's emission standard for emission compliance efforts. If the manufacturer does not declare an EFEL for an evaporative family, the applicable emissions standard must be treated as that evaporative family's EFEL for the purposes of any provision in this Article. In addition, the EFEL must be set in increments of 0.025 grams per test.
- (11) "Executive Order of Certification" as defined in Cal. Code Regs., tit.13, § 2752(a).
- (12) "Fuel Injection" is defined as any mechanical or electrical fuel system in which pressurized fuel is sprayed or injected, only when the engine is starting or running, into the intake system or cylinder of an internal combustion engine.
- (13) "Golf Cart" as defined in Cal. Code Regs., tit.13, § 2411(a).
- (14) "Manufacturer" as defined in Cal. Code Regs., tit.13, § 2411(a).

- (15) “Nominal Capacity” as defined in Cal. Code Regs., tit. 13, § 2752(a).
- (16) “Nonconformity” or “Noncompliance” as defined in Cal. Code Regs., tit.13, § 2112(h).
- (17) “Off-Highway Recreational Vehicle (OHRV)” means any vehicle powered by an off-highway recreational vehicle engine
- (18) “Off-Highway Recreational Vehicle Engines ” or “Engines” as defined in Cal. Code Regs., tit. 13, § 2411(a).
- (19) “Off-Road Motorcycle” as defined in Cal. Code Regs., tit. 13, § 2411(a).
- (20) “Off-Road Sport Vehicle” as defined in Cal. Code Regs., tit. 13, § 2411(a).
- (21) “Off-Road Utility Vehicle” as defined in Cal. Code Regs., tit. 13, § 2411(a).
- (22) “Owner” as defined in Cal. Code Regs., tit.13, § 2180.1(a).
- (23) “Permeation emissions” or “Permeation” means evaporative emissions that result from reactive organic gas molecules penetrating through the walls of fuel system components and evaporating on outside surfaces. Permeation emissions are a component of diurnal emissions.
- (24) “SAE J1737” means Society of Automotive Engineers “Test Procedure to Determine the Hydrocarbon Losses from Fuel Tubes, Hoses, Fittings, and Fuel Line Assemblies by Recirculation,” revised November 2004, which is incorporated by reference herein.
- (25) “Sand Car” as defined in Cal. Code Regs., tit. 13, § 2411(a).
- (26) “Scheduled Maintenance” as defined in Cal. Code Regs., tit.13, § 2411(a).
- (27) “Small Volume Off-Highway Recreational Vehicle Manufacturer” means any off-highway recreational vehicle manufacturer with three-year average California sales less than or equal to a total of 50 new off-highway recreational vehicles per model year in California.
- (28) “Tampering” means removing, modifying, or disconnecting emissions-related parts, or, as it applies to emission control labels, in a manner that voids equipment certification.
- (29) “Total Organic Gases” or “TOG” means all gases containing carbon, except carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- (30) “Vehicle or Engine Manufacturer” as defined in Cal. Code Regs., tit.13, § 2035(c).

- (31) "Warranty Period" as defined in Cal. Code Regs., tit.13, § 2035(c).
- (32) "Warranty Station" as defined in Cal. Code Regs., tit.13, § 2035(c).
- (33) "Zero Emission Vehicle" or "electric motorcycle" as defined in Cal. Code Regs., tit.13, § 2411(a).
- (34) "TP-902" means "Test Procedure for Determining Diurnal Evaporative Emissions from Small Off-Road Engines," adopted July 26, 2004, which is incorporated by reference herein.
- (35) "TP-933" means "Test Procedure for Determining Evaporative Emissions from Off-Highway Recreational Vehicles," adopted [INSERT ADOPTION DATE], which is 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, 43106, 43107, 43204, 43205, 43205.5, 43210, 44004, 44010, 44011, 44012, 44014, 44015 and 44017, Health and Safety Code.

§ 2418. Evaporative Emission Standards and Test Procedures.

(a) Manufacturers of OHRVs must comply with the following evaporative emission standards for new OHRVs sold or offered for sale in California.

(1) Evaporative emissions from an OHRV may not exceed the following limitations:

(A) The applicable emission standards outlined in Table 1 for either the 72 hour diurnal standard or the steady state diurnal standard. All OHRVs certified to the emission standards below are presumed to demonstrate compliance with federal permeation standards specified in Cal. Code Regs., tit.13, § 2412(b)(2).

Table 1

<i>Vehicle and Model Year</i>	<i>Required Tests</i>	<i>72-Hour Diurnal Standard⁽¹⁾</i>	<i>Steady State Diurnal Standard⁽²⁾</i>
OHRVs 2018 and later model years	Diurnal	1 gram TOG/day	1 gram TOG/day
	Fuel System Leakage Tip Test	No visible liquid leakage	

(1) Highest 24-hour diurnal test result over three consecutive 24-hour diurnal test periods.

(2) 24-hour diurnal test result plus calculated vented emissions.

(B) All-Terrain Vehicle (ATV) Filler Neck Compatibility Standard.

Beginning with model year 2018, ATVs with fuel tanks that are re-designed to be geometrically different from fuel tanks of 2017 and earlier model years, and have a nominal capacity of greater than 3.5 gallons must meet the filler pipe sealing surface requirements in Figure 1 of the International Standards Organization 13331:1995(E), published June 1, 1995, which is incorporated by reference herein. Perpendicularly down from the mating surface there must be a minimum of 120 mm (90 mm for nozzle, 5 mm for bellows compression and 25 mm for extra space fuel flow) to the bottom of the tank.

(2) Zero emission vehicles shall produce zero fuel evaporative emissions under any and all possible operational modes and conditions, and are therefore not required to perform evaporative emissions testing to certify in accordance with section 2419.5.

(b) Small Volume OHRV Manufacturer Design-Based Standard.

(1) In lieu of certifying to the emission standards in subdivision (a), a small volume OHRV manufacturer may certify OHRVs to the design-based standards set out in Table 2, in addition to performing a tip-test as specified in subsection (a)(1).

Table 2

<i>Effective Date Model Year</i>	<i>Fuel Tank Permeation Grams/m²/day</i>	<i>Fuel Hose Permeation Grams/m²/day</i>	<i>Carbon Canister Working Capacity Grams/Liter of Nominal Fuel Tank Volume</i>	<i>Fuel Injection</i>
2018 and later model years	1.5 @ 28°C (82°F) ⁽¹⁾	5.0 @ 35°C (95°F)	1.0 ⁽²⁾	Required

(1) Fuel tank permeation standards specified in Cal. Code Regs., tit.13, § 2412(b)(2).

(2) The carbon canister must be actively purged during engine operation.

(c) The test procedures for determining compliance with the standards in:

(1) subdivision (a) are set forth in TP-933, and incorporated by reference herein.

(2) subdivision (b) for,

(A) fuel hose permeation, are set forth in SAE J1737, and incorporated by reference herein.

(B) fuel tank permeation, are set forth in part 1060.520, Title 40, Code of Federal Regulations, as amended on April 30, 2010, and incorporated by reference herein.

(C) the carbon canister, are set forth in TP-902, and incorporated by reference herein.

(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.

(2) 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) The percentage of OHRV fleet averaged across model years 2018 through 2021 must be used to determine compliance with this requirement.

(4) 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) 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).

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43204, 43205, 43205.5, 43210, 44004, 44010, 44011, 44012, 44014, 44015 and 44017, Health and Safety Code.

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

(a) Purpose. An evaporative emissions label (or labels) must be affixed to every certified OHRV to provide proper vehicle identification and maintenance information for emissions-related parts. The maintenance information on the label may be omitted if such information is included in the owner's manual.

(b) The manufacturer granted certification is responsible for compliance with this section.

(c) Evaporative Emissions Label Content and Location.

(1) An evaporative emissions label made of a permanent material must be welded, riveted or otherwise permanently attached to an area on the OHRV in such a manner that the label will be readily visible to the average person with the engine installed.

(A) The label must be readable from a distance of 18 inches (46 centimeters) without any obstructions from vehicle or engine parts (including all manufacturer available optional equipment) except for flexible parts (e.g., vacuum hoses, ignition wires) that can be moved out of the way without disconnection.

(B) Specifications to be printed on the label must be no smaller than 8 point type size (2 millimeters in height) .

(2) In selecting an acceptable location, the manufacturer must consider the possibility of accidental damage (e.g., possibility of tools or sharp instruments coming in contact with the label). Each label must be affixed in such a manner that it cannot be removed without destroying or defacing the label, and must not be affixed to any part that is likely to be replaced during the OHRV's useful life.

(3) The evaporative emissions label must be in the English language, and use block letters and numerals, which must be of a color that contrasts with the background color of the label.

(4) The evaporative emissions label must contain the following information:

(A) A label heading that must read: "Vehicle Evaporative Emission Control Information,"

(B) The complete corporate name and trademark of the manufacturer,

(C) Evaporative family name and model name,

(D) Identification of the Evaporative Emission Control System. Abbreviations may be used and must conform to the nomenclature and abbreviations found in the Society of Automotive Engineers' procedure J1930, "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations and Acronyms," October 2008, which is incorporated by reference herein;

(E) The tune-up specifications and adjustments recommended by the manufacturer. These specifications must indicate the proper transmission position during tune-up and what accessories, if any, should be in operation, and what systems, if any (e.g., vacuum advance, air pump), should be disconnected during the tune-up. Any tune-up specifications or adjustment instructions that appear on labels must be sufficiently clear and complete so as to preclude the need for a mechanic or OHRV owner to consult other references in order to correctly perform the adjustments. The manufacturer must include the single statement: "No other adjustments needed," in lieu of any tune-up adjustment instruction, when the manufacturer does not recommend a tune-up specification or an adjustment;

(F) An unconditional statement of compliance with the appropriate model year California regulations. For example, "This (specify off-road motorcycle, all-terrain vehicle, off-road sport vehicle, off-road utility vehicle, or sand car, as applicable) conforms to California evaporative emissions regulations applicable to (specify applicable model year) model-year new (specify off-road motorcycles, all-terrain vehicles, off-road sport vehicles, off-road utility vehicles, or sand cars, as applicable)." The statement must also include the phrase, "is certified to (specify applicable ROG designated standard in grams per day) evaporative emission standard in California;" and

(G) Statements such as those in (F) must not appear on labels placed on OHRVs that do not comply with all applicable California regulations.

(5) A manufacturer may elect to use a supplemental label when the original label lacks sufficient space to include all the required information. A supplemental label must conform to all of the specifications as the original label. The original label must be indicated as "1 of 2" and the supplemental label must be indicated as "2 of 2" whenever a supplemental label is utilized.

(6) The provisions of this section must not prevent a manufacturer from also reciting on the label that such OHRV comply with any applicable federal emission standards for new OHRVs, or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of such OHRVs.

(7) The labels and any adhesives used must be designed to withstand, for the OHRV's total expected life, typical OHRV environmental conditions at the location where a label has been attached. Typical OHRV environmental conditions include, but are not limited to, exposure to engine fuels, lubricants and coolants (e.g., gasoline, motor oil, brake fluids, ethylene glycol), engine operating temperatures, steam cleaning, and paints or paint solvents. The manufacturer must submit, with its certification application, a statement attesting that its labels comply with this requirement.

(8) Approval of Emission Control Label.

(A) The manufacturer must obtain approval from the Executive Officer for all emission control label formats and locations prior to certification. Approval of the specific tune-up specifications and adjustments is not required; however, the format for all such specifications and adjustments, if any, is subject to review. If the Executive Officer finds that the information on the label is vague or subject to misinterpretation, or that the location does not comply with these specifications, the Executive Officer may require that the label or its location be modified accordingly.

(B) Samples of all actual production emission control labels used within an evaporative family must be submitted to the Executive Officer of the Air Resources Board within thirty days after the start of production.

(C) The Executive Officer may approve alternate label locations or may, upon request and when the Executive Officer determines warranted, waive or modify one or more of the label content requirements, provided that the intent of this section is satisfied.

(D) If the Executive Officer finds any OHRV using emission control labels that are different from those approved or that do not substantially comply with the readability or durability requirements set forth in this section, the Executive Officer may invoke Cal. Code Regs., tit.13, § 2109.

(d) Integrated Emissions Label.

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

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43204, 43205, 43205.5, 43210, 44004, 44010, 44011, 44012, 44014, 44015 and 44017, Health and Safety Code.

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

(a) The warranty period shall begin on the date the OHRV is delivered to an ultimate purchaser.

(b) General Emissions Warranty Coverage.

The manufacturer of an OHRV shall warrant to the ultimate purchaser and each subsequent purchaser that the OHRV is:

(1) Designed, built, and equipped so as to conform, at the time of sale, with all applicable laws, rules and regulations; and

(2) Free from defects in materials and workmanship that may cause the failure of a warranted part to be identical in all material respects to that part as described in the OHRV manufacturer's application for certification.

(c) Warranty Period.

The warranty period applicable to this section shall be a period of use of 30 months, or 2500 miles, or 250 hours, whichever comes first, except for "high-priced" warranty parts, which are covered for 60 months, or 5000 miles, or 500 hours, whichever comes first.

(1) Each manufacturer shall identify in its application for certification the "high-priced" warranted parts which are:

(A) OHRV parts included on the Air Resources Board "Emissions Warranty Parts List," as last amended February 22, 1985, which is incorporated herein by reference, and;

(B) Have an individual replacement cost at the time of certification exceeding the cost limit defined in subdivision (c)(3);

(2) The replacement cost shall be the retail cost to an OHRV owner and include the cost of the part, labor, and standard diagnosis. The costs shall be those of the highest-cost metropolitan area of California.

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

$$\text{Cost limit}_n = \$200 \times (\text{CPI}_{n-2} / 118.3)$$

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 published by the United States Bureau of Labor Statistics

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

(4) The cost limit shall be revised annually by the Executive Officer. The highest-cost metropolitan area in California shall be identified by the Executive Officer for use in this section. If a manufacturer seeks certification of an OHRV before the applicable annual average CPI is available, the cost limit shall be calculated using the average of the monthly nationwide urban CPI figures for the most recent twelve month period for which figures have been published by the United States Bureau of Labor Statistics.

(5) Each manufacturer shall submit to the Executive Officer the documentation used to identify the "high-priced" warranted parts required in this section. The documentation shall include the estimated retail parts costs, labor rates in dollars per hour, and the labor hours necessary to diagnose and replace the parts.

(6) The Executive Officer may reject or require modification of the manufacturer's list of "high-priced" warranted parts to ensure that such list includes all emission-related parts whose replacement cost exceeds the cost limit defined in subdivision (c)(3).

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

(1) Any warranted part which is not scheduled for replacement as part of maintenance in the written instructions pursuant to subdivision (e) shall be warranted for the warranty period defined in subdivision (c). If any such part fails during the warranty period, it shall be repaired or replaced by the OHRV manufacturer according to subdivision (d)(4). Any such part repaired or replaced under warranty shall be fully warranted.

(2) Any warranted part which is scheduled only for regular inspection in the written instructions required by subdivision (e) shall be warranted for the warranty period defined in subdivision (c). A statement in such written instructions to the effect of "repair or replace as necessary" shall not reduce the period of warranty coverage. Any such part repaired or replaced under warranty shall be warranted for the remaining warranty period.

(3) Any warranted part which is scheduled for replacement as part of maintenance in the written instructions pursuant to subdivision (e) shall be warranted for the period of time prior to the first scheduled replacement point

for that part. If the part fails before the first scheduled replacement point, the part shall be repaired or replaced by the OHRV manufacturer according to subdivision (d)(4). Any such part repaired or replaced under warranty shall be warranted for the remainder of the period prior to the first scheduled replacement point for the part.

(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 when a warranted part or a warranty station is not reasonably available to the OHRV owner. In an emergency, 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 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.

(5) Notwithstanding the provisions of subdivision (d)(4), warranty services or repairs shall be provided at all manufacturer dealerships that are owned by the manufacturer or franchised to service the subject OHRVs.

(6) The OHRV owner shall not be charged for diagnostic labor which leads to the determination that a warranted part is, in fact, defective, provided that such diagnostic work is performed at a warranty station.

(7) The OHRV manufacturer shall be liable for damages to other vehicle components proximately caused by a failure, under warranty, of any warranted part.

(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 for purposes of subdivision (d)(4).

(9) Any replacement part designated by a manufacturer may be used in warranty repairs provided without charge to the OHRV owner. Such use shall not reduce the warranty obligations of the OHRV manufacturer, except that the OHRV manufacturer shall not be liable under this article for repair or replacement of any replacement part which is not a warranted part (except as provided under subdivision (d)(7)).

(10) Any add-on or modified part exempted by the Air Resources Board from the prohibitions of Vehicle Code section 27156 may be used on an OHRV. Such use, in and of itself, shall not be grounds for disallowing a warranty claim made in accordance with this article. The OHRV manufacturer shall not be liable under this article to warrant failures of warranted parts caused by the use of an add-on or modified part unless such parts are also warranted.

(11) Upon a request of the Executive Officer, the OHRV manufacturer must provide any documents that describe the manufacturer's warranty procedures or policies.

(12) Any replacement part must not reduce the effectiveness of the OHRV emission control system. A manufacturer must demonstrate that the applicable emission standards are being met when the replacement part(s) are installed on the OHRV. The demonstration of equivalence to applicable emission standards can be achieved through replacing the part(s) with the evaporative emission components the OHRV emissions family was certified with; or, if unavailable, alternative parts may be installed if the manufacturer can provide testing data to verify the evaporative control system meets, at least, the OHRV EFEL.

(e) Commencing with the 2018 model year, each manufacturer shall furnish with each new OHRV written instructions for the maintenance and use of the OHRV by the owner.

(f) Commencing with 2018 model year, the manufacturer shall furnish with each new OHRV, a list of the warranted parts installed on that vehicle. The list shall include those parts included on the Air Resources Board "Emissions Warranty Parts List," incorporated by reference in subdivision (c)(1)(A).

(g) Each manufacturer shall submit the documents required by subdivisions (e) and (f), with the manufacturer's preliminary application for new OHRV certification for approval by the Executive Officer. The Executive Officer may reject or require modification of the manufacturer's list of warranted parts to ensure that each such list is of proper scope. The Executive Officer may also reject or require modification of any of the documents required by subdivision (e). Approval by the Executive Officer of the documents required by subdivisions (e) and (f), shall be a condition of certification. The Executive Officer must approve or disapprove the documents required by subdivisions (e) and (f), within 90 days of the date such documents are received from the manufacturer or the application is deemed disapproved. If approved, an Executive Order of Certification will be granted by the Executive Officer. If disapproved, an Executive Order of Certification will not be granted by the Executive Officer. A statement of the reasons shall accompany any disapproval. In the event of disapproval, the manufacturer may request a review of the Executive Officers' decision by the Board.

(h) Notwithstanding subdivision (f), the Executive Officer may delete any part from a manufacturer's list of warranted parts provided if the manufacturer demonstrates to the Executive Officer that:

(1) Failure of such part will not increase the emissions of any OHRV on which it is installed, and

(2) Any deterioration of drivability or performance which results from failure of the part could not be corrected by adjustments or modifications to other OHRV components.

(i) Exclusions.

The repair or replacement of any warranted part otherwise eligible for warranty coverage under subdivision (d), shall be excluded from such warranty coverage if the OHRV manufacturer can provide evidence to the Executive Officer, to the Executive Officer's satisfaction, that the OHRV has been abused, neglected, or improperly maintained, and that such abuse, neglect, or improper maintenance was the direct cause of the need for the repair or replacement of the part.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43204, 43205, 43205.5, 43210, 44004, 44010, 44011, 44012, 44014, 44015 and 44017, Health and Safety Code.

§ 2419.3 Evaporative Emissions Control System Warranty Statement.

(a) A manufacturer shall furnish a copy of the following statement with each new 2018 and later model year vehicle, using those portions of the statement applicable to the vehicle, unless otherwise authorized by the Executive Officer. The warranty statement shall generally describe the obligations and rights of vehicle manufacturers and owners under this article.

CALIFORNIA EMISSION CONTROL WARRANTY STATEMENT

YOUR WARRANTY RIGHTS AND OBLIGATIONS

The California Air Resources Board (and manufacturer's name, optional) is pleased to explain the emission control system warranty on your (model year) (OHRV). In California, new off-highway recreational vehicles must be designated, built and equipped to meet the State's stringent anti-smog standards. (Manufacturer's name) must warrant the emission control system on your (OHRV) for the periods of time listed below provided there has been no abuse, neglect or improper maintenance of your (OHRV).

Your emission control system may include parts such as the carburetor or fuel-injection system, fuel tank, fuel hoses, carbon canister, and engine computer. Also included may be hoses, belts, connectors and other emission-related assemblies. Where a warrantable condition exists, (manufacturer's name) will repair your (OHRV) at no cost to you including diagnosis, parts and labor.

MANUFACTURER'S WARRANTY COVERAGE:

[For 2018 and later model year OHRVs.]

For 30 months, or 2500 miles, or 250 hours, whichever comes first, except for evaporative components over the OHRV high-priced warranty value, which is covered for 60 months, or 5000 miles, or 500 hours, whichever comes first.

If any emission-related part on your (OHRV) is defective, the part will be repaired or replaced by (manufacturer's name).

OWNER'S WARRANTY RESPONSIBILITIES:

As the (OHRV) owner, you are responsible for the performance of the required maintenance listed in your owner's manual. (Manufacturer's name) recommends that you retain all receipts covering maintenance on your (OHRV), but (manufacturer's name) cannot deny warranty solely for the lack of receipts or for your failure to ensure the performance of a scheduled maintenance.

As an owner you are responsible for presenting your (OHRV) to a (manufacturer's name) dealer as soon as a problem exists. The warranty repairs should be completed in a reasonable amount of time, not to exceed 30 days.

As an (OHRV) owner, you should also be aware that (manufacturer's name) may deny you warranty coverage if your (OHRV) or a part has failed due to abuse, neglect, improper maintenance or unapproved modifications.

If you have any questions regarding your warranty rights and responsibilities, you should contact (Insert chosen manufacturer's contact) at 1-XXX-XXX-XXXX or the California Air Resources Board at 9528 Telstar Avenue, El Monte, CA 91731.

(b) Each manufacturer shall submit the documents required by the section with the manufacturer's preliminary application for new OHRV certification for approval by the Executive Officer. The Executive Officer may reject or require modification of the documents to the extent the submitted

documents do not satisfy the requirements of this section. Approval by the Executive Officer of the documents required by this section shall be a condition of certification. The Executive Officer must approve or disapprove the documents required by this section within 90 days of the date such documents are received from the manufacturer. Any disapproval shall be accompanied by a statement of the reasons therefore. In the event of disapproval, the manufacturer may petition the Board to review the decision of the Executive Officer.

NOTE; Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 43106, 43204, 43205, 44004, 44010, 44011, 44012, 44014 and 44015, Health and Safety Code.

§ 2419.4. New Off-Highway Recreational Vehicle Evaporative Emission Standards, Enforcement and Recall Provisions, Warranty, Quality Audit, and New Engine Testing.

Commencing with model year 2018, an OHRV is subject to Cal. Code Regs., tit.13, § 2111-2140, 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.

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.

§2419.5 Evaporative System Testing and Certification Requirement.

(a) Requirement to Comply with All Other Applicable Codes and Regulations.

Certification or approval of any equipment or evaporative emission control system by the Executive Officer does not exempt the equipment or evaporative emission control system from compliance with other laws, rules or regulations including state and federal safety codes and regulations.

(b) Certification Requirements.

(1) For model years 2018 and later, OHRVs must be tested with the entire emissions control system as a complete vehicle. To obtain an Executive Order of Certification for OHRVs, a manufacturer must:

(A) Perform OHRV testing in accordance with section 2418(c). Measured emissions must be at or below the applicable emission standards listed section 2418(a), or;

(B) Evaporative families that do not meet the emission standards outlined above must comply by offsetting any shortfall with emissions credits generated with the same model year, as specified in subdivision (c).

(C) Comply with all administrative requirements in subdivision (d).

(D) Meet the applicable warranty requirements of Sections 2419.2 and 2419.3.

(E) Meet the evaporative emissions labeling requirements of Section 2419.1.

(F) Submit an OHRV certification application to the Mobile Source Operations Division (MSOD) Chief, Air Resources Board, electronically as specified by the MSOD Chief.

(G) Within 30 days of receipt of the application, the Executive Officer must determine whether an application is complete.

(H) Within 90 days after an application has been deemed complete, the Executive Officer must approve or disapprove of the required documents. If approved, an Executive Order of Certification will be granted by the Executive Officer. If disapproved, an Executive Order of Certification will not be granted by the Executive Officer. The applicant and the Executive Officer may mutually agree to a longer time for reaching a decision. An applicant may submit additional supporting documentation before a decision has been reached.

(2) In order to facilitate OHRV design certification, ARB will certify emissions-related parts relating to fuel hoses, fuel tanks, and venting control devices to the emission standards in section 2418(b). To obtain an Executive Order of Certification for the design-based evaporative emissions standard, a small volume OHRV manufacturer must:

(A) Have measured emissions at or below the emission standards listed section 2418(b), in accordance with the testing requirements in section 2418(c).

(B) Comply with all administrative requirements in subdivision (d)

(C) Meet the applicable warranty requirements of sections 2419.2 and 2419.3.

(D) Meet the evaporative emissions labeling requirements of section 2419.1.

(E) Complete the installation as directed by the fuel hose, fuel tank, and carbon canister component or other venting component manufacturer and verify adherence to specifications contained within the referenced component Executive Order.

(F) Submit a design-based certification application to the Mobile Source Operations Division Chief, Air Resources Board, electronically as specified by the MSOD Chief.

1. The application must include the approved component Executive Order number or compliant emissions data for the emissions-related parts and any test data required for venting control.

2. Component Executive Orders can be obtained by following the procedures outlined in Cal. Code Regs., tit.13, § 2767.1, replacing all references to “section 2754” with “Cal. Code Regs., tit. 13, § 2418(b).”

3. The manufacturer must document all emissions-related parts installed in the OHRV and record the component Executive Order number or compliant emissions data for each part.

(G) Within 30 days of receipt of the application, the Executive Officer must determine whether an application is complete, if no determination is made the application is assumed to be incomplete.

(H) Within 90 days after an application has been deemed complete, the Executive Officer must approve or disapprove of the required documents. If approved, a component Executive Order of Certification will be granted by the Executive Officer. If disapproved, a component Executive Order of Certification will not be granted by the Executive Officer. The applicant and the Executive Officer may mutually agree to a longer time for reaching a decision. An applicant may submit additional supporting documentation before a decision has been reached.

(3) If the Executive Officer determines that a part for which an "approval" has been granted no longer meets the applicable emission standards, the Executive Officer may deny, suspend or revoke the component Executive Order following provisions in this Article.

(c) Advanced Fuel System Credits.

(1) A manufacturer is eligible to use advanced fuel system credits to certify OHRV evaporative families with the following requirements:

(A) OHRVs must be tested to the diurnal standards in section 2418(a); or, must be certified as a zero-emissions vehicle.

(B) In order to generate credits, zero emission vehicles must follow the administrative requirements in subdivision (d), to obtain an Executive Order of Certification.

(C) Certified zero emission vehicles will be awarded a 0.75 TOG diurnal credit by the Air Resources Board.

(D) Advanced fuel system credits may only be applied to emissions families of the same model year.

(E) A manufacturer may not sell or trade advanced fuel system credits.

(F) No evaporative family can be certified for sale in California that emits over 300 percent of the diurnal standard in section 2418(a).

(G) Results are to be calculated with consistent arithmetic units and rounded to the nearest tenth of a gram.

(H) Zero emission golf carts are not eligible to participate.

(I) A manufacturer shall offset TOG debits with TOG credits for each model year, so that the sum of total TOG credits is greater than or equal to the sum of TOG debits.

(2) For each model year, a manufacturer electing to certify with credits shall calculate TOG credits and debits separately for each evaporative family. For each evaporative family, the manufacturer must subtract the diurnal EFEL from the diurnal standard in Section 2418(a). A negative result is a TOG debit. A positive result is a TOG credit. For certified zero emission vehicles, the TOG credit is 0.75 g TOG/day for each vehicle certified. The result, or per zero emission vehicle credit, is multiplied by the number of projected sales for each evaporative family for the model year to calculate the total TOG credits or debits.

(3) The manufacturer bears the burden of establishing, to the satisfaction of the Executive Officer, that the conditions upon which the Executive Order of Certification was issued were satisfied. Evaporative family certification based on credits may be revoked based on review of end-of-year reports, follow-up audits, actual sales volumes, and any other verification steps considered appropriate by the Executive Officer. If any evaporative family is found to exceed the OHRV EFEL all vehicles sold under that Executive Order of Certification will be considered non-compliant with this regulation.

(d) Administrative Requirements.

(1) Maintenance of records.

(A) The manufacturer shall establish, maintain, and retain the following organized records for each evaporative family:

- (i) ARB evaporative family identification code,
- (ii) Model number and engine size,
- (iii) Make and model name,
- (iv) Projected sales volume for the model year,
- (v) Certification test results,
- (vi) Actual sales volume for the model year,
- (vii) Phase-in calculation, and
- (viii) Advanced fuel system credit calculations.

(B) For the purpose of this article, actual sales are defined as shipments to distributors of OHRV sold or offered for sale in California. The manufacturer must submit California actual sales data as it becomes available for each model sold or offered for sale in California, but no later than 90 days after the end of the model year.

(C) Records appropriate to establish the quantities of OHRVs that constitute actual sales for each evaporative family.

(D) The manufacturer shall retain all records required to be maintained under this section for a period of eight years from the due date for the end-of-model year report. Records may be retained as hard copy, CD-ROM, diskettes, and so forth, depending on the manufacturer's record retention procedure; provided, that in every case all information contained in the hard copy is retained. A manufacturer shall submit all information requested by the Executive Officer within 30 days of the date of such request.

(E) The Executive Officer may revoke or suspend the Executive Order of Certification for an evaporative family for which the manufacturer fails to retain the records required in this section or to provide such information to the Executive Officer upon request. No new Executive Orders of Certification will be issued to the manufacturer until the requested records are made available and/or a plan that describes the records to be retained as required by this section is approved by the Executive Officer.

(e) Final report.

(1) All manufacturers that certify OHRVs to subdivision (c) must generate a final report for each evaporative family that includes the OHRV projected sales volume, actual sales volume, and EFELs. Additionally, the following items must be included in the final report:

(A) Manufacturers that certify OHRVs using advanced fuel system credits, described in subdivision (c), must include a calculation to show that the total TOG credits are equal to or greater than TOG debits .

(B) At the end of the four year phase-in period, manufacturers that must submit a calculation to show at least 75 percent compliance with emission standards over the 4 year period, as described in section 2418(d).

(2) Unless otherwise approved by the Executive Officer, final reports must be submitted within 90 days of the end of the model year to: *Chief, Mobile Source Operations Division, Air Resources Board, 9528 Telstar Avenue, El Monte, CA 91731.*

(3) Failure by a manufacturer to submit any final reports in the specified time for any OHRV subject to regulation under this section is a violation.

(f) Evaporative Testing Requirements.

(1) Compliance Test Procedures.

(A) The Executive Officer may order an OHRV or evaporative system builder to make available for compliance testing and/or inspection one OHRV. Unless otherwise directed by the Executive Office, the OHRV(s) shall be delivered to: Haagen-Smit Laboratory Air Resources Board, 9528 Telstar Avenue, El Monte, CA 91731. The OHRV must be selected at random from sources specified by the Executive Officer according to a method approved by the Executive Officer which, insofar as practical, must exclude an OHRV that would result in an unreasonable disruption of the manufacturer's distribution system.

(B) Air Resources Board personnel shall have access to OHRV assembly plants, or distribution facilities for the purposes of OHRV selection and testing. Scheduling of access shall be arranged with the representative designated in the application for certification.

(C) All testing must be conducted in accordance with the applicable model year evaporative emission test procedures. Any evaporative emission control system parameters must be set to values or positions that are within the range available to the ultimate purchaser as determined by ARB. No break-in or modifications, adjustments, or special preparation or maintenance will be allowed on OHRVs chosen for compliance testing without the written consent of the Executive Officer. If the Executive Officer consents to break-in or modifications, adjustments, or special preparation or maintenance, they will be performed by the OHRV manufacturer under the supervision of ARB personnel.

(D) Correction of damage or maladjustment that may reasonably be found to have resulted from shipment of the OHRV is permitted only after an initial test of the OHRV, unless the damage prevents the test from being completed safely. The OHRV manufacturer may request that the OHRV be repaired from shipping damage. If the Executive Officer concurs, the OHRV may be retested, and the original test results may be replaced by the after-repair test results.

(E) The OHRV(s) must be randomly chosen from the selected evaporative families according to the criteria specified herein.

1. The OHRV must be representative of the OHRV manufacturer's California sales.

2. The OHRV will be selected from the end of the assembly line.
3. The selected OHRV must pass a visual inspection test, to verify the OHRV has the appropriate emission control systems as documented in the approved Executive Order of Certification for the evaporative family.

(F) OHRVs scheduled for compliance testing shall be selected, tested, and evaluated in accordance with TP-933, Test Procedure for Determining Evaporative Emissions from Off-Highway Recreational Vehicles, adopted [INSERT ADOPTION DATE]. The evaporative family will be deemed to have failed the compliance testing if the measured emissions are above the applicable EFEL.

(G) If the OHRV selected for inspection fails the requirements of this section, or fails to conform to the labeling requirements of section 2419.1, the Executive Officer shall notify the manufacturer in accordance with subdivision (f)(2).

(2) Notification of Failure.

If compliance testing identifies OHRVs that do not meet the evaporative emission standards set out in Section 2418, or that do not conform to the certification requirements in subdivision (b), the Executive Officer will notify the OHRV manufacturer. The Executive Officer shall also notify the OHRV manufacturer that the Executive Order of Certification may be suspended or revoked. The OHRV manufacturer shall have 30 calendar days in which to notify the Executive Officer of their intent to provide additional information and/or independent test results for five tanks, engines, or equipment that document compliance of the evaporative family. The Executive Officer will consider all relevant information provided by the manufacturer, and other interested parties, including, but not limited to corrective actions applied to the noncompliant evaporative family.

(g) Suspension and Revocation of Executive Orders of Certification.

(1) The Executive Officer shall not revoke or suspend the Executive Order of Certification, without considering any information provided by the OHRV manufacturer of such certification pursuant to subdivision (b).

(2) If the results of the compliance testing indicate that the failed OHRV of a particular evaporative family are produced at one plant, the Executive Officer may suspend the Executive Order of Certification with respect to the OHRVs manufactured at that plant only.

(3) Notwithstanding the foregoing, the Executive Officer may suspend an

OHRV or component Executive Order of Certification effective upon written notice to the OHRV manufacturer if the Executive Officer finds that:

(A) the OHRV manufacturer has refused to comply with any of the requirements of this section;

(B) the OHRV manufacturer has submitted false or incomplete information in any report or information provided to the Executive Officer under this section;

(C) the OHRV manufacturer has rendered inaccurate any test data submitted under this section; or

(D) ARB personnel have been denied the opportunity to conduct activities authorized under this section by the OHRV manufacturer.

(4) The Executive Officer may revoke an Executive Order of Certification for an evaporative family after the Executive Order of Certification has been suspended pursuant to subdivision (f)(1) or (f)(2) of this section if the proposed remedy for the nonconformity, as reported by the OHRV manufacturer to the Executive Officer, is one requiring a design change or changes to the evaporative emission control system as described in the application for certification of the affected evaporative family.

(5) Once an Executive Order of Certification has been suspended pursuant to subdivision (f) of this section, the OHRV manufacturer must take the following actions before the Executive Officer will consider reinstating the Executive Order of Certification:

(A) Submit a written report to the Executive Officer that identifies the reason for the noncompliance of the OHRV, describes the proposed remedy, including a description of any proposed quality control and/or quality assurance measures to be taken by the OHRV manufacturer to prevent future occurrences of the problem, and states the date on which the remedies will be implemented; and

(B) Demonstrate that the evaporative family for which the Executive Order of Certification has been suspended does in fact comply with the regulations of this part by testing an OHRV. The results must meet the criteria required for certification in subdivision (b). Such testing must comply with the provisions of this section.

(6) Once the Executive Order of Certification has been revoked for an evaporative family, if the OHRV manufacturer desires to continue introduction into commerce of a modified version of that evaporative family, then the OHRV manufacturer must, after implementing the change or changes

intended to remedy the nonconformity, demonstrate that the modified evaporative family does in fact conform to the applicable standards of section 2418 of this Article by having five OHRVs from the modified evaporative family tested following TP-933, unless such testing is waived by the Executive Officer.

(h) Tampering/Tamper Resistance.

(1) Manufacturers must design OHRV evaporative emissions control systems in such a way that they are resistant to tampering or removal.

(2) Any canister used to capture evaporative emissions from an off-road motorcycle must be mounted so it does not protrude from the OHRV such that it is prone to damage in a tip over.

(3) If the canister installed on an off-road motorcycle is outside what would otherwise be the cross-sectional profile of the OHRV (with the hoods closed and cargo boxes in the position required for operation), or if the canister installed on an OHRV, except off-road motorcycles, is visible to someone standing next to the OHRV when the OHRV is completely assembled, then the canister must be mounted such that non-conventional tools are required to remove it and the vapor line connections to the canister. Otherwise, fasteners requiring conventional tools may be used.

(4) The evaporative system must be designed in such a way that tampering/disassembling is not needed to conduct normal functions. Normal functions include routine maintenance and refueling of the OHRV.

(5) OHRV owners are responsible for confirming all add-on or modified parts installed on OHRVs are compliant with evaporative emissions standards.

(6) Manufacturers must publish the following statement in the owner's manual to inform OHRV owners of California regulations that prohibit tampering with emission control systems: "An add-on or modified part must be compliant with applicable CARB emission control standards. A violation of this requirement is punishable by civil and/or criminal punishment."

(7) Manufacturers must include an OHRV tampering statement for all new OHRVs certified to a standard set out in this Article informing OHRV owners of laws that prohibit tampering. This may be accomplished by attaching a tag to the OHRV or printing on the front cover of the owner's manual.

(A) The OHRV tampering statement text must be printed in the English language, and use block letters and numerals, which shall be of a color that contrasts with the background.

(B) The OHRV tampering statement text must be large enough to be clearly legible.

(C) The OHRV tampering statement shall include a warning statement that reads “The removal or modification of emission-related parts on this OHRV is illegal. Violators may be subject to civil and/or criminal penalties as provided under California and federal law.”

(D) If a removable tag is used the OHRV tampering statement must be fastened in a way that it is destroyed upon removal. The tag must also include an additional statement that reads “This tag may not be removed under penalty of law except by the vehicle owner.”

(8) Any tampering, removal or modifications of the evaporative emissions control system is prohibited under part 1068.101(b)(1), Title 40, Code of Federal Regulations.

(A) Peace officers are given the authority to enforce illegal vehicle tampering by section 27156 of the California Vehicle Code.

(B) Section 27156 of the California Vehicle Code prohibits the installation of any add-on or modified emission-related part on any pollution-controlled OHRV, unless the part has been exempted by ARB. ARB exempts an OHRV part from the prohibition of VC 27156 if the part is found to do either of the following: 1) not reduce the effectiveness of any required emission control device on the OHRV or 2) demonstrate that the applicable emission standards are being met when the part(s) are installed on the OHRV. Sale or installation of any aftermarket part or parts, which could potentially affect the evaporative system, in California without an ARB approved Anti-Tampering Exemption is prohibited as stated in Cal. Code Regs., tit.13, § 2470 – 2476.

(i) Inspection.

The Executive Officer, or an authorized representative of the Executive Officer, may periodically inspect any facility which sells or offers for sale or manufactures OHRVs, sells or offers for sale or manufactures engines, or sells or offers for sale or manufactures evaporative emission control components, technology, or systems subject to this Article as deemed necessary to ensure compliance with these regulations. Failure of a manufacturer, distributor, retailer or other person subject to this Article to allow access for inspection purposes may be grounds for suspension or revocation of an Executive Order of Certification.

NOTE: Authority cited: Sections 39600, 39601 and 43013, Health and Safety Code. Reference: Section 43013, Health and Safety Code. Section 27156, Vehicle Code.