

**Board Administration and Regulatory Coordination Unit**

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**Division 3. Air Resources Board**

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**Chapter 1. Air Resources Board**

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**Subchapter 1.25. Administrative Procedures–Hearings**

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**Article 2. Administrative Hearing Procedures for  
Petitions for Review of Executive Officer Decisions**

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**Subarticle 4. Filing and Initial Review of Petitions  
for Review and Executive Officer's Response**

**§ 60055.18. Stays Pending Hearing.**

(a) On timely receipt of a petition requesting a hearing to review a decision of the executive officer to recall motor vehicles or motor vehicle engines, the hearing officer shall issue a stay of the executive officer action until a decision of the state board has been issued pursuant to section 60055.44.

(b) The hearing officer shall not issue a stay pending review of an executive officer decision denying certification of an motor vehicle engine family pursuant to Chapter 2, Part 5, Division 26 of the Health and Safety Code.

(c) For other decisions of the executive officer for which petitions for review have been filed and hearings granted, the hearing officer shall issue a stay pending issuance of the state board's decision under section 60055.38, unless the hearing officer finds that the adverse effects of a stay on the public health, safety and welfare outweigh the harm to those persons directly affected by the lack of a stay. The hearing officer may conduct a hearing or request such submissions by the parties as necessary to obtain information to make a determination on this issue.

(d) If a stay is granted under subparagraphs (a) and (c) above, and the petition is subsequently denied by the Board, the Board may order the petitioner to take whatever remedial action is necessary, including implementing a recall of those vehicles and engines that would not otherwise have been sold in or delivered to California but for the stay, to achieve emissions reductions equal to the amount of emissions that occurred because of implementation of the stay.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: *Mathews v. Eldridge*, 424 U.S. 319 (1976); and Section 43105, Health and Safety Code.

**REFERENCE**