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Cal. Code Regs. Tit. 13, § 1900 - Definitions

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(a) The definitions of this section supplement and are governed by the definitions set forth in chapter 2 (commencing with section [39010](#)), part 1, division 26 of the Health and Safety Code, unless a specific definition set forth therein has been revised in section (b) below to conform to federal law pursuant to Health and Safety Code section 39601. The definitions set forth in the applicable model-year new vehicle certification and assembly-line test procedures adopted in this chapter are hereby incorporated by reference.

(b) In addition to the definitions incorporated under subdivision (a), the following definitions shall govern the provisions of this chapter;

(1) "Add-on part" means any aftermarket part which is not a modified part or a replacement part.

(2) "Consolidated part" means a part which is designed to replace a group of original equipment parts and which is functionally identical of those original equipment parts in all respects which in any way affect emissions (including durability).

(3) "Emissions-related part" means any automotive part, which affects any regulated emissions from a motor vehicle which is subject to California or federal emission standards. This includes, at a minimum, those parts specified in the

"Emissions-Related Parts List," adopted by the State Board on November 4, 1977, as last amended June 1, 1990.

(4) "Gaseous fuels" means any liquefied petroleum gas, liquefied natural gas, or compressed natural gas fuels for use in motor vehicles.

(5) "Heavy-duty engine" means an engine which is used to propel a heavy-duty vehicle.

(6) "Heavy-duty vehicle" means any motor vehicle having a manufacturer's gross vehicle weight rating greater than 8,500 pounds, except passenger cars.

(7) "Identical device" means a crankcase emission control device identical in all respects, including design, materials, manufacture, installation and operation, with a device which has been certified by the Air Resources Board or the Motor Vehicle Pollution Control Board pursuant to the Health and Safety Code, but which is manufactured by a person other than original manufacturer of the device.

(8) "Independent low volume manufacturer" means a manufacturer with California annual sales of less than 10,000 new passenger cars, light-duty trucks and medium-duty vehicles following aggregation of sales pursuant to this section 1900(b)(8). Annual sales shall be determined as the average number of sales sold for the three previous consecutive model years for which a manufacturer seeks certification; however, for a manufacturer certifying for the first time in California, annual sales shall be based on projected California sales for the model year. A manufacturer's California sales shall consist of all vehicles or engines produced by the manufacturer and delivered for sale in California, except that vehicles or engines produced by the manufacturer and marketed in California by another manufacturer under the other manufacturer's nameplate shall be treated as California sales of the marketing manufacturer. The annual sales from different firms shall be aggregated in the following situations:

(1) vehicles produced by two or more firms, one of which is 10% or greater part owned by another, except in circumstances for which the Executive Officer determines that 10% or greater ownership by one of the firms does not result in responsibility for overall direction of both firms; or

(2) vehicles produced by any two or more firms if a third party has equity ownership of 10% or more in each of the firms; or

(3) vehicles produced by two or more firms having a common corporate officer(s) who is (are) responsible for the overall direction of the companies; or

(4) vehicles imported or distributed by all firms where the vehicles are manufactured by the same entity and the importer or distributor is an authorized agent of the entity.

(9) "Intermediate volume manufacturer" means any pre-2001 model year manufacturer with California sales between 3,001 and 60,000 new light- and medium-duty vehicles per model year based on the average number of vehicles sold by the manufacturer each model year from 1989 to 1993; any 2001 through 2002 model year manufacturer with California sales between 4,501 and 60,000 new light- and medium-duty vehicles per model year based on the average number of vehicles sold by the manufacturer each model year from 1989 to 1993; any 2003 through 2017 model year manufacturer with California sales between 4,501 and 60,000 new light- and medium-duty vehicles based on the average number of vehicles sold for the three previous consecutive model years for which a manufacturer seeks certification; and any 2018 and subsequent model year manufacturer with California sales between 4,501 and 20,000 new light- and medium-duty vehicles based on the average number of vehicles sold for the three previous consecutive model years for which a manufacturer seeks certification. For a manufacturer certifying for the first time in California, model year sales shall be based on projected California sales. A manufacturer's California sales shall consist of all vehicles or engines produced by the manufacturer and delivered for sale in California, except that vehicles or engines produced by the manufacturer and marketed in California by another manufacturer under the other manufacturer's nameplate shall be treated as California sales of the marketing manufacturer.

For purposes of applying the 2005 through 2017 model year zero-emission vehicle requirements for intermediate-volume manufacturers under section 1962(b) or 1962.1(b), as applicable, the annual sales from different firms shall be aggregated in the case of (1) vehicles produced by two or more firms, each one of which either has a greater than 50% equity ownership in another or is more than 50% owned by another; or (2) vehicles produced by any two or more firms if a third party has equity ownership of greater than 50% in each firm.

For purposes of applying the 2009 through 2016 model year Greenhouse Gas requirements for intermediate volume manufacturers under section 1961.1, the annual sales from different firms shall be aggregated in the following situations:

(1) vehicles produced by two or more firms, each one of which either has a greater than 10% equity ownership in another or is more than 10% owned by another; or

(2) vehicles produced by any two or more firms if a third party has equity ownership of greater than 10% in each firm.

For the 2018 and subsequent model years, the annual sales from different firms shall be aggregated in the following situations:

(1) vehicles produced by two or more firms, one of which is 33.4% or greater part owned by another; or

(2) vehicles produced by any two or more firms if a third party has equity ownership of 33.4% or more in each of the firms; or

(3) vehicles produced by two or more firms having a common corporate officer(s) who is (are) responsible for the overall direction of the companies; or

(4) vehicles imported or distributed by any firms where the vehicles are manufactured by the same entity and the importer or distributor is an authorized agent of the entity.

(10) "Large volume manufacturer" means any 2000 and subsequent model year manufacturer that is not a small volume manufacturer, or an independent low volume manufacturer, or an intermediate volume manufacturer.

(11) "Light-duty truck" means any 2000 and subsequent model motor vehicle certified to the standards in section 1961(a)(1), 1961.2, or 1961.4 rated at 8,500 pounds gross vehicle weight or less, and any other motor vehicle, rated at 6,000 pounds gross vehicle weight or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

(12) "Medium-duty passenger vehicle" means any medium-duty vehicle with a gross vehicle weight rating of less than 10,000 pounds that is designed primarily for the transportation of persons. The medium-duty passenger vehicle definition does not include any vehicle which:

(1) is an "incomplete truck" i.e., is a truck that does not have the primary load carrying device or container attached; or

(2) has a seating capacity of more than 12 persons; or

(3) is designed for more than 9 persons in seating rearward of the driver's seat; or

(4) is equipped with an open cargo area of 72.0 inches in interior length or more. A covered box not readily accessible from the passenger

compartment will be considered an open cargo area, for purposes of this definition.

(13) "Medium-duty vehicle" means any pre-1995 model year heavy-duty vehicle having a manufacturer's gross vehicle weight rating of 8,500 pounds or less; any 1992 through 2006 model-year heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in section [1960.1\(h\)\(2\)](#) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; any 1995 through 2003 model year heavy-duty vehicle certified to the standards in section [1960.1\(h\)\(1\)](#) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; and any 2000 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in section [1961\(a\)\(1\)](#), [1961.2](#), [1961.4](#), [1962](#), [1962.1](#), or [1962.2](#), having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.

(14) "Modified part" means any aftermarket part intended to replace an original equipment emission-related part and which is not functionally identical to the original equipment part in all respects which in any way affect emissions, excluding a consolidated part.

(15) "Motorcycle Engine" means an engine which is used to propel a new, street-use motorcycle.

(16) [Reserved]

(17) "Passenger car" means any motor vehicle designed primarily for transportation of persons and having a design capacity of twelve persons or less.

(18) "Reactivity adjustment factor" means a fraction applied to the NMOG emissions from a vehicle powered by a fuel other than conventional gasoline for the purpose of determining a gasoline-equivalent NMOG level. The reactivity adjustment factor is defined as the ozone-forming potential of clean fuel vehicle exhaust divided by the ozone-forming potential of gasoline vehicle exhaust.

(19) "Recall" means:

(A) The issuing of notices directly to consumers that vehicles in their possession or control should be corrected, and/or

(B) Efforts to actively locate and correct vehicles in the possession or control of consumers.

(20) "Replacement part" means any aftermarket part intended to replace an original equipment emissions-related part and which is functionally identical to

the original equipment part in all respects which in any way affect emissions (including durability), or a consolidated part.

(21) "Subgroup" means a set of vehicles within an engine family distinguishable by characteristics contained in the manufacturer's application for certification.

(22) "Small volume manufacturer" means, with respect to the 2001 and subsequent model-years, a manufacturer with California sales less than 4,500 new passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles and heavy-duty engines based on the average number of vehicles sold for the three previous consecutive model years for which a manufacturer seeks certification as a small volume manufacturer; however, for manufacturers certifying for the first time in California model-year sales shall be based on projected California sales. A manufacturer's California sales shall consist of all vehicles or engines produced by the manufacturer and delivered for sale in California, except that vehicles or engines produced by the manufacturer and marketed in California by another manufacturer under the other manufacturer's nameplate shall be treated as California sales of the marketing manufacturer. Except as provided in the next paragraph, for the 2009 through 2017 model years, the annual sales from different firms shall be aggregated in the following situations:

(1) vehicles produced by two or more firms, one of which is 10% or greater part owned by another; or

(2) vehicles produced by any two or more firms if a third party has equity ownership of 10% or more in each of the firms; or

(3) vehicles produced by two or more firms having a common corporate officer(s) who is (are) responsible for the overall direction of the companies; or

(4) vehicles imported or distributed by any firms where the vehicles are manufactured by the same entity and the importer or distributor is an authorized agent of the entity. Notwithstanding the provisions of this paragraph, upon application to the Executive Officer, a manufacturer may be classified as a "small volume manufacturer" for the 2013 through 2017 model years if the Executive Officer determines that it is operationally independent of the firm that owns 10% or more of the applicant or has a greater than 10% equity ownership in the applicant based on the criteria provided in the last paragraph of this subsection (b)(22).

For purposes of compliance with the zero-emission vehicle requirements, heavy-duty vehicles and engines shall not be counted as part of a manufacturer's sales. For purposes of applying the 2005 through 2017 model year zero-emission

vehicle requirements for small-volume manufacturers under sections 1962(b) and 1962.1(b), the annual sales from different firms shall be aggregated in the case of (1) vehicles produced by two or more firms, each one of which either has a greater than 50% equity ownership in another or is more than 50% owned by another; or (2) vehicles produced by any two or more firms if a third party has equity ownership of greater than 50% in each firm. Notwithstanding the provisions of this paragraph, upon application to the Executive Officer, a manufacturer may be classified as a "small volume manufacturer" for the 2013 through 2017 model years if the Executive Officer determines that it is operationally independent of the firm that owns 50% or more of the applicant or has a greater than 50% equity ownership in the applicant based on the criteria provided in the last paragraph of this subsection (b)(22).

Except as provided in the next paragraph, for the 2018 and subsequent model years, the annual sales from different firms shall be aggregated in the following situations:

- (1) vehicles produced by two or more firms, one of which is 33.4% or greater part owned by another; or
- (2) vehicles produced by any two or more firms if a third party has equity ownership of 33.4% or more in each of the firms; or
- (3) vehicles produced by two or more firms having a common corporate officer(s) who is (are) responsible for the overall direction of the companies; or
- (4) vehicles imported or distributed by any firms where the vehicles are manufactured by the same entity and the importer or distributor is an authorized agent of the entity. Notwithstanding the provisions of this paragraph, upon application to the Executive Officer, a manufacturer may be classified as a "small volume manufacturer" for the 2018 and subsequent model years if the Executive Officer determines that it is operationally independent of the firm that owns 33.4% or more of the applicant or has a greater than 33.4% equity ownership in the applicant based on the criteria provided in the last paragraph of this subsection (b)(22).

For the purposes of this paragraph, all manufacturers whose annual sales are aggregated together under the provisions of this subsection (b)(22) shall be defined as "related manufacturers." Notwithstanding such aggregation, the Executive Officer may make a determination of operational independence if all of the following criteria are met for at least 24 months preceding the application submittal:

- (1) for the three years preceding the year in which the initial application is submitted, the average California sales for the applicant does not exceed 4,500 vehicles per year;
- (2) no financial or other support of economic value is provided by related manufacturers for purposes of design, parts procurement, R&D and production facilities and operation, and any other transactions between related manufacturers are conducted under normal commercial arrangements like those conducted with other parties, at competitive pricing rates to the manufacturer;
- (3) related manufacturers maintain separate and independent research and development, testing, and production facilities;
- (4) the applicant does not use any vehicle powertrains or platforms developed or produced by related manufacturers;
- (5) patents are not held jointly with related manufacturers;
- (6) related manufacturers maintain separate business administration, legal, purchasing, sales, and marketing departments, as well as autonomous decision-making on commercial matters;
- (7) the overlap of the Board of Directors between related manufacturers is limited to 25% with no sharing of top operational management, including president, chief executive officer, chief financial officer, and chief operating officer, and provided that no individual overlapping director or combination of overlapping directors exercises exclusive management control over either or both companies; and
- (8) parts or components supply between related companies must be established through open market process, and to the extent that the manufacturer sells parts/components to non-related manufacturers, it does so through the open market a competitive pricing. Any manufacturer applying for operational independence must submit to ARB an Attestation Engagement from an independent certified public accountant or firm of such accountants verifying the accuracy of the information contained in the application, as defined by and in accordance with the procedures established in 40 C.F.R. § [80.125](#), as last amended January 19, 2007, which is incorporated herein by reference. The applicant must submit information to update any of the above eight criteria as material changes to any of the criteria occur. If there are no material changes to any of the criteria, the applicant must certify that to the Executive Officer annually. With respect to any such changes, the Executive Officer may consider extraordinary

conditions (e.g., changes to economic conditions, unanticipated market changes, etc.) and may continue to find the applicant to be operationally independent. In the event that a manufacturer loses eligibility as a "small volume manufacturer" after a material change occurs, the manufacturer must begin compliance with the primary emissions program in the third model year after the model year in which the manufacturer loses its eligibility. The Executive Officer may, in his or her discretion, re-establish lost "small volume manufacturer" status if the manufacturer shows that it has met the operational independence criteria for three consecutive years.

Notes

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Note: Authority cited: Sections 39010, 39600, 39601, 43013, 43018, 43101 and 43104, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39500, 40000, 43000, 43013, 43018.5, 43100, 43101, 43101.5, 43102, 43103, 43104, 43106 and 43204, Health and Safety Code; and Section 27156, Vehicle Code.

1. Amendment of NOTE section filed 3-16-77; effective thirtieth day thereafter (Register 77, No. 12).
2. Amendment filed 11-28-77; effective thirtieth day thereafter (Register 77, No. 49).
3. Amendment of subsection (b) filed 7-6-81; effective thirtieth day thereafter (Register 81, No. 28).
4. Repealer of article 1 (sections 1900-1905, not consecutive) and new article 1 (sections 1900-1904) filed 1-14-83; effective thirtieth day thereafter (Register 81, No. 3). for prior history, see Registers 81, No. 28; 77, Nos. 49 and 12; and 73, No. 45).
5. Amendment of subsection (b) filed 4-20-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 90, No. 55).
6. Amendment of subsection (b) filed 7-17-90; operative 8-16-90 (Register 90, No. 35).
7. Amendment of subsection (b) filed 8-2-91; effective 9-2-91 (Register 91, No. 49).
8. Amendment of subsection (b)(9) and new subsections (b)(15) and (b)(16) filed 8-30-91; operative 9-30-91 (Register 92, No. 14).
9. Amendment of subsections (b)(9) and (b)(15) filed 11-8-93; operative 12-8-93 (Register 93, No. 46).
10. Repealer of subsection (b)(15) filed 1-3-97; operative 1-3-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
11. Amendment of subsections (b)(8) and (b)(9), new subsections (b)(17)-(b)(19) and amendment of Note filed 10-28-99; operative 11-27-99 (Register 99, No. 44).
12. New subsection (b)(11) and subsection renumbering filed 11-22-99; operative 12-22-99 (Register 99, No. 48).

13. Amendment of subsections (a)(19)-(a)(20) and new subsections (a)(21)-(a)(21)(D) filed 5-24-2002; operative 6-23-2002 (Register 2002, No. 21).
14. Amendment of subsections (b)(18) and (b)(19) filed 6-24-2002; operative 7-24-2002 (Register 2002, No. 26).
15. Amendment of subsections (b)(18)-(19) and (b)(21) filed 2-25-2004; operative 3-26-2004 (Register 2004, No. 9).
16. Amendment of section and Note filed 9-15-2005; operative 1-1-2006 (Register 2005, No. 37).
17. Amendment of subsections (b)(8), (b)(13) and (b)(22) filed 3-18-2009; operative 4-17-2009 (Register 2009, No. 12).
18. Amendment of subsections (b)(9) and (b)(22) filed 8-7-2012; operative 8-7-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 32).
19. Amendment of subsection (b)(22) filed 12-31-2012; operative 12-31-2012 pursuant to Government Code section 11343.4 (Register 2013, No. 1).
20. Amendment of subsection (a), new subsections (b)(3)-(5), subsection renumbering and amendment of Note filed 12-5-2014; operative 1/1/2015 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 49).
21. Editorial correction of History 20 (Register 2014, No. 50).
22. Amendment of subsections (b)(9), (b)(14) and (b)(16) filed 10-8-2015; operative 10/8/2015 pursuant to Government Code section 11343.4(b)(3) (Register 2015, No. 41).
23. Repealer of subsections (b)(3)-(5), subsection renumbering and amendment of newly designated subsection (b)(3) filed 7-25-2016; operative 7/25/2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 31).
24. Amendment of subsection (b) filed 12-22-2021; operative 4/1/2022 (Register 2021, No. 52). Transmission deadline specified in Government Code section 11346.4(b) extended 60 calendar days pursuant to Executive Order N-40-20. Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.
25. Amendment of subsections (b)(11) and (b)(13) filed 11-30-2022; operative 11/30/2022 pursuant to Government Code section 11343.4(b)(3) (Register 2022, No. 48).