

LII > State Regulations > California Code of Regulations > Title 13 - Motor Vehicles
> Division 3 - Air Resources Board > Chapter 1 - Motor Vehicle Pollution Control Devices
> Article 6 - Emission Control System Warranty
> **Cal. Code Regs. Tit. 13, § 2037 - Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles**

Cal. Code Regs. Tit. 13, § 2037 - Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles

State Regulations Compare

(a) *Applicability.*

This section shall apply to 1990 and subsequent model passenger cars, light-duty trucks, medium-duty vehicles, and motor vehicle engines used in such vehicles. This section shall apply to medium-duty vehicles certified to the GHG emission standards of section [95663](#), title 17, for GHG emission control components, as set forth in 40 CFR [1037.120](#), as amended October 25, 2016, incorporated by reference herein. The warranty period shall begin on the date the vehicle is delivered to an ultimate purchaser, or if the vehicle is first placed in service as a "demonstrator" or "company" car prior to delivery, on the date it is first placed in service.

(b) *General Emissions Warranty Coverage.*

The manufacturer of each motor vehicle or motor vehicle engine shall warrant to the ultimate purchaser and each subsequent purchaser that the vehicle or engine is:

(1) Designed, built, and equipped so as to conform with all applicable regulations adopted by the Air Resources Board pursuant to its authority in chapters 1 and 2, part 5, division 26 of the Health and Safety Code; and

(2) Free from defects in materials and workmanship which cause the failure of a warranted part to be identical in all material respects to the part as described in the vehicle or engine manufacturer's application for certification, including any defect in materials or workmanship which would cause the vehicle's on-board diagnostic malfunction indicator light to illuminate, for a period of three years or 50,000 miles, whichever first occurs; and

(2.1) For GHG emission control components in Phase 2 medium-duty vehicles (2021 and subsequent model years) certified to the GHG emission standards of section 95663, title 17, free from defects in materials and workmanship which cause the failure of a warranted part to be identical in all material respects to the part as described in the vehicle or engine manufacturer's application for certification, for a period of five years or 50,000 miles (except tires), whichever first occurs, and for tires only, a period of two years or 24,000 miles, whichever first occurs.

(3) Free from defects in materials and workmanship which cause the failure of a warranted part described in section (c) below for seven years or 70,000 miles, whichever first occurs. The requirements of this subsection (3) shall not apply to GHG emission control components in Phase 2 medium-duty vehicles certified to the GHG emission standards of section 95663, title 17.

(c) *"High-Priced" Warranted Parts.*

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

(A) For 1990 through 2007 model year vehicles:

[i] included on the Board's "Emissions Warranty Parts List" as last amended February 22, 1985, incorporated herein by reference, and;

[ii] have an individual replacement cost at the time of certification exceeding the cost limit defined in section (c)(3);

(B) For 2008 and subsequent model year vehicles:

[i] subject to coverage as a warranted part in section (b)(2) above, and;

[ii] have an individual replacement cost at the time of certification exceeding the cost limit defined in section (c)(3).

(2) The replacement cost shall be the retail cost to a vehicle 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:

Cost limit_n = \$300 x (CPI_{n-2} / 118.3) where:

Cost limit_n is the cost limit for the applicable model year of the vehicle rounded to the nearest ten dollars.

n is the model year of the new vehicles.

n-2 is the calendar year two years prior to the model year of the new vehicles.

CPI is the annual average nationwide urban consumer price index published by the United States Bureau of Labor Statistics.

(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 a vehicle 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. The documentation is not required for vehicles certified before January 24, 1991.

(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 section (c)

(3)

(d) Subject to the conditions and exclusions of section (i), the warranty on emission-related parts shall be interpreted as follows:

(1) Any warranted part which is not scheduled for replacement as required maintenance in the written instructions required by section (e) shall be warranted for the applicable warranty period defined in section (b)(2) or (3). If any such part fails during the period of warranty coverage, it shall be repaired or replaced by the vehicle or engine manufacturer according to section (d)(4) below. Any such

part repaired or replaced under the warranty shall be warranted for the remaining warranty period.

(2) Any warranted part which is scheduled only for regular inspection in the written instructions required by section (e) shall be warranted for the applicable warranty period defined in section (b)(2) or (3). 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 required or replaced under warranty shall be warranted for the remaining warranty period.

(3) Any warranted part which is scheduled for replacement as required maintenance in the written instructions required by section (e) shall be warranted for the period of time or mileage, whichever first occurs, prior to the first scheduled replacement point for that part. If the part fails prior to the first scheduled replacement, the part shall be repaired or replaced by the vehicle or engine manufacturer according to section (d)(4) below. Any such part required 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 vehicle or engine 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 vehicle or engine 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. A vehicle or engine owner may reasonably be required to keep receipts and failed parts in order to receive compensation for warranted repairs reimbursable due to an emergency, provided the manufacturer's written instructions required by section (e) advise the owner of this obligation.

(5) Notwithstanding the provisions of subsection (d)(4) above, warranty services or repairs shall be provided at all of a manufacturer's dealerships which are franchised to service the subject vehicles or engines.

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

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

(8) Throughout the vehicle or engine's warranty period defined in section (b)(2) and (b)(3), the vehicle or engine 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 vehicle or engine is initially presented to the warranty station for repair, shall constitute an emergency for purposes of section (d)(4) above.

(9) Any replacement part may be used in the performance of any maintenance or repairs. Any replacement part designated by a manufacturer may be used in warranty repairs provided without charge to the vehicle owner. Such use shall not reduce the warranty obligations of the vehicle or engine manufacturer, except that the vehicle or engine 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 section (d)(7) above).

(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 a vehicle or engine. Such use, in and of itself, shall not be grounds for disallowing a warranty claim made in accordance with this article. The vehicle or engine manufacturer shall not be liable under this article to warrant failures of warranted parts caused by the use of such an add-on or modified part.

(11) The Executive Officer may request and, in such case, the vehicle or engine manufacture shall provide, any documents which describe the manufacturer's warranty procedures or policies.

(e) Each manufacturer shall furnish with each new vehicle or engine, written instructions for the maintenance and use of the vehicle or engine by the owner, and the instructions shall be consistent with this article and applicable regulations in article 2 of this subchapter.

(f) Each manufacturer shall furnish with each new vehicle or engine a list of the "high-priced" warranted parts established by section (c).

(g) Prior to the 2001 model year, each manufacturer shall submit the documents required by sections (c)(5), (e), and (f) with the manufacturer's preliminary application for new vehicle or engine certification for approval by the Executive Officer. For 2001 and subsequent model years, each manufacturer shall submit the documents required by section (c)(5), (e), and (f) with the Part 2 Application for Certification pursuant to the

"California 2001 through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 through 2016 Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," incorporated by reference in title 13, CCR section 1961(d), the "California 2015 through 2025 Model Year Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Year Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," incorporated by reference in title 13, CCR section 1961.2(d), or the "California 2026 and Subsequent Model Year Criteria Pollutant Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium Duty Vehicles," incorporated by reference in title 13, CCR section 1961.4(c)(1), as applicable. The Executive Officer may reject or require modification of any of the documents required by sections (c), (e), and (f) for, among other reasons, incompleteness and lack of clarity. Approval by the Executive Officer of the documents required by sections (c), (e), and (f) shall be a condition of certification. The Executive Officer shall approve or disapprove the documents required by sections (c), (e), and (f) within 90 days of the date such documents are received from the manufacturer. Any disapproval shall be accompanied by a statement of the reasons thereof. In the event of disapproval, the manufacturer may petition the Board to review the decision of the Executive Officer.

(h) *Vehicle Inspection Program.*

(1) This section applies to 1990 and subsequent model passenger cars, light-duty trucks, and medium-duty vehicles which fail to pass a smog check inspection pursuant to Health and Safety Code section 44012 after the warranty period of three years or 50,000 miles, whichever occurs first, has expired, but before the warranty period of seven years or 70,000 miles, whichever occurs first, has expired. The provisions of this section shall be contained in the warranty statement required pursuant to title 13, CCR section 2039.

(2) The owner of a vehicle which fails an inspection during the period described in section (h)(1) may choose to have the vehicle repaired at a warranty station.

(A) If the warranty station identifies that the inspection failure was caused by the failure or malfunction of a "high-priced" part defined in section (c), then the vehicle manufacturer shall be liable for expenses involved in detecting and correcting the part failure or malfunction, unless the warranty station demonstrates that the part failure or malfunction was caused by abuse, neglect, or improper maintenance as specified in section (i).

(B) If the warranty station demonstrates that the inspection failure was caused by one or more conditions excluded from warranty coverage pursuant to section (i), the vehicle owner shall be liable for all diagnostic and

repair expenses. Such expenses shall not exceed the maximum repair costs permissible under the inspection program.

(C) If the warranty station determines that the inspection failure was caused by one or more defects covered under warranty pursuant to these regulations and in combination with one or more conditions excluded from warranty coverage pursuant to section (i), then the vehicle owner shall not be charged for the diagnostic and repair costs related to detecting and repairing the warrantable defects.

(3) In the alternative, the owner of a vehicle which fails the inspection may choose to have the vehicle repaired at other than a warranty station. If a warrantable defect is found, the vehicle owner may deliver the vehicle to a warranty station and have the defect corrected free of charge. The vehicle manufacturer shall not be liable for any expenses incurred at a service establishment not authorized to perform warranty repairs, except in the case of an emergency as defined in section (d)(4). If the vehicle owner chooses to have a warrantable defect repaired at other than a warranty station, the upper cost limit pursuant to Health and Safety Code section 44017 shall not apply to the repair.

(i) *Exclusions.*

The repair or replacement of any warranted part otherwise eligible for warranty coverage under sections (d) and (h) shall be excluded from such warranty coverage if the vehicle or engine manufacturer demonstrates that the vehicle or engine 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.

Notes

Cal. Code Regs. Tit. 13, § 2037

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39600 and 39601, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 43106, 43204, 43205, 44004, 44010, 44011, 44012, 44015 and 44017, Health and Safety Code.

1. New section filed 1-16-79; effective thirtieth day thereafter (Register 79, No. 3).
2. Amendment filed 11-26-90; operative 12-26-90 (Register 91, No. 3).
3. Amendment of section heading, subsection (g) and NOTE filed 10-28-99; operative 11-27-99 (Register 99, No. 44).
4. Amendment filed 11-9-2007; operative 11-9-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 45).
5. Amendment of subsection (g) filed 8-7-2012; operative 8-7-2012 pursuant to Government

Code section 11343.4 (Register 2012, No. 32).

6. Amendment of subsection (a) 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).

7. Editorial correction of History 6 (Register 2014, No. 50).

8. Amendment of subsection (a), new subsection (b)(2.1) and amendment of subsection (b) (3) filed 2-7-2019; operative 4/1/2019 (Register 2019, No. 6).

9. Amendment of subsection (g) filed 11-30-2022; operative 11/30/2022 pursuant to Government Code section 11343.4(b)(3) (Register 2022, No. 48).

 **State Regulations Toolbox**

- [about](#)
-
-

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- [Privacy](#)

LII > State Regulations > California Code of Regulations > Title 13 - Motor Vehicles
> Division 3 - Air Resources Board > Chapter 1 - Motor Vehicle Pollution Control Devices
> Article 6 - Emission Control System Warranty
> **Cal. Code Regs. Tit. 13, § 2038 - Performance Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles**

Cal. Code Regs. Tit. 13, § 2038 - Performance Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles

State Regulations Compare

(a) Applicability.

This section shall apply to 1990 and subsequent model passenger cars, light-duty trucks, and medium-duty vehicles, and motor vehicle engines used in such vehicles required to be inspected under any California statutorily authorized motor vehicle emissions inspection and maintenance program. The warranty period shall begin on the date the vehicle is delivered to an ultimate purchaser, or if the vehicle is first placed in service as a "demonstrator" or "company" car prior to delivery, on the date it is first placed in service.

(b) General Emissions Warranty Coverage.

The manufacturer of each passenger car, light-duty truck, and medium-duty vehicle shall warrant to the ultimate purchaser and each subsequent purchaser that the vehicle or engine:

(1) Is designed, built, and equipped so as to conform with all applicable regulations adopted by the Air Resources Board pursuant to its authority in chapters 1 and 2, part 5, division 26 of the Health and Safety Code; and

(2) Will, for a period of three years or 50,000 miles, whichever first occurs, pass an inspection established under section 44012 of the Health and Safety Code ("inspection").

(c) *Written Instructions.*

(1) Each vehicle or engine manufacturer shall furnish with each new vehicle or engine, written instructions for the required maintenance and use of this vehicle or engine by the vehicle owner (written instructions), and the written instructions shall be consistent with this article and applicable regulations in article 2 of this subchapter.

(2) Prior to the 2001 model year, each vehicle or engine manufacturer shall submit the documents required by section (c)(1) with the vehicle or engine manufacturer's preliminary application for new vehicle or engine certification for approval by the Executive Officer.

(3) For 2001 and subsequent model years, each vehicle or engine manufacturer shall submit the documents required by section (c)(1) with the Part 2 Application for Certification pursuant to the "California 2001 through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 through 2016 Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," incorporated by reference in title 13, CCR section 1961(d), the "California 2015 through 2025 Model Year Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Year Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," incorporated by reference in title 13, CCR section 1961.2(d), or the "California 2026 and Subsequent Model Year Criteria Pollutant Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium Duty Vehicles," incorporated by reference in title 13, CCR section 1961.4(c)(1), as applicable.

(4) The Executive Officer may reject or require modification of written instructions for, among other reasons, incompleteness or lack of clarity. Approval by the Executive Officer of the written instructions shall be a condition of certification. The Executive Officer shall approve or disapprove the written instructions within 90 days of the date such documents are received from the vehicle or engine manufacturer. Any disapproval shall be accompanied by a statement of the

reasons therefore. In the event of disapproval, the engine or vehicle manufacturer may petition the Board to review the decision of the Executive Officer.

(d) *Proper Use and Maintenance.*

(1) An emission performance warranty claim may be denied if the vehicle or engine manufacturer demonstrates that the vehicle or engine's failure of the inspection was directly caused by abuse, neglect, or improper maintenance as reflected by a failure to maintain or use the vehicle or engine in accordance with the written instructions.

(2) Except as provided in section (d)(5), a vehicle or engine manufacturer may deny an emission performance warranty claim on the basis of noncompliance with the written instructions only if:

(A) An owner is not able to comply with a request by a manufacturer for evidence pursuant to section (d)(4); or

(B) Notwithstanding the evidence presented pursuant to section (d)(4), the vehicle or engine manufacturer is able to prove that the vehicle failed an inspection because the vehicle was abused, the required maintenance and use was performed in a manner resulting in a component being improperly installed or a component or related parameter being adjusted substantially outside of the vehicle or engine manufacturer's specifications, or maintenance was performed on a vehicle which resulted in the removing or rendering inoperative of any component affecting the vehicle's emissions.

(3) When determining whether an owner has complied with the written instructions, a vehicle or engine manufacturer may require a owner to submit evidence of compliance only with those written instructions for which the vehicle or engine manufacturer has an objective reason for believing:

(A) Were not performed, and;

(B) If not performed, could be the cause of the particular vehicle's failed inspection.

(4) Evidence of compliance with a maintenance instruction may consist of:

(A) A maintenance log book which has been validated at the approximate time or mileage intervals specified in the written instructions by someone who regularly engages in the business of servicing automobiles for the relevant maintenance; or

(B) A repair order, sales receipt, or similar evidence showing that the vehicle has been submitted for scheduled maintenance at the approximate time or

mileage intervals specified in the written instructions to someone who regularly engages in the business of servicing automobiles for the purpose of performing the relevant maintenance; or

(C) A statement by the vehicle owner that the maintenance was performed at the approximate time or mileage interval specified in the written instructions using proper replacement parts.

(5) In no case may a vehicle or engine manufacturer deny an emission performance warranty claim on the basis of:

(A) Warranty work or predelivery service performed by any facility authorized by the vehicle or engine manufacturer to perform such work or service; or

(B) Work performed in an emergency situation to rectify an unsafe condition, including an unsafe driveability condition, attributable to the vehicle or engine manufacturer, provided the vehicle owner has taken steps to put the vehicle back in a conforming condition in a timely manner; or

(C) Any cause attributable to the vehicle or engine manufacturer; or

(D) The use of any fuel which is commonly available in the geographical area in which the vehicle or engine is located, unless the written instructions specify that the use of that fuel would adversely affect the emission control devices and systems of the vehicle, and there is commonly available information for the vehicle owner to identify the proper fuel to be used.

(6) The vehicle owner may perform maintenance or have maintenance performed more frequently than required in the written instructions.

(7) Except as specified in section (d)(2)(B) above, failure of the vehicle or engine owner to ensure the performance of such scheduled maintenance or to keep maintenance records shall not, per se, be grounds for disallowing a warranty claim.

(e) Repair, adjustment, or replacement of any part under the warranty provisions of this article shall be performed at no charge to the vehicle or engine owner at a warranty station, except where a warranted part is not available to the vehicle or engine owner within a reasonable time (in no case more than 30 days) after the vehicle or engine is initially presented to the warranty station for repair. In case of such unavailability, 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 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. A vehicle or engine owner may reasonably be required to keep receipts and failed parts in order to receive reimbursement due to such unavailability, provided the manufacturer's written instructions advise the owner of this obligation.

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

(g) Any replacement part may be used in the performance of any maintenance or repairs. Any replacement part designated by a vehicle or engine manufacturer may be used in warranty repairs provided without charge to the vehicle owner. Such use shall not reduce the warranty obligations of the vehicle or engine manufacturer, except that the vehicle or engine 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 section (d) above).

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

(i) *Warranty Claim Procedures.*

(1) A warranty claim may be submitted by bringing a vehicle to any repair facility authorized by the vehicle or engine manufacturer to service that vehicle.

(2) The manufacturer of each vehicle or engine to which the warranty is applicable shall establish procedures as to the manner in which a claim under the emission performance warranty is to be processed. The procedures shall provide for a final decision and repair of a warrantable condition by the vehicle or engine manufacturer within a reasonable time, not to exceed 30 days from the time at which the vehicle is initially presented for repair, or unless a delay:

(A) is requested by the vehicle owner, or

(B) is caused by an event not attributable to the vehicle or engine manufacturer or the warranty station.

(3) Within the time period specified in section (i)(2), the manufacturer shall provide the owner, in writing, with an explanation as to why the claim is being denied.

(4) Failure to notify a vehicle owner that a warrantable condition does not exist within the required time period of section (i)(2), for reasons other than those provided for in sections (i)(2)(A) and (B), shall result in the vehicle or engine manufacturer being responsible for repairing the vehicle free of charge to the vehicle owner.

(5) The vehicle or engine manufacturer shall incur all costs associated with a determination that an emission performance warranty claim is valid.

(j) Warranty services or repairs shall be provided at all of a vehicle or engine manufacturer's dealerships which are franchised to service the subject vehicles or engines.

(k) The vehicle owner shall not be charged for diagnostic labor which leads to the determination of a warrantable condition provided that such diagnostic work is performed at a warranty station.

(l) Throughout the vehicle or engine's warranty period defined in section (b), the vehicle or engine 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 the repairs within a reasonable time period, not to exceed 30 days from the time the vehicle or engine is initially presented to the warranty station for repair, shall constitute an unavailability of parts for purposes of section (e).

(m) The Executive Officer may request and, in such case, the vehicle or engine manufacturer shall provide, any documents which describe the vehicle or engine manufacturer's warranty procedures or policies.


Notes

Cal. Code Regs. Tit. 13, § 2038

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.

1. New section filed 1-16-79; effective thirtieth day thereafter (Register 79, No. 3).
2. Amendment filed 11-26-90; operative 12-26-90 (Register 91, No. 3).
3. Amendment of subsection (m) filed 10-28-99; operative 11-27-99 (Register 99, No. 44).
4. Amendment filed 11-9-2007; operative 11-9-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 45).
5. Amendment of subsection (c)(3) filed 8-7-2012; operative 8-7-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 32).

6. Amendment of subsection (c)(3) filed 11-30-2022; operative 11/30/2022 pursuant to Government Code section 11343.4(b)(3) (Register 2022, No. 48).

 **State Regulations Toolbox**

- [about](#)

- LII > State Regulations > California Code of Regulations > Title 13 - Motor Vehicles
- > Division 3 - Air Resources Board > Chapter 1 - Motor Vehicle Pollution Control Devices
- > Article 6 - Emission Control System Warranty
- > **Cal. Code Regs. Tit. 13, § 2039 - Emissions Control System Warranty Statement**

Cal. Code Regs. Tit. 13, § 2039 - Emissions Control System Warranty Statement

State Regulations Compare

(a) Each manufacturer shall furnish a copy of the following statement with each new 1991 and subsequent model vehicle or engine produced after January 24, 1991, using those portions of the statement applicable to the vehicle or engine. This statement shall be included with and preceded the manufacturer's warranty statement required in subsection (b), unless otherwise authorized by the Executive Officer.

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 (year) (vehicle, truck, or motorcycle). In California, new motor 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 (vehicle, truck, or motorcycle) for the periods of time listed below provided there has been no abuse, neglect or improper maintenance of your (vehicle, truck, or motorcycle).

Your emission control system may include parts such as the carburetor or fuel-injection system, the ignition system, catalytic converter, 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 (vehicle, truck, or motorcycle) at no cost to you including diagnosis, parts and labor.

MANUFACTURER'S WARRANTY COVERAGE:

[For 1990 and subsequent model passenger cars, light-duty trucks, and medium-duty vehicles.]

- For 3 years or 50,000 miles (or a longer period of time or mileage, optional) (whichever first occurs);

1 If your (vehicle or truck) fails a Smog Check inspection, all necessary repairs and adjustments will be made by (manufacturer's name) to ensure that your emission control system PERFORMANCE WARRANTY.

2 If any emission-related part on your (vehicle or truck) is defective, the part will be repaired or replaced by (manufacturer's name). This is your short-term emission control system DEFECTS WARRANTY.

- For 7 years or 70,000 miles (or a longer period of time or mileage, optional) (Whichever first occurs);

1 If an emission-related part listed in this warranty booklet specially noted with coverage for 7 years or 70,000 miles is defective, the part will be repaired or replaced by (manufacturer's name). This is your long-term emission control system DEFECTS WARRANTY.

OWNER'S WARRANTY RESPONSIBILITIES:

- As the (vehicle, truck, or motorcycle) 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 (car, truck, or motorcycle), but (manufacturer's name) cannot deny warranty solely for the lack of receipts or for your failure to ensure the performance of all scheduled maintenance.

- You are responsible for presenting your (vehicle, truck, or motorcycle) 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 the (vehicle, truck, or motorcycle) owner, you should also be aware that (manufacturer's name) may deny you warranty coverage if your (vehicle, truck, or motorcycle) 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-XXXX or the California Air Resource Board at 9528 Telstar Avenue, El Monte, CA 91731.

(b) Commencing with 1980 models sold on or after September 1, 1979, each manufacturer shall furnish with each new vehicle or engine a warranty statement which generally describes the obligations and rights of vehicle or engine manufacturers and owners under this article.

(c) Each manufacturer shall submit the documents required by subsections (a) and (b) with the manufacturer's preliminary application for new vehicle or engine 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 subsections (a) and (b). Approval by the Executive Officer of the documents required by subsections (a) and (b) shall be a condition of certification. The Executive Officer shall approve or disapprove the documents required by subsections (a) and (b) 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.

Notes

Cal. Code Regs. Tit. 13, § 2039

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.

1. New section filed 1-16-79; effective thirtieth day thereafter (Register 79, No. 3).
2. Amendment of subsection (a)(1) filed 2-21-79 as procedural and organizational; effective upon filing (Register 79, No. 8).
3. Amendment filed 12-27-83; effective thirtieth day thereafter (Register 83, No. 53).
4. Amendment filed 11-26-90; operative 12-26-90 (Register 91, No. 3).

State Regulations Toolbox

- [about](#)

- LII > State Regulations > California Code of Regulations > Title 13 - Motor Vehicles
- > Division 3 - Air Resources Board > Chapter 1 - Motor Vehicle Pollution Control Devices
- > Article 6 - Emission Control System Warranty
- > **Cal. Code Regs. Tit. 13, § 2040 - Vehicle Owner Obligations**

Cal. Code Regs. Tit. 13, § 2040 - Vehicle Owner Obligations

State Regulations Compare

(a) The owner of any vehicle or engine warranted pursuant to this article shall be responsible for the performance of all required scheduled maintenance specified in the written instructions furnished to the owner pursuant to subsections [2036\(e\)](#), [2037\(e\)](#), and [2038\(c\)\(1\)](#). Such maintenance may be performed by the owner, at a service establishment of the owner's choosing, or by a person or persons of the owner's choosing. The owner of a heavy-duty vehicle or heavy-duty engine is not liable during the warranty periods in subsection [2036\(c\)](#) for the cost of repair or replacement of a warranted part, as defined in subsection [2035\(c\)\(2\)](#), that the manufacturer did not schedule for periodic replacement, but that was identified as defective during an inspection per the manufacturer's written instructions furnished to the owner pursuant to subsection [2036\(e\)](#). Instead, per subsection [2036\(d\)\(2\)](#), the vehicle manufacturer is responsible to pay for such repair or replacement.

(b) Except as specified in subsections [2036\(j\)\(1\)](#), [2037\(i\)](#), and [2038\(c\)](#), failure of the vehicle or engine owner to ensure the performance of such scheduled maintenance or to keep maintenance records shall not, per se, be grounds for disallowing a warranty claim.

Notes

Cal. Code Regs. Tit. 13, § 2040

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 43106, 43204, 43205 and 43205.5, Health and Safety Code.

1. Section 2040 renumbered to section 2045, and new section 2040 filed 1-16-79; effective thirtieth day thereafter (Register 79, No. 3). For history of former section, see Register 77, No. 12.
2. Amendment filed 11-26-90; operative 12-26-90 (Register 91, No. 3).
3. Amendment of subsection (a) filed 6-12-2019; operative 10/1/2019 (Register 2019, No. 24).



State Regulations Toolbox

- [about](#)
-
-

- LII > State Regulations > California Code of Regulations > Title 13 - Motor Vehicles
- > Division 3 - Air Resources Board > Chapter 1 - Motor Vehicle Pollution Control Devices
- > Article 6 - Emission Control System Warranty
- > **Cal. Code Regs. Tit. 13, § 2041 - Mediation; Finding of Warrantable Condition**

Cal. Code Regs. Tit. 13, § 2041 - Mediation; Finding of Warrantable Condition

State Regulations Compare

(a) This section is intended to provide a mechanism for mediating unresolved emissions warranty disputes between vehicle or engine owners and manufacturers or their agents.

(b) A vehicle or engine owner may request that the Executive Officer mediate a warranty claim.

(1) Upon receipt of such a claim the Executive Officer, or the Executive Officers's representative, may make a determination regarding whether the claim is meritorious on its face and, if meritorious, shall notify the appropriate dealer, or vehicle or engine manufacturer of the claim. The party against whom a complaint is made shall be given a reasonable time in which to respond. The Executive Officer may conduct an informal conference, and may request additional information and evidence.

(2) Upon examination of the facts submitted by the parties concerned, the Executive Officer, or the Executive Officers's representative, may find that a warranted part, or a vehicle's nonconformity with any California statutorily authorized motor vehicle emissions inspection and maintenance program, is

eligible for warranty coverage pursuant to this article. If such a finding is made, the Executive Officer shall issue a Finding of Warrantable Condition.

(3) The Finding of Warrantable Condition shall include the name of the vehicle owner, vehicle manufacturer and model (including model year, make, car line and body type), vehicle identification number, engine family, odometer reading, date of inspection, identification of the defective part or other warrantable condition and the signature of the person issuing the Finding.

Notes

Cal. Code Regs. Tit. 13, § 2041

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 43106, 43204, 43205, and 43205.5, Health and Safety Code.

1. Section 2041 renumbered to section 2046, and new section 2041 filed 1-16-79; effective thirtieth day thereafter (Register 79, No. 3).
2. Amendment filed 11-26-90; operative 12-26-90 (Register 91, No. 3).

State Regulations Toolbox

- [about](#)
-
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