

LII > State Regulations > California Code of Regulations > Title 13 - Motor Vehicles
> Division 3 - Air Resources Board
> Chapter 2 - Enforcement of Vehicle Emission Standards and Surveillance Testing
> Article 2.2 - Procedures for in-Use Vehicle Ordered Recalls (Refs & Annos)
> **Cal. Code Regs. Tit. 13, § 2122 - General Provisions**

Cal. Code Regs. Tit. 13, § 2122 - General Provisions

State Regulations Compare

The provisions regarding applicability of the ordered recall procedures and the definitions shall be the same as those set forth in Title 13, California Code of Regulations, Sections 2111 and 2112.


Notes

Cal. Code Regs. Tit. 13, § 2122

Note: Authority cited: Sections 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. New section filed 1-24-90; operative 2-23-90 (Register 90, No. 8).
2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act (42 U.S.C. § [7543\(e\)\(2\)](#)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.

3. Amendment of section and Note filed 12-5-2007; operative 1-4-2008 (Register 2007, No. 49).
4. Amendment of section and Note filed 11-8-2010; operative 12-8-2010 (Register 2010, No. 46).

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> **Cal. Code Regs. Tit. 13, § 2123 - Initiation and Notification of Ordered Emission-Related Recalls**

Cal. Code Regs. Tit. 13, § 2123 - Initiation and Notification of Ordered Emission-Related Recalls

State Regulations Compare

(a) A manufacturer shall be notified whenever the Executive Officer has determined, based on warranty information reports, field information reports, enforcement testing results, or any other information, that a substantial number of a class or category of vehicles, engines, or trailers produced by that manufacturer, although properly maintained and used, contain a failure in an emission-related component which, if uncorrected, may result in the vehicles', engines', or trailers' failure to meet applicable standards over their useful lives; or whenever a class or category of vehicles, engines, or trailers within their useful lives, on average, do not conform to the standards prescribed pursuant to Section 43101 of the Health and Safety Code as applicable to the model year of such vehicles or trailers.

(b) It shall be presumed for purposes of this section that an emission-related failure will result in the exceedance of emission standards unless the manufacturer presents evidence in accordance with the procedures set forth in title 13, California Code of Regulations, section [2147](#) which demonstrates to the satisfaction of the Executive

Officer that the failure will not result in exceedance of emission standards over the useful life of the vehicle, engine, or trailer.

(c) The notification shall include a description of each class or category of vehicles, engines, or trailers encompassed by the determination of nonconformity, shall set forth the factual basis for the determination and shall designate a date at least 45 days from the date of receipt of such notification by which the manufacturer shall submit a plan to remedy the nonconformity.

Notes

Cal. Code Regs. Tit. 13, § 2123

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. Renumbering and amendment of text previously incorporated by reference in Section 2113 to Section 2123 filed 1-24-90; operative 2-23-90 (Register 90, No. 8). For prior history, see Registers 86, No. 38 and 83, No. 17.
2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d)(Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act (42 U.S.C. s 7543(e)(2)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.
3. Amendment of section and Note 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.

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 - > **Cal. Code Regs. Tit. 13, § 2124 - Availability of Public Hearing**

Cal. Code Regs. Tit. 13, § 2124 - Availability of Public Hearing

State Regulations Compare

(a) The manufacturer may request a public hearing pursuant to the procedures set forth in Sections 60040 to 60053, Title 17, California Code of Regulations to contest the finding of nonconformity and the necessity for or the scope of any ordered corrective action.

(b) If a manufacturer requests a public hearing pursuant to subsection (a) above, and if the Executive Officer's determination of nonconformity is confirmed at the hearing, the manufacturer shall submit the recall plan required by Section 2125 within 30 days after receipt of the Board's decision.

Notes

Cal. Code Regs. Tit. 13, § 2124

Note: Authority cited: Sections 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. Renumbering and amendment of text previously incorporated by reference in Section 2113 to Section 2124 filed 1-24-90; operative 2-23-90 (Register 90, No. 8). For prior history,

see Registers 86, No. 38 and 83, No. 17.

2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act ([42 U.S.C. s 7543\(e\)\(2\)](#)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.



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 - > **Cal. Code Regs. Tit. 13, § 2125 - Ordered Recall Plan**

Cal. Code Regs. Tit. 13, § 2125 - Ordered Recall Plan

State Regulations Compare

(a) Unless a public hearing is requested by the manufacturer, a recall plan shall be submitted to the Chief, Emissions Certification and Compliance Division, 4001 Iowa Ave, Riverside, CA 92507, within the time limit specified in the notification. The Executive Officer may grant the manufacturer an extension upon good cause shown.

(b) The recall plan shall contain the following:

(1) A description of each class or category of vehicle, engine, or trailer to be recalled, including the engine family, test group, vehicle family, trailer family, or sub-group thereof, the model-year, the make, the model, and such other information as may be required to identify the vehicles, engines, or trailers to be recalled.

(2) A description of the nonconformity and the specific modifications, alterations, repairs, corrections, adjustments or other changes to be made to bring the vehicles, engines, or trailers into conformity including a brief summary of the data and technical studies which support the manufacturer's decision regarding the specific corrections to be made.

(3) A description of the method by which the manufacturer will determine the names and addresses of vehicle, engine, or trailer owners and the method by which they will be notified.

(4) A description of the procedure to be followed by vehicle, engine, or trailer owners to obtain correction of the nonconformity including the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor required to correct the nonconformity, and the designation of facilities at which the nonconformity can be remedied. The repair shall be completed within a reasonable time designated by the Executive Officer from the date the owner delivers the vehicle, engine, or trailer for repair. This requirement becomes applicable on the date designated by the manufacturer as the date on or after which the owner can have the nonconformity remedied.

(5) If some or all of the nonconforming vehicles, engines, or trailers are to be remedied by persons other than dealers or authorized warranty agents of the manufacturer, a description of such class of persons and a statement indicating that the participating members of the class will be properly equipped to perform such remedial action.

(6) The capture rate required for each class or category of vehicle, engine, or trailer to be recalled. Under recalls based on exceedance of emission standards, the capture rate shall be calculated using the following formula:

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where: R = capture rate (see section [2112\(a\)](#), above, for definition).

[DELTA] = average reduction per vehicle or trailer resulting from the recall repair (see subsection (b)(12)(B), below, for determination).

E_f = average noncompliance emission level determined from in-use enforcement testing and other sources. E_s = emission standard for a particular pollutant.

An 80 percent capture rate shall be required for recalls based exclusively on noncompliance as defined in section [2112\(h\)\(1\)](#), above.

(7) The plan may specify the maximum incentives (such as a tune-up or specified quantity of gasoline), if any, the manufacturer will offer to induce vehicle, engine, or trailer owners to present their vehicles or trailers for repair, as evidence that the manufacturer has made a good faith effort to repair the percentage of vehicles, engines, or trailers specified in the plan. The plan shall include a schedule for implementing actions to be taken including identified increments of

progress towards implementation and deadlines for completing each such increment.

(8) A copy of the letter of notification to be sent to vehicle, engine, or trailer owners.

(9) A description of the system by which the manufacturer will assure that an adequate supply of parts will be available to perform the repair under the recall plan including the date by which an adequate supply of parts will be available to initiate the repair campaign, and the method to be used to assure the supply remains both adequate and responsive to owner demand.

(10) A copy of all necessary instructions to be sent to those persons who are to perform the repair under the recall plan.

(11) A description of the impact of the proposed changes on fuel economy, driveability, performance and safety of each class or category of vehicles, engines, or trailers to be recalled and a brief summary of the data, technical studies, or engineering evaluations which support these descriptions.

(12) A description of the impact of the proposed changes on the average emissions of the vehicles, engines, or trailers to be recalled based on noncompliance as defined in section 2112(h)(2), above. The description shall contain the following:

(A) Average noncompliance emission levels.

(B) Average emission reduction or increase per pollutant resulting from the recall repair. These averages shall be verified by the manufacturer by applying the proposed recall repairs to two or more in-use vehicles, engines, or trailers representing the average noncompliance emission levels. Only those vehicles, engines, or trailers with baseline emission levels within 25 percent of the average emission levels of noncomplying pollutant(s) established under the in-use enforcement test program may be used by manufacturers to verify proposed recall repairs. The Executive Officer may allow the use of vehicles, engines, or trailers exceeding these limits if none which meet the limits can be reasonably procured. In the case of heavy-duty engines, the average emission levels may be verified by using laboratory engines, subject to approval by the Executive Officer.

(C) An estimate of the average emission level per pollutant for a class or category of vehicles, engines, or trailers after repair as corrected by the required capture rate. The estimated average emission level shall comply with the applicable emission standards. If the average emissions levels achieved by applying the average emission reduction per vehicle, engine, or

trailer after repair and the estimated capture rate, do not achieve compliance with the emissions standards, a manufacturer shall propose other measures to achieve average emissions compliance.

(13) Any other information, reports, or data which the Executive Officer may reasonably determine to be necessary to evaluate the recall plan.

Notes

Cal. Code Regs. Tit. 13, § 2125

Note: Authority cited: Sections HSC 38501, 38505, 38510, 38560, 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. Renumbering and amendment of text previously incorporated by reference in section 2113 to section 2125 filed 1-24-90; operative 2-23-90 (Register 90, No. 8). For prior history, see Registers 86, No. 38 and 83, No. 17.
2. Amendment of subsections (b)(6) and (b)(12) filed 8-30-91; operative 9-30-91 (Register 92, No. 14).
3. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d)(Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act (42 U.S.C. s 7543(e)(2)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.
4. Amendment of section and Note 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.

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- > **Cal. Code Regs. Tit. 13, § 2126 - Approval and Implementation of Recall Plan**

Cal. Code Regs. Tit. 13, § 2126 - Approval and Implementation of Recall Plan

State Regulations Compare

(a) If the Executive Officer finds that the recall plan is designed effectively to correct the nonconformity and complies with the provisions of section 2125, he or she will so notify the manufacturer in writing. Upon receipt of the approval notice from the Executive Officer, the manufacturer shall commence implementation of the approved plan. Notification of vehicle, engine, or trailer owners and the implementation of recall repairs shall commence within 45 days of the receipt of notice unless the manufacturer can show good cause for the Executive Officer to extend the deadline.

(b) If the Executive Officer does not approve the recall plan or the mitigation measures provided in section 2130 as submitted, the Executive Officer shall order modification of the plan or mitigation measures with such changes and additions as he or she determines to be necessary. The Executive Officer shall notify the manufacturer in writing of the disapproval and the reasons for the disapproval.

(c) The manufacturer may contest the Executive Officer's disapproval by requesting a public hearing pursuant to the procedures set forth in sections 60040 to 60053, title 17, California Code of Regulations. As a result of the hearing, the Board may affirm, overturn or modify the Executive Officer's action. In its decision, affirming or

modifying, the Board shall specify the date by which the manufacturer shall commence notifying vehicle, engine, or trailer owners and implementing the required recall repairs.

(d) If no public hearing is requested in accordance with (c) above, the manufacturer shall incorporate the changes and additions required by the Executive Officer and shall commence notifying vehicle, engine, or trailer owners and implementing the required recall repairs within 60 days of the manufacturer's receipt of the Executive Officer's disapproval.

Notes

Cal. Code Regs. Tit. 13, § 2126

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. Renumbering and amendment of text previously incorporated by reference in Section 2113 to Section 2126 filed 1-24-90; operative 2-23-90 (Register 90, No. 8). For prior history, see Registers 86, No. 38 and 83, No. 17.
2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d)(Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act ([42 U.S.C. s 7543\(e\)\(2\)](#)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.
3. Amendment of section and Note 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.

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 - > **Cal. Code Regs. Tit. 13, § 2127 - Notification of Owners**

Cal. Code Regs. Tit. 13, § 2127 - Notification of Owners

State Regulations Compare

(a) Notification to vehicle, engine, or trailer owners shall be made by first class mail or by such other means as approved by the Executive Officer provided, that for good cause, the Executive Officer may require the use of certified mail to ensure an effective notification.

(b) The manufacturer shall use all reasonable means necessary to locate vehicle, engine, or trailer owners provided, that for good cause, the Executive Officer may require the manufacturer to use motor vehicle or trailer registration lists available from State or commercial sources to obtain the names and addresses of vehicle, engine, or trailer owners to ensure effective notification.

(c) The Executive Officer may require subsequent notification by the manufacturer to vehicle, engine, or trailer owners by first class mail or other reasonable means provided, that for good cause, the Executive Officer may require the use of certified mail to ensure effective notification.

(d) The notification of vehicle, engine, or trailer owners shall contain the following:

- (1) The statement: "the California Air Resources Board has determined that your (vehicle, engine, or trailer) (is or may be) releasing air pollutants which exceed

(California or California and Federal) standards. These standards were established to protect your health and welfare from the dangers of air pollution."

(2) A statement that the nonconformity of any such vehicles, engines, or trailers will be remedied at the expense of the manufacturer.

(3) A statement that eligibility may not be denied solely on the basis that the vehicle, engine, or trailer owner used parts not manufactured by the original equipment vehicle or trailer manufacturer, or had repairs performed by outlets other than the vehicle, engine, or trailer manufacturer's franchised dealers.

(4) A clear description of the components which will be affected by the recall action and a general statement of the measures to be taken to correct the nonconformity.

(5) A statement that such nonconformity, if not repaired, may cause the vehicle, engine, or trailer to fail an emission inspection or Smog Check test when such tests are required under State law.

(6) A description of the adverse effects, if any, that an uncorrected nonconformity would have on the performance, fuel economy, or driveability of the vehicle, engine, or trailer or to the function of other engine components.

(7) A description of the procedure which the vehicle, engine, or trailer owner should follow to obtain correction of the nonconformity including the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to correct the nonconformity, and a designation of the facilities at which the nonconformity can be remedied.

(8) After the effective date of the recall enforcement program referred to in section 2117, above, a statement that a certificate showing that the vehicle or trailer has been repaired under the recall program shall be issued by the service facilities and that such a certificate may be required as a condition of vehicle or trailer registration or operation, as applicable.

(9) A card to be used by a vehicle, engine, or trailer owner in the event the vehicle, engine, or trailer to be recalled has been sold. Such card should be addressed to the manufacturer, have postage paid, and shall provide a space in which the owner may indicate the name and address of the person to whom the vehicle, engine, or trailer was sold.

(10) The statement: "In order to ensure your full protection under the emission warranty made applicable to your (vehicle, engine, or trailer) by State or Federal law, and your right to participate in future recalls, it is recommended that you have your (vehicle, engine, or trailer) serviced as soon as possible. Failure to do so could be determined to be a lack of proper maintenance of your (vehicle, engine,

or trailer)." This statement is not required for off-road motorcycles or all-terrain vehicles.

(11) A telephone number provided by the manufacturer, which may be used to report difficulty in obtaining recall repairs.

(e) The manufacturer shall not condition eligibility for repair on the proper maintenance or use of the vehicle or trailer except for strong or compelling reasons and with approval of the Executive Officer; however, the manufacturer shall not be obligated to repair a component which has been removed or altered so that the recall action cannot be performed without additional cost.

(f) No notice sent pursuant to section 2125(b)(8), above, nor any other communication sent to vehicle, engine, or trailer owners or dealers shall contain any statement, express or implied, that the nonconformity does not exist or will not degrade air quality.

(g) The manufacturer shall be informed of any other requirements pertaining to the notification under this section which the Executive Officer has determined are reasonable and necessary to ensure the effectiveness of the recall campaign.


Notes

Cal. Code Regs. Tit. 13, § 2127

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

1. Renumbering and amendment of text previously incorporated by reference in Section 2113 to Section 2127 filed 1-24-90; operative 2-23-90 (Register 90, No. 8). For prior history, see Registers 86, No. 38 and 83, No. 17.
2. Amendment of subsection (d)(10) and Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d)(Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act (42 U.S.C. s 7543(e)(2)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.
3. Amendment of section and Note 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.

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 - > **Cal. Code Regs. Tit. 13, § 2128 - Repair Label**

Cal. Code Regs. Tit. 13, § 2128 - Repair Label

State Regulations Compare


- (a) The manufacturer shall require those who perform the repair under the recall plan to affix a label to each vehicle, engine, or trailer repaired or, when required, inspected under the recall plan.
- (b) The label shall be placed in a location as approved by the Executive Officer and shall be fabricated of a material suitable for such location and which is not readily removable.
- (c) The label shall contain the recall campaign number and a code designating the facility at which the repair, inspection for repair, was performed.

Notes

Cal. Code Regs. Tit. 13, § 2128

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. Renumbering and amendment of text previously incorporated by reference in Section 2113 to Section 2128 filed 1-24-90; operative 2-23-90 (Register 90, No. 8). For prior history, see Registers 86, No. 38 and 83, No. 17.
2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d)(Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act ([42 U.S.C. s 7543\(e\)\(2\)](#)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.
3. Amendment of subsection (a) and Note 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.

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 - > **Cal. Code Regs. Tit. 13, § 2129 - Proof of Correction Certificate**

Cal. Code Regs. Tit. 13, § 2129 - Proof of Correction Certificate

State Regulations Compare

The manufacturer shall require those who perform the recall repair to provide the owner of each vehicle, engine, or trailer repaired with a certificate, through a protocol and in a format prescribed by the Executive Officer, which indicates that the noncomplying vehicle, engine, or trailer has been corrected under the recall program. This requirement shall become effective and applicable upon the effective date of the recall enforcement program referred to in section [2117](#), above.

Notes


Cal. Code Regs. Tit. 13, § 2129

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. New section filed 1-24-90; operative 2-23-90 (Register 90, No. 8).
2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d)(Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act ([42 U.S.C. s 7543\(e\)\(2\)](#)), California is required to receive authorization from the

Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.

3. Amendment of section and Note 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.

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 - > **Cal. Code Regs. Tit. 13, § 2130 - Capture Rates and Alternative Measures**

Cal. Code Regs. Tit. 13, § 2130 - Capture Rates and Alternative Measures

State Regulations Compare

The manufacturer shall comply with the capture rate specified in the recall plan as determined pursuant to section [2125\(b\)\(6\)](#), above, within six consecutive quarters beginning with the quarter in which the notification of vehicle, engine, or trailer owners was initiated. If, after good faith efforts, the manufacturer cannot correct the percentage of vehicles or trailers specified in the plan by the applicable deadlines and cannot take other measures to bring the engine family, test group, vehicle family, or trailer family into compliance with the standards, the manufacturer shall propose mitigation measures to offset the emissions of the unrepaired vehicles or trailers within 45 days from the last report filed pursuant to section [2133\(c\)](#), below. The Executive Officer shall approve such measures provided that:

- (a) the emission reductions from the recalled and repaired vehicles, engines, or trailers and the mitigation measures are equivalent to achieving the capture rate; and
- (b) the emission reductions from the mitigation measures are real and verifiable; and
- (c) the mitigation measures are implemented in a timely manner.

Notes

Cal. Code Regs. Tit. 13, § 2130

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. New section filed 1-24-90; operative 2-23-90 (Register 90, No. 8).
2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act (42 U.S.C. s 7543(e)(2)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.
3. Amendment of first paragraph filed 10-28-99; operative 11-27-99 (Register 99, No. 44).
4. Amendment of section and Note 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.

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 - > **Cal. Code Regs. Tit. 13, § 2131 - Preliminary Tests**

Cal. Code Regs. Tit. 13, § 2131 - Preliminary Tests

State Regulations Compare

The Executive Officer may require the manufacturer to conduct tests on components and vehicles, engines, or trailers incorporating a proposed correction, repair, or modification reasonably designed and necessary to demonstrate the effectiveness of the correction, repair, or modification.

Notes


Cal. Code Regs. Tit. 13, § 2131

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. Renumbering and amendment of text previously incorporated by reference in Section 2113 to Section 2131 filed 1-24-90; operative 2-23-90 (Register 90, No. 8). For prior history, see Registers 86, No. 38 and 83, No. 17.
2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d)(Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act ([42 U.S.C. s 7543\(e\)\(2\)](#)), California is required to receive authorization from the

Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.

3. Amendment of section and Note 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.

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 - > **Cal. Code Regs. Tit. 13, § 2132 - Communication with Repair Personnel**

Cal. Code Regs. Tit. 13, § 2132 - Communication with Repair Personnel

State Regulations Compare

The manufacturer shall provide to the Executive Officer a copy of all communications which relate to the recall plan directed to dealers and other persons who are to perform the repair. Such copies shall be mailed to the Executive Officer contemporaneously with their transmission to dealers and other persons who are to perform the repair under the recall plan.

Notes

Cal. Code Regs. Tit. 13, § 2132

Note: Authority cited: Sections 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. Renumbering and amendment of text previously incorporated by reference in Section 2113 to Section 2132 filed 1-24-90; operative 2-23-90 (Register 90, No. 8). For prior history, see Registers 86, No. 38 and 83, No. 17.
2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air

Act ([42 U.S.C. s 7543\(e\)\(2\)](#)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.



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- > **Cal. Code Regs. Tit. 13, § 2133 - Recordkeeping and Reporting Requirements**

Cal. Code Regs. Tit. 13, § 2133 - Recordkeeping and Reporting Requirements

State Regulations Compare

(a) The manufacturer shall maintain sufficient records to enable the Executive Officer to conduct an analysis of the adequacy of the recall campaign. The records shall include, for each class or category of vehicle, engine, or trailer, but need not be limited to, the following:

- (1) Engine family, test group, vehicle family, or trailer family involved and recall campaign number as designated by the manufacturer.
- (2) Date owner notification was begun, and date completed.
- (3) Number of vehicles, engines, or trailers involved in the recall campaign.
- (4) Number of vehicles, engines, or trailers known or estimated to be affected by the nonconformity.
- (5) Number of vehicles, engines, or trailers inspected pursuant to the recall plan and found to be affected by the nonconformity.
- (6) Number of inspected vehicles, engines, or trailers.
- (7) Number of vehicles, engines, or trailers receiving repair under the recall plan.

(8) Number of vehicles, engines, or trailers determined to be unavailable for inspection or repair under the recall plan due to exportation, theft, scrapping, or for other reasons (specify).

(9) Number of vehicles, engines, or trailers determined to be ineligible for recall action due to removed or altered components.

(10) A listing of the identification numbers of vehicles, engines, or trailers subject to recall but for whose repair the manufacturer has not been invoiced. This listing shall be supplied in a standardized computer data storage device to be specified by the Executive Officer. The frequency of this submittal, as specified in subsection (c) below, may be changed by the Executive Officer depending on the needs of recall enforcement.

(11) Any service bulletins transmitted to dealers which relate to the nonconformity and which have not previously been submitted.

(12) All communications transmitted to vehicle, engine, or trailer owners which relate to the nonconformity and which have not previously been submitted.

(b) If the manufacturer determines that the original responses to subsections (a)(3) and (4) of these procedures are incorrect, revised figures and an explanatory note shall be submitted. Responses to subsections (a)(5), (6), (7), (8), and (9) shall be cumulative totals.

(c) Unless otherwise directed by the Executive Officer, the information specified in subsection (a) of these procedures shall be included in six quarterly reports, beginning with the quarter in which the notification of owners was initiated, or until all nonconforming vehicles, engines, or trailers involved in the campaign have been remedied, whichever occurs sooner. Such reports shall be submitted no later than 25 days after the close of each calendar quarter.

(d) The manufacturer shall maintain in a form suitable for inspection, such as computer information storage devices or card files, and shall make available to the Executive Officer or his or her authorized representative upon request, lists of the names and addresses of vehicle, engine, or trailer owners:

(1) To whom notification was given;

(2) Who received remedial repair or inspection under the recall plan; and

(3) Who were denied eligibility for repair due to removed or altered components.

(e) The records and reports required by these procedures shall be retained for not less than one year beyond the useful life of the vehicles, engines, or trailers involved,

or one year beyond the reporting time frame specified in subsection (c) above, whichever is later.

Notes

Cal. Code Regs. Tit. 13, § 2133

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. Renumbering and amendment of text previously incorporated by reference in Section 2113 to Section 2133 filed 1-24-90; operative 2-23-90 (Register 90, No. 8). For prior history, see Registers 86, No. 38 and 83, No. 17.

2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d)(Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act (42 U.S.C. s 7543(e)(2)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.

3. Amendment of section and Note 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.

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Cal. Code Regs. Tit. 13, § 2134 - Penalties

State Regulations Compare

Failure by a manufacturer to carry out all recall actions ordered by the Executive Officer pursuant to Sections 2123 through 2133 of these procedures shall constitute a violation of Health and Safety Code Section 43105.

Notes


Cal. Code Regs. Tit. 13, § 2134

Note: Authority cited: Sections 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. Renumbering and amendment of text previously incorporated by reference in Section 2113 to Section 2134 filed 1-24-90; operative 2-23-90 (Register 90, No. 8). For prior history, see Registers 86, No. 38 and 83, No. 17.

2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act ([42 U.S.C. s 7543\(e\)\(2\)](#)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources

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 - > **Cal. Code Regs. Tit. 13, § 2135 - Extension of Time**

Cal. Code Regs. Tit. 13, § 2135 - Extension of Time

State Regulations Compare

The Executive Officer may extend any deadline in the plan if he or she finds in writing that a manufacturer has shown good cause for such extension.


Notes

Cal. Code Regs. Tit. 13, § 2135

Note: Authority cited: Sections 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204- 43205.5, Health and Safety Code.

1. Renumbering and amendment of text previously incorporated by reference in Section 2113 to Section 2135 filed 1-24-90; operative 2-23-90 (Register 90, No. 8). For prior history, see Registers 86, No. 38 and 83, No. 17.
2. Amendment of Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4). Note: Under section 209(e)(2) of the Federal Clean Air Act ([42 U.S.C. s 7543\(e\)\(2\)](#)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources

Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.



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