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  - > **Cal. Code Regs. Tit. 13, § 2141 - General Provisions**

## Cal. Code Regs. Tit. 13, § 2141 - General Provisions

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(a) The provisions regarding applicability of the failure reporting procedures and the definitions shall be the same as those set forth in title 13, California Code of Regulations, sections [2111](#) and [2112](#), except that this section 2141 does not apply to off-road compression-ignition engines, as defined in section [2421](#).

(b) The requirement to file emission warranty information reports and field information reports for a given class or category of vehicles, engines, or trailers shall be applicable for the warranty period but not to exceed the useful-life period of the vehicles, engines, or trailers beginning with the 1990 model-year vehicles or engines and beginning 2020 model-year trailers.

(c) The requirement to file an emissions information report for a given class or category of vehicles, engines, or trailers shall be applicable for the useful-life period of the vehicles, engines, or trailers.

(d) In the case of motor vehicles or engines for which certification of the exhaust and evaporative emission control systems is granted to different manufacturers, the information reporting responsibility in subsections (b) and (c) above shall be assigned to the certifying manufacturer.

(e) For purposes of enforcing or administering any requirement pursuant to this Division 3, Chapter 2, the Executive Officer or an ARB employee or agent upon presentation of credentials, has the right of entry to any premises owned, operated, used, leased, or rented by a person to repair or service any heavy-duty engine, heavy-duty vehicle, or trailer for which California emissions standards have been adopted and which is situated on the premises for purpose of emission-related maintenance, repair or service. The right-to-entry includes, but is not limited to, verification of manufacturer's warranty reporting and claims through inspecting repair records, records that relate to vehicular, engine, or trailer emissions, vehicles, engines, and trailers, and may require the on-premises securing of samples of emissions from a vehicle, engine, or trailer at any repair facility.

(f) In the case of 2024 and subsequent model year California-certified heavy-duty diesel and Otto-cycle engines, and heavy-duty vehicles,

(1) If a manufacturer files a "Field Information Report" pursuant to title 13, California Code of Regulations, section [2145](#), it must retain the information that it obtained and relied upon when analyzing the failure and determined the probable cause of the failure of the component(s) during the time period corresponding to the time component of the useful life period of the engine family or test group. For instance, if a turbocharger failed in an engine family with a useful life of 15 years or 150,000 miles, whichever first occurs, the manufacturer must retain the above specified information during the 15 years. The Executive Officer shall reserve the right to require manufacturers to submit the information to the Executive Officer during the time period corresponding to the time component of the useful life period of the engine family or test group. If the information used to determine the valid failure rate is not retained or is unable to be provided to the Executive Officer upon request, the parts shall be considered failures.

(2) Upon the Executive Officer's request, manufacturers must provide information indicating, for a given emission-related component, how many warranty repairs for that component were performed at each of the manufacturer's authorized repair facilities.

(3) Warranty reports must include an attestation stating that the information provided in the report is accurate and true and must be signed by an authorized manufacturer representative.

(4) A Manufacturer shall apply good engineering judgement:

(A) The manufacturer shall exercise good engineering judgment in making all decisions called for under this subpart, including, but not limited to,

selections, categorizations, determinations, and applications of the requirements of the subpart.

(B) Upon written request by the Executive Officer, the manufacturer shall provide within 15 working days (or such longer period as may be allowed by the Executive Officer) a written description of the engineering judgment in question.

(C) The Executive Officer may reject any such decision by a manufacturer if it is not based on good engineering judgment or is otherwise inconsistent with the requirements of this subpart.

(D) If the Executive Officer rejects a decision by a manufacturer with respect to the exercise of good engineering judgment, the following provisions shall apply:

1. If the Executive Officer determines that incorrect information was deliberately used in the decision process, that important information was deliberately overlooked, that the decision was not made in good faith, or that the decision was not made with a rational basis, the manufacturer may be subject to penalties pursuant to, but not limited to, section 43016, Health and Safety Code, for failing to comply with this section.
2. If the Executive Officer determines that the manufacturer's decision does not meet the provisions of subsection (f)(4)(D)(1), but that a different decision would reflect a better exercise of good engineering judgment, then the Executive Officer will notify the manufacturer of this concern and the basis thereof.
  - a. The manufacturer shall have at least 30 days to respond to this notice. The Executive Officer may extend this response period upon request from the manufacturer if it is necessary to generate additional data for the manufacturer's response.
  - b. The Executive Officer shall make the final ruling after considering the information provided by the manufacturer during the response period. If the Executive Officer determines that the manufacturer's decision was not made using good engineering judgment, he/she may reject that decision and apply the new ruling to future corresponding decisions as soon as practicable.

(E) The Executive Officer shall notify the manufacturer in writing regarding any decision reached under subsection (f)(4)(D)(1) or (f)(4)(D)(2). The

Executive Officer shall include in this notification the basis for reaching the determination.

## Notes

Cal. Code Regs. Tit. 13, § 2141

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39500, 39600, 39601, 43000.5, 43013, 43105, 43204, 43205.5 and 43214 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 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 subsection (a) filed 12-28-2000; operative 12-28-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 52).
3. Amendment of section and Note filed 12-5-2007; operative 1-4-2008 (Register 2007, No. 49).
4. Amendment of subsection (a) and amendment of Note filed 11-8-2010; operative 12-8-2010 (Register 2010, No. 46).
5. New subsection (e) filed 2-7-2019; operative 4/1/2019 (Register 2019, No. 6).
6. 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, § 2142 - Alternative Procedures**

## Cal. Code Regs. Tit. 13, § 2142 - Alternative Procedures

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(a) A vehicle or trailer manufacturer may use an alternative procedure to those specified in sections 2144(a) and 2145(a), provided the Executive Officer has determined that the alternative procedure will produce substantially equivalent results. In making such a determination, the Executive Officer shall consider the capacity of the alternative procedure to:

- (1) ensure early detection of failing components within the useful life of the vehicles, engines, or trailers;
- (2) track failing components by engine family, test group, vehicle family, or trailer family;
- (3) assure prompt notification of the Executive Officer when a systematically failing component is indicated;
- (4) provide objective, complete and easily monitored data; and
- (5) be audited by the Executive Officer.

(b) If, in order to comply with the requirements of section 2142(a), 2144(a) or 2145(a), a manufacturer elects to develop a system based upon a sampling of representative

California dealerships, such plan must be reviewed and approved by the Executive Officer prior to its implementation.

## Notes

Cal. Code Regs. Tit. 13, § 2142

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39500, 39600, 39601, 43000.5, 43013, 43018, 43105, 43204, 43205.5 and 43214 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 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 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, § 2143 - Failure Levels Triggering Recall and Corrective Action**

## Cal. Code Regs. Tit. 13, § 2143 - Failure Levels Triggering Recall and Corrective Action

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An engine family, test group, a vehicle family, a trailer family or a subgroup shall be subject to a recall when the number of failures of a specific emission-related component exceeds the failure level set forth below, unless the Executive Officer determines from the emission information report that a recall is unnecessary pursuant to the criteria set forth in section [2148\(a\)](#) and (b). Vehicles or engines in an engine family or test group shall be recalled at the following failure levels: 4 percent or 50 (whichever is greater) for 1990 through 1991 model year vehicles or engines; 3 percent or 50 (whichever is greater) for 1992 through 1993 model-year vehicles or engines; and 2 percent or 50 (whichever is greater) for 1994 and subsequent model-year vehicles or engines. 2020 and subsequent model-year trailers are subject to recall at the following rates: 2 percent or 50 (whichever is greater). The Executive Officer may extend the applicability of the 4 or 3 percent failure levels if he/she determines that proceeding to the next lower level will create an excessive administrative burden on the ARB or the vehicle or trailer manufacturers without a corresponding benefit in the reduction of emissions.

In the case of 2024-2026 model year California-certified heavy-duty diesel and Otto-cycle engines, and heavy-duty vehicles, vehicles or engines in an engine family or test group shall be recalled or subject to other corrective action at the following failure levels: 4 percent or

25 (whichever is greater). In the case of 2027-2030 model year California-certified heavy-duty diesel and Otto-cycle engines, and heavy-duty vehicles, vehicles or engines in an engine family or test group shall be recalled or subject to other corrective action at the following failure levels: 4 percent or 25 (whichever is greater) for the first five years of the warranty period, and 5 percent or 35 (whichever is greater) for years 6 through 7 of the warranty period. In the case of 2031 and subsequent model year California-certified heavy-duty diesel and Otto-cycle engines, and heavy-duty vehicles, vehicles or engines in an engine family or test group shall be recalled or subject to other corrective action at the following failure levels: 4 percent or 25 (whichever is greater) for the first five years of the warranty period, 5 percent or 35 (whichever is greater) for years 6 through 7 of the warranty period, and 7 percent or 50 for years 8 through 10 of the warranty period.

## Notes

Cal. Code Regs. Tit. 13, § 2143

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39500, 39600, 39601, 43000.5, 43013, 43105, 43204, 43205.5 and 43214 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 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 filed 10-28-99; operative 11-27-99 (Register 99, No. 44).
3. Amendment of section heading, 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, § 2144 - Emission Warranty Information Report**

## Cal. Code Regs. Tit. 13, § 2144 - Emission Warranty Information Report

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(a) A manufacturer shall:

- (1) Review warranty claim records for each engine family, test group, vehicle family, or trailer family on a quarterly basis to determine and compile by cumulative total the number of claims made for emission-related components. The data compiled shall be based on all warranty claims, without any prescreening of data as to the validity of the claims. In the case of heavy-duty vehicles or engines, nationwide or California data for monitoring warranty claims may be used to determine compliance with section [2143](#) requirements.
- (2) Categorize warranty claims for each engine family, test group, vehicle family, or trailer family by the specific emission control component replaced or repaired.
- (3) On the basis of data obtained subsequent to the effective date of these regulations, file an emission warranty information report for each quarter when the cumulative number of unscreened warranty claims for a specific emission-related component or repair represent at least 1 percent or 25 (whichever is greater) of the vehicles, engines, or trailers of a California-certified engine family, test group, vehicle family, or trailer family.

(4) In the case of 2024 and subsequent model year California-certified heavy-duty diesel and Otto-cycle engines, and heavy-duty vehicles, an emissions warranty information report must be submitted for each quarter when the cumulative number of unscreened warranty claims for a specific emission-related component or repair represents at least 1 percent or 12 (whichever is greater) of the vehicles or engines of a California-certified engine family or test group.

(b) The emission warranty information report shall contain the following information in substantially the format outlined below:

(1) The manufacturer's corporate name.

(2) A description of each class or category of California-certified vehicles, engines, or trailers affected by a warranty replacement or warranty repair of a specific emission-related component, including model year and engine family, test group, vehicle family, or trailer family.

(3) The number and percentage of vehicles, engines, or trailers in each engine family, test group, vehicle family, or trailer family for which a warranty replacement or warranty repair of a specific emission-related component was identified.

(4) A short description of the specific emission-related component that was replaced or repaired under warranty.

(c) Emission warranty information reports shall be submitted not more than 25 days after the close of a calendar quarter. Subsequent to the filing of an emission warranty information report, a manufacturer shall submit quarterly reports updating the number and percentage of emission-related warranty claims with the most recent information, unless a recall has been implemented. Emission warranty information reports and updates shall be submitted to the Chief, Emissions Certification and Compliance Division, 4001 Iowa Ave, Riverside, CA 92507.

(d) The records described in section 2144(a)(1) of these procedures and the records used under the alternative procedure described in section 2142(a) of these procedures shall be made available to the Executive Officer upon request.

(e) In the case of 2024 and subsequent model year California-certified heavy-duty diesel and Otto-cycle engines, and heavy-duty vehicles, manufacturers must submit emission warranty information reports updating the number and percentage of emission-related warranty claims for components that were issued extended warranties throughout the extended warranty period, or, for components that were recalled, throughout the useful life period.

# Notes

Cal. Code Regs. Tit. 13, § 2144

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39500, 39600, 39601, 43000.5, 43013, 43018, 43105, 43204, 43205.5 and 43214 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 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 subsections (a)(1)-(3), (b)(2), (b)(3) and (c) filed 10-28-99; operative 11-27-99 (Register 99, No. 44).
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, § 2145 - Field Information Report**

## Cal. Code Regs. Tit. 13, § 2145 - Field Information Report

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(a) On the basis of data obtained and reported pursuant to section [2144](#) of these procedures, a manufacturer shall file a field information report not more than 45 days after an emission warranty information report indicates that a cumulative total of unscreened warranty claims for a specific emission-related component is found to exist in excess of the percentage of vehicles or trailers specified in section [2143](#), unless the manufacturer has committed to perform a recall by notifying the ARB of its intent in writing within the 45-day period. A recall plan must be submitted within 45 days of that notice.

(b) All field information reports shall be submitted to the Chief, Emissions Certification and Compliance Division, 4001 Iowa Ave, Riverside, CA 92507, and shall contain the following information in substantially the format outlined below:

- (1) The manufacturer's corporate name.
- (2) A field information report number assigned by the manufacturer which shall be used in all related correspondence.
- (3) A description of each class or category of California-certified vehicles, engines, or trailers affected including make, model, model-year, engine family, test group,

vehicle family, or trailer family and such other information as may be required to identify the vehicles or engines affected. The description shall include those engine families, test groups, vehicle families, or trailer families related to the affected engine family, test group, vehicle family, or trailer family through common certification test data allowed under Title 40, Code of Federal Regulations, Section 86.1839-01, as amended January 17, 2006 ( "carry-over" and "carry-across" engine families, test groups, vehicle families, or trailer families).

(4) A description of the emission-related component that failed or was replaced or repaired under warranty, the failure and the probable cause of the failure.

(5) The number and percentage of vehicles, engines, or trailers in each engine family or test group, vehicle family, or trailer family for which a failure of a specific emission-related component was identified. In the case of 2024 and subsequent model year California-certified heavy-duty diesel and Otto-cycle engines, and heavy-duty vehicles, the number and percentage of vehicles or engines in each engine family or test group for which a failure of a specific emission-related component was identified can only be modified within two years of submitting a field information report and must be based on the analysis of a new set of parts. A manufacturer must submit a revised field information report to modify the number and percentage of vehicles or engines in each engine family or test group for which a failure or a specific emission-related component was identified. The Executive Officer reserves the right to require manufacturers to provide information regarding the parts such as, the associated vehicle identification number, associated engine serial number, failure mode for each part analyzed, mileage at time of failure, and methodology used to determine the failure mode during the time period corresponding to the time component of the useful life period of the engine family or test group.

(6) The total number and percentage of unscreened warranty claims and failures of a specific emission-related component projected to occur during the engine family's, test group's, vehicle family's, or trailer family's useful life and a description of the method used to project this number.

(7) An estimated date when the failure of a specific emission-related component will reach the levels specified in section 2143 of these procedures.

## Notes

Cal. Code Regs. Tit. 13, § 2145

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39500, 39600, 39601, 43000.5, 43013, 43018 43105, 43204, 43205.5 and 43214 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 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 2111 to Section 2145 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), (b)(3), (b)(5) and (b)(6) filed 10-28-99; operative 11-27-99 (Register 99, No. (44).
3. Amendment of subsection (b)(3) filed 8-7-2012; operative 8-7-2012 pursuant to Government Code section 11343.4(Register 2012, No. 32).
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, § 2146 - Emissions Information Report**

## Cal. Code Regs. Tit. 13, § 2146 - Emissions Information Report

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(a) A manufacturer shall file an emissions information report:

(1) For 1990 and subsequent model-year vehicles or engines and 2020 and subsequent model-year trailers, when the failure of a specific emission-related component exceeds the percentages specified in section [2143](#) of these procedures. An emissions information report shall not be required sooner than 45 days after the field information report has been submitted to the Executive Officer, but must be submitted within 90 days of exceeding the reporting threshold.

(2) Within 45 days of the Executive Officer, with cause, requiring such a report. For purposes of this section, "cause" shall be based upon any information in ARB possession which indicates that a failure of significant scope is occurring which might necessitate a recall, including but not limited to the in-use enforcement test results specified in section [2140\(a\)](#) above, and information gathered from ARB in-use surveillance activities, Smog Check inspections, and consumer complaints.

(3) For 1982 through 1989 model-year vehicles or engines, not more than 15 days after a specific emission-related defect is determined to exist in 25 or more

vehicles or engines of the same model year. A defect shall be determined in accordance with procedures established by a manufacturer to identify safety-related defects.

(b) No emissions information report shall be required if a manufacturer has committed to perform a recall by notifying the ARB of its intent in writing after the failure of a specific emission-related component exceeds the percentages specified in section 2143 of these procedures. A recall plan shall be submitted within 45 days of the manufacturer's notification of intent to perform a recall.

(c) All emissions information reports shall be submitted to the Chief, Emissions Certification and Compliance Division, 4001 Iowa Ave, Riverside, CA 92507, and shall contain the following information in substantially the format outlined below. For purposes of this section, the term "failure" shall be considered synonymous with the term "defect" for those emissions information reports filed pursuant to subsection (a) (3), above.

(1) The manufacturer's corporate name.

(2) The field information report number from which the failure was first reported, if applicable.

(3) A description of each class or category of California-certified vehicles, engines, or trailers affected by the failure including make, model, model-year, engine family, test group, vehicle family, or trailer family, and such other information as may be required to identify the vehicles, engines, or trailers affected.

(4) A description of the emission-related component that failed, the failure and the probable cause of failure.

(5) A description of any driveability problems or impact on other vehicle, engine, or trailer performance factors such as fuel economy and cold starting likely to result from the failure.

(6) For emissions information reports filed pursuant to section 2146(a)(1) and (2), a description of how emissions will be affected over the useful life of the vehicles, engines, or trailers due to the failure.

(7) For emissions information reports filed pursuant to section 2146(a)(1) or (2) for 2024 and later model year California-certified heavy-duty diesel and Otto-cycle engines, and heavy-duty vehicles, and section 2146(a)(3), an evaluation of the emission impact of the failure and any available emission data which relate to the failure.

(8) For emissions information reports filed pursuant to section 2146(a)(1) and (2) for 2024 and later model year California-certified heavy-duty diesel and Otto-



cycle engines, and heavy-duty vehicles, a description of the manufacturer's corrective action plan and an approximate corrective action implementation date.

## Notes

Cal. Code Regs. Tit. 13, § 2146

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39500, 39600, 39601, 43000.5, 43013, 43018, 43105, 43204, 43205.5 and 43214 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 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 subsections (c) and (c)(3) filed 10-28-99; operative 11-27-99 (Register 99, No. 44).
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, § 2147 - Demonstration of Compliance with Emission Standards

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(a) In order to overcome the presumption of noncompliance set forth in title 13, California Code of Regulations, section [2123\(b\)](#), the average emissions of the vehicles, engines, and trailers with the failed emission-related component must comply with applicable emission standards. A manufacturer may demonstrate compliance with the emission standards by following the procedures set forth in either subsection (b) or subsection (c) of this section.

(b) A manufacturer may test properly maintained in-use vehicles and trailers with the failed emission-related component pursuant to the applicable certification emission tests specified in title 13, California Code of Regulations, section [1960.1](#), [1961](#), [1961.2](#), [1961.3](#), or [1961.4](#), as applicable, for passenger cars, light-duty trucks, and medium-duty vehicles, section [1956.8](#) for heavy-duty engines and vehicles, section [1958](#) for motorcycles, and section [2442](#) for sterndrive/inboard marine engines, and in title 17, California Code of Regulations, section [95663](#), for heavy-duty vehicles and trailers. The emissions shall be projected to the end of the vehicle's or engine's useful life using in-use deterioration factors. The in-use deterioration factors shall be chosen by the manufacturer from among the following:

- (1) "Assigned" in-use deterioration factors provided by the ARB on a manufacturer's request and based on ARB in-use testing; or,
- (2) deterioration factors generated during certification, provided adjustments are made to account for vehicle aging, customer mileage-accumulation practices, type of failed component, component failure mode, effect of the failure on other emission-control components, commercial fuel and lubricant quality, and any other factor which may affect the vehicle's or engine's operating conditions; or,
- (3) subject to approval by the Executive Officer, a manufacturer-generated deterioration factor. The Executive Officer shall approve such deterioration factor if it is based on in-use data generated from certification emission tests performed on properly maintained and used vehicles in accordance with the procedures set forth in section [1960.1](#), [1961](#), [1961.2](#), or [1961.4](#) of title 13 of the California Code of Regulations, as applicable, for passenger cars, light-duty trucks, and medium-duty vehicles; section [1956.8](#) of title 13 of the California Code of Regulations heavy duty vehicles and engines; section [1958](#) of title 13 of the California Code of Regulations for motorcycles; and section [95663](#) of title 17 of the California Code of Regulations, for heavy-duty vehicles, and if the vehicles from which it was derived are representative of the in-use fleet with regard to emissions performance and are equipped with similar emission control technology as vehicles with the failed component.

(c) In lieu of the vehicle, engine, or trailer emission testing described in subsection (b) above and subject to prior written approval by the Executive Officer, a manufacturer may perform an engineering analysis, laboratory testing or bench testing, when appropriate, to demonstrate the effect of the failure.

(d) This section does not apply to 2024 and subsequent model year California-certified heavy-duty diesel and Otto-cycle engines, and heavy-duty vehicles.


## Notes

Cal. Code Regs. Tit. 13, § 2147

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39500, 39600, 39601, 43000.5, 43013, 43018, 43105, 43204, 43205.5 and 43214 Health and Safety Code. Reference: Sections [38501](#), [38505](#), [38510](#), [38560](#), [43000](#), 43009.5, 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 subsections (b) and (b)(3) filed 10-28-99; operative 11-27-99 (Register 99, No. 44).
3. Amendment of subsection (b) filed 7-22-2002; operative 8-21-2002 (Register 2002, No. 30).

4. Amendment of subsection (b) filed 7-17-2009; operative 8-16-2009 (Register 2009, No. 29).
5. Amendment of subsections (b) and (b)(3) filed 8-7-2012; operative 8-7-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 32).
6. Amendment of subsections (b) and (b)(3) 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 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.
9. Amendment of subsections (b) and (b)(3) filed 11-30-2022; operative 11/30/2022 pursuant to Government Code section 11343.4(b)(3) (Register 2022, No. 48).

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## Cal. Code Regs. Tit. 13, § 2148 - Evaluation of Need for Recall

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(a) Once the emission information report is filed, the Executive Officer shall evaluate the failure to determine whether a recall is necessary. Factors to be considered shall include, but are not limited to, the following:

- (1) the validity of the data;
- (2) the emission impact of the failure on individual vehicles, engines, or trailers;
- (3) the possibility of induced tampering due to driveability problems resulting from the failure;
- (4) the effects of the failure on performance, fuel economy, and safety;
- (5) the failure rates and the timing and extent of a remedy if no recall is required; and
- (6) other factors specific to the failure.

(b) Notwithstanding subsection (a) above, a recall shall not be required if the manufacturer submits information with the emissions information report which demonstrates to the satisfaction of the Executive Officer that the failure:

(1) is limited to an emission-related component on a substantial percentage of vehicles or trailers and does not represent a pervasive defect in design, application, or execution which is likely to affect a substantial number of such emission-related components during the useful life of the vehicle, engine, or trailer, and

(2) is likely to be corrected under the warranty program or other in-use maintenance procedure shortly after the inception of the problem.

(c) If a manufacturer can identify a subgroup of an engine family, test group, vehicle family, or trailer family which is subject to a failure, a recall may be limited to that subgroup with Executive Officer approval.

## Notes

Cal. Code Regs. Tit. 13, § 2148

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39500, 39600, 39601, 43000.5, 43013, 43018, 43105, 43204, 43205.5 and 43214 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 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 subsection (c) filed 10-28-99; operative 11-27-99 (Register 99, No. 44).
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, § 2149 - Notification and Subsequent Action

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(a) The Executive Officer shall notify the manufacturer of the evaluation results. If the Executive Officer deems a noncompliance exists, a manufacturer shall have 15 days upon receipt of ARB notification to notify the ARB in writing of its intent to perform a recall. A manufacturer may initiate one of the following recalls:

- (1) A voluntary recall if the emissions information report submitted was required pursuant to section [2146\(a\)\(1\)](#) or (a)(3) of these procedures;
- (2) An influenced recall if the emissions information report submitted was required pursuant to section [2146\(a\)\(2\)](#) of these procedures.

(b) If no notification to perform a voluntary or influenced recall is submitted by the manufacturer within the 15-day period specified in subsection (a) above, the ARB may initiate further investigation which could lead, respectively, to an influenced or ordered recall of the subject vehicles, engines, or trailers.

(c) Following notification of noncompliance by the ARB, a manufacturer shall submit within 45 days a recall plan in accordance with section [2113\(a\)](#) or (b), title 13, California Code of Regulations.

# Notes

Cal. Code Regs. Tit. 13, § 2149

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39500, 39600, 39601, 43000.5, 43013, 43018, 43105, 43204, 43205.5 and 43214 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 43000, 43009.5, 43018, 43101, 43104, 43105, 43106, 43107, 43204- 43205.5, 43211- 43213 and 43107, Health and Safety Code.

1. New section filed 1-24-90; operative 2-23-90 (Register 90, No. 8).
2. 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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