

CALIFORNIA'S RACING VEHICLE DEFINITION WORKSHOP



JULY 19 & 20, 2017: SACRAMENTO AND EL MONTE

CARB's Mobile Source Program

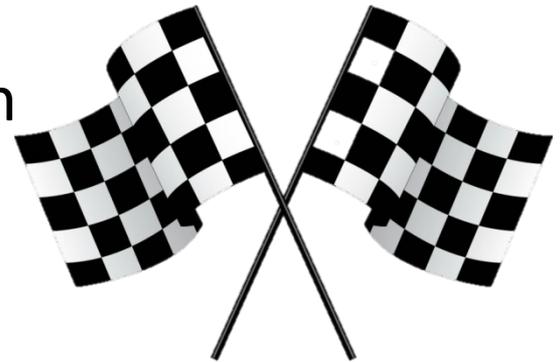
- ▶ Mobile source certification programs are fundamental to CARB's emissions control program
 - ▶ Ensures necessary emissions reductions to protect public health
- ▶ Executive Orders (EO) issued by CARB must be obtained before vehicles, engines, and aftermarket parts (AMP) can be sold in California
 - ▶ Vehicles and Engines: Must meet emissions standards to receive EO¹
 - ▶ AMPs: Maintains compliance with applicable standards to receive exemption from anti-tampering laws²
- ▶ Racing vehicles and racing AMPs are not required to have EOs
 - ▶ Exempted from emission control requirements in California

¹ Excluding certified non-compliant Red Sticker off-highway recreational vehicles

² Vehicle Code §§ 27156 & 38391

Racing Exemption

- ▶ California law exempts “racing vehicles” from emissions controls to protect and preserve legitimate racing¹
- ▶ “Racing vehicle” is defined as “a competition vehicle not used on public highways”²
- ▶ The racing vehicle definition is unclear because
 - ▶ “Public highway” is misunderstood
 - ▶ “Competition” is not defined
- ▶ Results in misuse of the racing exemption



¹Health and Safety Code (HSC) § 43001

²HSC § 39048

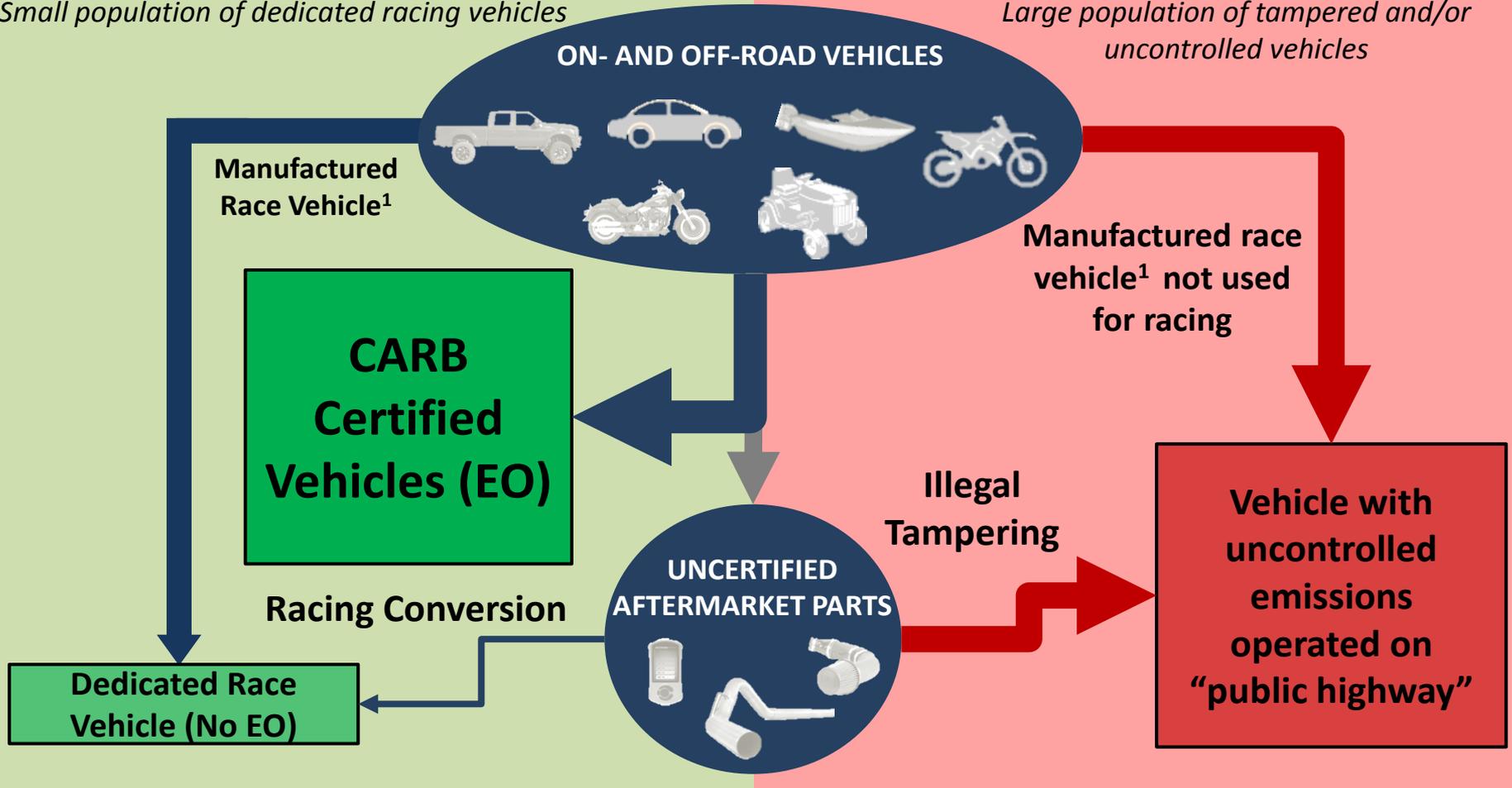
Racing Exemption

INTENT OF RACE EXEMPTION

Small population of dedicated racing vehicles

MISUSE OF RACE EXEMPTION

Large population of tampered and/or uncontrolled vehicles



¹ Primarily specialty constructed vehicles

Misuse of the Racing Exemption

- ▶ Racing vehicles and racing AMPs cannot be used on public highways
 - ▶ “Public highways” include right of ways, maintained by and open to the public
- ▶ Use of exempted racing vehicles and racing AMPs for non-racing purposes is illegal
- ▶ Misinterpretation results in misapplication
 - ▶ Product misrepresentations
 - ▶ Disclaimers



Misuse of the Racing Exemption (Cont.)

- ▶ Disclaimers of designation or competition attempt to avoid regulatory requirements

DISCLAIMER OF LIABILITY

This is a performance product can be used to increased horsepower above and beyond factory specifications. Additional horsepower creates more stress on the drivetrain components, which could result in drivetrain failure. This product is intended for off-road use only. Use at your own risk.

- ▶ Disclaimers like above do not absolve liability
- ▶ Off-road use of uncertified vehicles/AMPs is usually not racing exempt

“Competition” Vehicles used for Non-Racing Purposes

- ▶ Off-highway motorcycles (OHMC) that do not meet emissions standards are eligible for an EO and red registration sticker
 - ▶ 54% of 2012-2015 model year OHMCs are Red Sticker
- ▶ Almost all Red Sticker OHMCs are U.S. EPA competition exempt
 - ▶ Must solely be used for competition purposes outside California
- ▶ In California:
 - ▶ 90% of Red Sticker OHMCs are primarily used for recreation
 - ▶ Racing accounts for 6% of total Red Sticker hours operated
 - ▶ 74% of Red Sticker owners never race

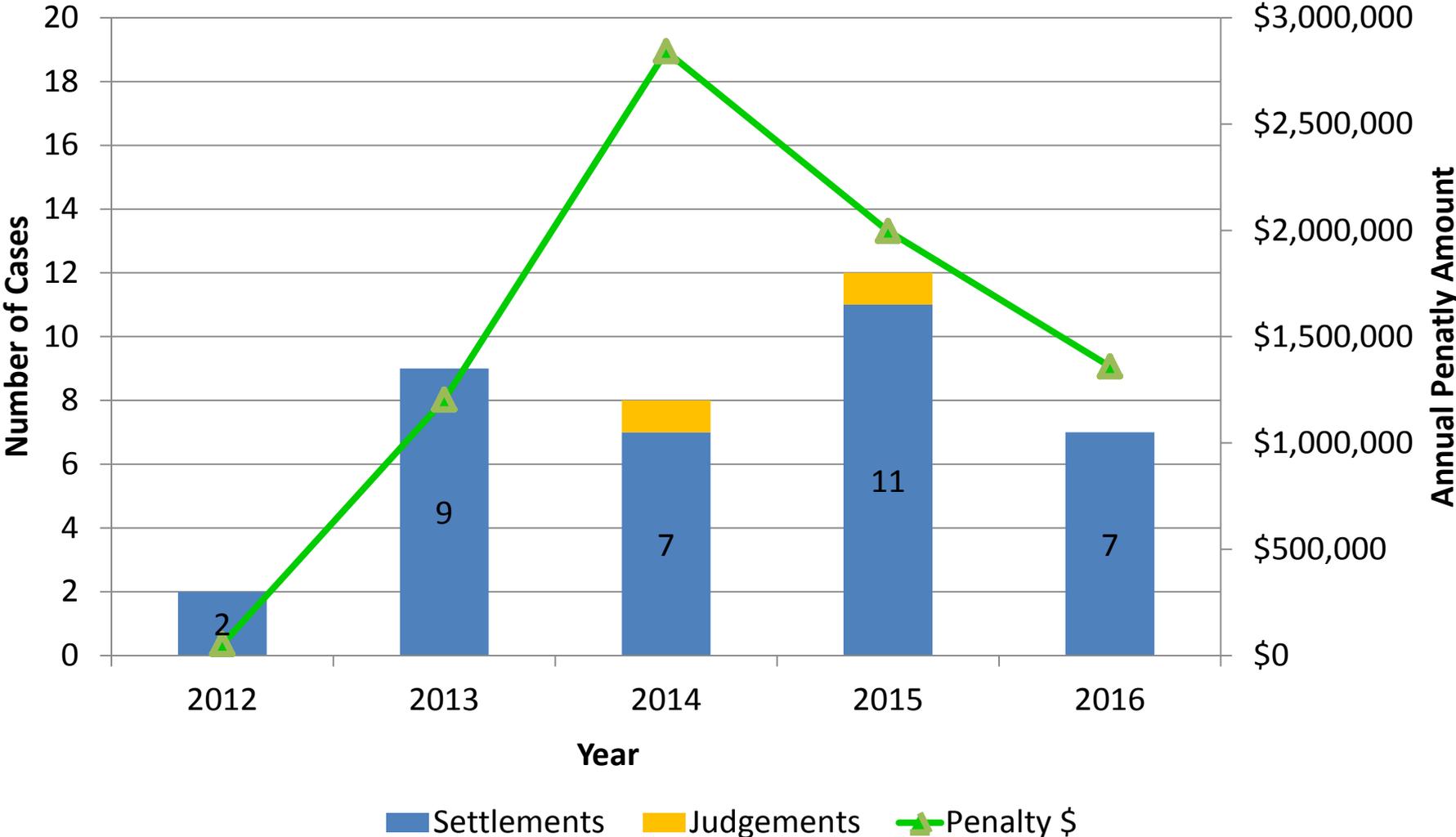


Source: CARB 2016 OHMC Owner Survey

“Race Only” AMPs used for Non-Racing Purposes

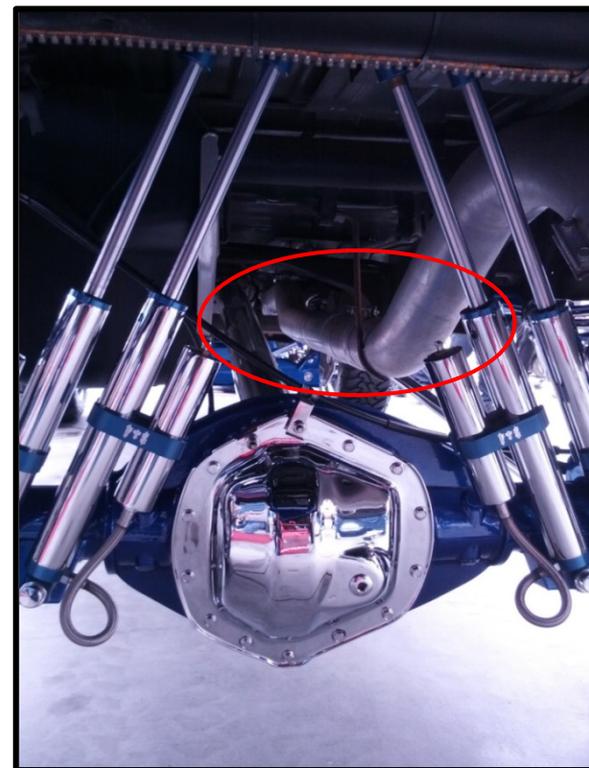
- ▶ Enforcement action is taken when racing AMPs are used on “public highways”
- ▶ Enforcement is necessary to ensure emissions reductions
- ▶ Strict liability: CARB may hold anyone in supply chain responsible when race vehicles or parts are used illegally
- ▶ CARB actively enforces requirements

AMP Enforcement Case Penalties



Diesel Particulate Filters (DPF) Delete Device Cases

- ▶ DPF delete kits remove the DPF and install software to bypass emission controls, sensors, and Check Engine trouble codes
- ▶ Designed to increase vehicle power and fuel economy
 - ▶ Installed on off-and on-road diesel vehicles and engines
 - ▶ Increases emissions from certified configuration
- ▶ DPF delete kits are not eligible for an AMP EO
 - ▶ Sold as racing exempt AMPs
 - ▶ Often used in non-racing applications
- ▶ Use of DPF delete kits for non-racing purposes results in CARB enforcement action



Alternate Programming Map Cases

- ▶ Some off-highway recreational vehicles are sold with alternate racing maps (fuel and/or ignition) end-user accessible by cutting the certain colored wire
 - ▶ Potential to increase emissions from certified configuration
 - ▶ Often cut in conjunction with racing AMP kit
- ▶ Designed to increase vehicle power and performance
- ▶ Alternate maps must be disclosed in an EO application
 - ▶ Requires test data confirming that all maps comply with emissions standards
- ▶ Certifying a vehicle without disclosing all maps results in CARB enforcement action

Aftermarket Tuner Cases

- ▶ Allows end-user to control engine calibration software from certified settings
 - ▶ Installed on cars and trucks (gas and diesel)
 - ▶ Potential to increase emissions from certified configuration
- ▶ Designed to increase vehicle power
- ▶ Aftermarket tuners must have an EO or be used for racing purposes only
 - ▶ Many race exempt aftermarket tuners are not intended for racing use (e.g. fuel economy, towing tunes, rolling coal, etc.)
- ▶ Use of aftermarket tuners for non-racing purposes results in CARB enforcement action



Additional Evidence of Misuse

- ▶ Use of racing AMPs on registered vehicles
 - ▶ Observations
 - ▶ Vehicle (Car) shows
 - ▶ Social media
 - ▶ Used vehicle sales ads
 - ▶ Rolling Coal
 - ▶ Illegal tampering violations
- ▶ Vehicles engaging in racing/use on public highways
 - ▶ Illegal street racing violations



CARB Enforcement

- ▶ AB 1685 increased penalties for vehicle violations:
 - ▶ \$5,000 to a maximum of \$37,500 per vehicle
 - ▶ \$500 to a maximum of \$37,500 per part
- ▶ Enforcement action usually occurs at sales and distribution level but can impact end-user
- ▶ Must outline sales requirements for manufacturers, retailers, and distributors
 - ▶ Increased clarity will help to mitigate liability when racing vehicles and racing AMPs are used illegally by end-users

Preserving True Racing

- ▶ California has a rich racing heritage
- ▶ Protect exemption for true racing purposes
 - ▶ Provide clarity on exempted vehicle use
 - ▶ Enhance access to racing parts
 - ▶ Create guidelines for race vehicle conversions
 - ▶ Distinguish between legitimate practice for racing purposes and recreation
- ▶ Must clarify the racing vehicle definition to eliminate illegal:
 - ▶ Use of racing vehicles for non-racing purposes
 - ▶ Tampering of certified on- and off-road vehicles



Cooperative Public Process

- ▶ Work with industry to develop regulatory solution
- ▶ Goals of regulatory solution:
 - ▶ Develop single competition definition for all vehicle categories
 - ▶ Provide clarity to manufacturers, distributors, wholesalers, and retailers regarding CARB's regulatory requirements
 - ▶ Increase training and outreach to inform end-users of racing exemption restrictions
- ▶ Ensure open and transparent process
 - ▶ Form stakeholder working group

Next Steps



CARB Staff Contact Information

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For more information please visit our webpage:
<https://www.arb.ca.gov/enf/racingvehicles/racingvehicles.htm>

