

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

**Proposed Amendments to the Regulation to Reduce Greenhouse Gas Emissions
from Vehicles Operating with Under Inflated Tires**

Public Hearing Date: March 26, 2009
First Public Availability Dates: October 23, 2009 - November 9, 2009
Second Public Availability Date: January 12, 2010
Deadline for Public Comment: January 27, 2010

At its March 26, 2009, public hearing, the Air Resources Board (ARB or Board) adopted Resolution 09-25 approving the adoption on new section 95550, title 17, California Code of Regulations (CCR), which requires all Automotive Service Providers to perform a tire inflation service (check and inflate) on all passenger vehicles that are brought into a facility for service or repair.

At the hearing, the staff presented, and the Board approved modifications to the regulation originally proposed in the Staff Report released on February 5, 2009, in response to comments received since the Staff Report was published. Resolution 09-25 directed the Executive Officer to incorporate the modifications into the proposed regulatory text, with such other conforming modifications as may be appropriate (including modifications specified by the Board at the March 26 Board hearing), and to make the modified regulatory language available for a supplemental comment period for 15 days. Staff revised the regulation, with the modified text clearly indicated, and made it available to the public for a supplemental 15-day comment period on October 23, 2009 (First 15-Day Modifications).

The First 15-Day Modifications to the originally proposed regulation did not include any provisions for the customer to decline the tire pressure service under ordinary circumstances. The Bureau of Automotive Repair (BAR), California Department of Consumer Affairs, has proposed further modifications that would require automotive service providers to check and inflate the vehicle tires unless the customer expressly declines the service. In response to the BAR recommendations, regulatory requirements are being proposed to clarify that a customer may decline the tire pressure service if the customer has performed a tire pressure service within the last 30 days, or will perform a tire pressure service within the next 7 days (2nd 15-Day Modifications). In addition, provisions are being proposed that would allow the customer to decline the service only if the automotive service provider proposes a separate, discrete charge for the service. A summary of the additional changes in the 2nd 15-Day Modifications is presented below:

Summary of the Proposed 2nd 15-Day Modifications to the Original Proposed Regulation

Proposed Modifications to section 95550(d)

Staff modified the Requirements and Compliance Deadlines (subsection (d)) to ensure that automotive service providers comply with the regulation and customers have the right to decline the tire pressure service (check and inflate) under certain conditions. Specifically, the following modifications are being proposed:

- The regulatory requirements in subsection (d)(1) were modified to clarify what the proposed regulation requires automotive service providers to do, and the requirement in subsection (d)(1)(B) for automotive service providers to indicate on the vehicle service invoice why the service was not completed was moved to subsection (d)(6).
- The regulatory requirements in subsection (d)(3)(C) were modified to specify that the tire pressure service (check and inflate) requirement does not apply to the customer who declines the check and inflate service pursuant to subsection (d)(5).
- The regulatory requirements in subsection (d)(5) were added to specify that a customer may decline the check and inflate service under the following conditions:
 - (A) The automotive service provider proposes a separate, discrete charge for the service, and
 - (B) He or she has performed (or had performed) a tire pressure check and inflate service within the last 30 days and has provided supporting documentation to the automotive service provider; or
 - (C) He or she will perform (or will have performed) a tire pressure check and inflate service within the next 7 days.
- The regulatory requirement in subsection (d)(6) was added to specify that if a tire pressure service (check and inflate) was not performed pursuant to subsections (d)(2-4), the automotive service provider must indicate on the vehicle service invoice why the service was not completed.

Other Proposed Modifications

- Staff modified the definition of “Vehicle Tires” in subsection (c)(16) to clarify that the regulation applies to all of the operating tires on the vehicle. This change is necessary because some vehicles have more than four operating tires.
- A correction was made in subsection (d)(3)(B) to specify that the definition of “Unsafe Tires” is found in subsection (c)(14) and not (c)(13).
- Several other nonsubstantive modifications were made to the regulation.

Attached to this notice is the proposed regulatory text with modifications. All additions to the regulation since the 1st 15-Day Modifications are shown by double underline and all new deletions made by ~~double strikethrough~~.

The regulatory documents for this rulemaking, including the Board Resolution 09-25 approving section 95550, title 17, California Code of Regulations, as modified, are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2009/tirepres09/tirepres09.htm>

Comments and Subsequent Action

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section 95550, title 17, CCR, after making it available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if warranted.

Written may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulation will be considered by the Executive Officer.

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si usted necesita este documento en un formato alterativo (es decir, sistema Braille, letra grande, etc.) u otro idioma, por favor llame a la oficina del Consejo a (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco días de la fecha de comunicado de este aviso. TTY/TDD/Personas que necesitan este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at www.arb.ca.gov.