

APPENDIX A

PROPOSED REGULATION ORDER

Amend section 2222, Article 2, Chapter 4, Division 3, Title 13, California Code of Regulations, to read as follows:

Chapter 4. Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives **Article 2. Aftermarket Parts**

(Note: The proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text. “[No change]” indicates that regulatory language not being amended is not shown.

§ 2222. Add-On Parts and Modified Parts.

(a)- (j) [No Change]

(k) (1) The Executive Officer shall exempt new aftermarket diesel particulate filters for on-road heavy-duty diesel engines from the prohibitions of California Vehicle Code section 27156 based on an evaluation conducted in accordance with the "California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended as Modified Parts For 2007 Through 2009 Model Year On-Road Heavy-Duty Diesel Engines," as adopted on [INSERT DATE], which is incorporated by reference herein.

(2) No person shall install, sell, offer for sale, or advertise any new aftermarket diesel particulate filter for on-road heavy-duty diesel engines in California unless it has been exempted pursuant to the procedures as provided in this subsection.

(3) For the purposes of this regulation, a new aftermarket diesel particulate filter is a diesel particulate filter which is constructed of all new materials, is not a replacement part as defined in Title 13, California Code of Regulations, section 1900, and is not an original equipment diesel particulate filter. A diesel particulate filter which includes any new material or construction not equivalent to the materials or construction of the original equipment diesel particulate filter (e.g., an original equipment diesel particulate filter can with a new non-original equipment substrate) shall also be considered a new aftermarket diesel particulate filter.

(4) For the purposes of this regulation, the term “original equipment diesel particulate filter” is a new diesel particulate filter that is originally installed in a new on-road heavy-duty diesel engine’s certified emission control system.

(5) No person shall install, sell, offer for sale, or advertise any used, remanufactured, refurbished, recycled, or salvaged diesel particulate filter in California.

(6) For the purposes of this regulation, a “used diesel particulate filter” is a diesel particulate filter which is not a new aftermarket diesel particulate filter as defined in subsection (k)(3), or a replacement part as defined in section 1900.

NOTE: Authority cited: Sections 39600, 39601, 43000, 43000.5, 43011 and 43107, Health and Safety Code; and Sections 27156, 38391 and 38395, Vehicle Code. Reference: Sections 39002, 39003, 39500, 43000, 43000.5, 43009.5, 43011, 43107, 43204, 43205, 43205.5 and 43644, Health and Safety Code; and Sections 27156, 38391 and 38395, Vehicle Code.